



Appeal Decision

Site visit made on 12 July 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST July 2022

Appeal Ref: APP/L3815/D/22/3298444
Westfield, Mill Lane, Fishbourne, PO19 3JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs H Hillary against the decision of Chichester District Council.
 - The application Ref. FB/21/03215/DOM, dated 4 November 2021, was refused by notice dated 18 February 2022.
 - The development proposed is remodel and alteration works including first floor rear extension and front and rear dormer windows to existing roof accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for remodel and alteration works including first floor rear extension and front and rear dormer windows to existing roof accommodation at Westfield, Mill Lane, Fishbourne, PO19 3JN, in accordance with the terms of the application Ref. FB/21/03215/DOM, dated 4 November 2021, and the plans submitted with it and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those shown on the approved plans and in section 5 of the Application Form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 000 Rev.A; 001 Rev.A; 002; 003 Rev.A; and 005.
 - 4) The development hereby permitted shall be carried out in full accordance with the arbtech Preliminary Roost Assessment by Natalie Evans dated 10.12.2021
 - 5) The development hereby permitted shall incorporate a scheme for ecological enhancements to include: (a) a bat box that shall be installed on the permitted building facing south/south westerly and positioned 3-5 metres above ground level; (b) a bird box that shall be installed on the permitted building; and (c) a hedgehog nesting box installed within the curtilage of the site to provide future nesting areas for hedgehogs. The scheme for ecological enhancements, in accordance with the details set out above, shall be fully implemented prior to the first use of the extensions hereby permitted.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area, with particular regard to the sites location within the Chichester Harbour Area of Outstanding Natural Beauty and the setting of the Fishbourne Conservation Area.

Reasons

3. Policy 33 of the Chichester Local Plan 2014-2029 (CLP), referred to in the Council's reason for refusal, seeks, amongst other requirements, to support development where it meets the highest standard of design, secures a high quality living environment in keeping with the character of the surrounding area and where possible enhances that character. A broadly similar approach is set out in paragraph 130 of the National Planning Policy Framework (July 2021) (Framework), but it also states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. Similarly, paragraph 134 b) of the Framework states that significant weight should be given to innovative designs that help raise the standard of design more generally in an area provided the proposal fits in with the overall form and layout of their surroundings.
4. The Council's reason for refusal also refers to policy 43 of the CLP which requires the impact of individual proposals and their cumulative effect on Chichester Harbour Area of Outstanding Natural Beauty (AONB) to be carefully assessed so that its natural beauty is conserved and enhanced. Reference is also made to policy 47 which, in part, requires development to conserve and enhance the setting of heritage assets. The latter is consistent with paragraph 200 of the Framework which requires clear and convincing justification for any harm to the significance of a designated heritage asset including from development within its setting. The parties appear to agree that the appeal site is located outside but within the setting of the Fishbourne Conservation Area (FCA).
5. Although not mentioned in the reason for refusal, the Council's Delegated Report (CDG) refers to the Design Guidelines for Alterations to Dwellings & Extensions, Planning Guidance Note 3 (PGN3). The PGN3 advises that extensions should visually integrate and be sympathetic to their surroundings and subservient to the host property. The PGN3 does not preclude flat roofed single storey rear extensions, but states that they will require greater justification, and that first floor flat roofed extensions "*will normally be resisted*", but gives no reasoning for that approach. The PGN3 also states that large flat roofed dormers will rarely be acceptable, and that generally dormers should be proportional and should not dominate the roof.
6. PGN3 is not an adopted Supplementary Planning Document, but local guidance for advisory purposes and is dated September 2009, which predates both the Framework and National Design Guide (NDG) (January 2021). The latter reinforces the Framework, for example, at paragraph 44 by emphasising that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today. As such, whilst PGN3 remains a material consideration the weight it can be accorded in the decision making process is limited.

