



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/22/3296842

Slipper Mill Cottage, 53 Slipper Road, Southbourne, PO10 8BS

- 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 Burke against the decision of Chichester District Council.
 - The application Ref. SB/21/02363/DOM, dated 3 August 2021, was refused by notice dated 7 February 2022.
 - The development proposed is installation of 3 no dormers.
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Decision

1. The appeal is allowed and planning permission is granted for installation of 3 no dormers at Slipper Mill Cottage, 53 Slipper Road, Southbourne, PO10 8BS in accordance with the terms of the application, Ref. SB/21/02363/DOM dated 3 August 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 match those used in the existing building and otherwise as shown on the approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL.428.21 01 Rev.A; PL.428.21 04 Rev.B; PL.428.21 05 Rev.B; and PL.428.21 06 Rev.B.
 - 4) The windows within the proposed dormer hereby permitted on the second floor of the north (side) elevation of the existing building shall be obscure glazed and retained as such thereafter.

Procedural Matter

2. The description of development on the application form was amended to omit reference to a proposed single storey rear and side extension. I have, therefore, adopted the description of development as set out in the decision notice and determined the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. Policy 33 of the Chichester Local Plan 2014-2029 (CLP), referred to in the Council's first reason for refusal, seeks, amongst other requirements, to support development where it meets the highest standard of design, secures a high quality living environment and where possible enhances the character of the area. 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.
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 large flat roofed dormers will rarely be acceptable, and that generally dormers should be proportional and should not dominate the roof. PGN3 is not an adopted Supplementary Planning Document but local guidance for advisory purposes and is dated September 2009, predating 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.
6. The CDG also refers 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 22.1 states that new dormers should be in keeping and proportional to the design and materials of the host building, and should not dominate the façade. Notably, one of the images shown, following on from paragraph 22.1, is of flat roofed dormers.
7. The appeal proposal involves the installation of three dormers within the main roof to the host property. The front (west) elevation to the host would remain unchanged, albeit the side cheeks to the proposed dormers on the north and south elevations would be visible. All the new dormers would include a flat roof with a lead finish, and windows and tile hanging to match existing.
8. There is no uniform character or form to the properties on Slipper Road, which comprises a mixture of old and new. As I observed on my site visit, views of Slipper Road, particularly from the public footpath that bisects the southern end of Slipper