7. The CDG also includes reference to the Joint Chichester Harbour AONB Supplementary Planning Document (SPD) (May 2017). Its guidance on extensions and dormers is similar to that in PGN3, albeit it also predates the Framework and NDG. Even so, paragraph 21.1 emphasises the use of louvres on new windows to reduce the impact of glazing and problems of solar gain.
8. The appeal proposal essentially involves the remodelling of a detached two storey property within a large plot located on the eastern side of Mill Lane and on its corner with Mill Close (to the south). The properties to the north and south are, as with the appeal property, set back from Mill Lane, although further to the south some of the older properties are located closer to the road. Even so, there is no uniform character or design to the properties on Mill Lane, with a mixture of old and new, varying in terms of their style, scale, form, layout, ridge heights and materials. Mill Close, to the east and south east of the appeal site, includes more formal estates of detached properties leading to a flat roofed development of single and two storey terraced properties, probably dating from the 1960's or 1970's.
9. Within the above context, the proposed front dormer window would be sited centrally within the main roof, located below the existing ridge and well above the existing eaves to the roof, aligned with the new first floor window and ground floor entrance below. The use of louvres within the proposed design of the new dormer and the other new first floor windows, constructed from zinc and dark grey aluminium, and the use of larch cladding to the main elevation, would assist in securing a high quality contemporary design to the front elevation of the host property.
10. I accept that there would be a material change to the appearance of the host property when viewed from Mill Lane. Even so, all the proposed changes would refresh and modernise the appearance of the front elevation whose current design is not of any quality or merit. The result would be an improvement on existing that would enhance the character and appearance of the appeal site and surrounding area.
11. Part of the FCA lies to the west of the appeal site, with the boundary appearing to run along the western (front) boundary to the host property. Immediately opposite the appeal site is a large unsightly tarmacked car park serving The Bulls Head Public House, which visually dominates this part of the FCA. Even so, the frontage to the appeal site and its return frontage to Mill Close, is largely screened from public views and from the FCA by a combination of existing fencing and a high hedge and shrubs. As such, only glimpsed views of the frontage to the host property are possible through the gap created by its existing gated driveway onto Mill Lane. Based on the above and the improvements in the appearance of the host property, I am satisfied that the appeal proposal would not result in any harm to the setting of the FCA.
12. The contemporary design of the appeal proposal would also be reflected in the proposed first floor rear extension and new rear dormer window, which adopts a similar pallet of materials and new fenestration to that proposed on the front elevation. Although the first floor extension is large, I disagree with the Council and consider that it would represent an innovative design that integrates well with the remodelled appearance of the host property and has been designed to minimise any impact on the living conditions of neighbouring occupiers. The proposed rear dormer, whilst again large, would also integrate

well with the contemporary design and would not appear out of keeping in an area where there are various examples of existing dormer windows of differing design and scale. As such, both would assist in raising the standard of design within the area and at the same time secure a development that, although modern and contemporary, fits in with the varied character of its surroundings. As I confirmed above, there is no uniform built rhythm or form to the surrounding area, and there are already examples of contemporary and innovative designs in the form of replacement dwellings and extensions, including Tide End, to the south (currently being remodelled), The Mill, at the southern head of Mill Lane and Mill Pond Cottage, to the south west, the latter two, I understand, within the FCA. All of these developments add interest to the area and integrate well with their surroundings, and do not detract from the character and appearance of the area.

13. The proposed rear extension and rear dormer window would be visible from Mill Close. Even so, I am satisfied that these extensions would be broadly proportionate and subservient to the host property, whose footprint and site layout would remain largely unchanged. The host property sits within a large plot, whose side elevation, even as extended, is set well back from the pavement on Mill Close. The existing single storey flat roofed rear extension to the host is already partly visible from the Close and the added bulk and mass of the proposed first floor would not, in my judgement, result in a development that would be unduly incongruous or visually dominant. This aspect of the appeal proposal would, therefore, sit reasonably comfortably on the rear of the host property and whilst I accept that there would be an impact on the streetscene, this would not be significant or sufficient to justify the refusal of planning permission.
14. Whilst there would be some conflict with the advice in PGN3, as I have found this predates the Framework and NDG and has not been adopted as a Supplementary Planning Document. Moreover, the PGN3 is advisory and should be applied with flexibility. As the PGN3 recognises the circumstances surrounding each case will differ and consequently each application must be considered on its individual merits and, as paragraph 119 of the Framework advises by promoting the effective use of land.
15. Accordingly, I find that the appeal proposal would comply with the aims and objectives of policies 33, 43 and 47 of the CLP and the corresponding policies of the Framework.

Other Matters

16. Concerns have been raised regarding loss of privacy, overdevelopment and loss of light. There is no detailed evidence before me to suggest that any of these concerns would result in material harm and I note they are not issues that the Council have raised in relation to this appeal. With regard to the loss of privacy, the appeal scheme was amended to show a high level window to the proposed side (north west) elevation to overcome concerns regarding the overlooking of Penkyn (to the north) from bedroom No.4. I also note that the CDR concluded that the Council were satisfied that the proposal would not result in any undue harm to the amenity of neighbours and would comply with the 45⁰ test set out in PGN3. I concur with the Council's findings in this respect.

Conditions

17. The Council has suggested various conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A condition requiring compliance with the submitted plans is necessary and reasonable to secure a high-quality development. I have, however, added a list of approved plans for clarity. In relation to materials, I have reworded the condition to reflect those shown on the approved plans and listed in section 5 of the Application Form. I am also satisfied that conditions requiring compliance with the submitted roost assessment and for a scheme of ecological enhancements are necessary and reasonable in the interests of conserving protected species and securing appropriate biodiversity gains.

Conclusion

18. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR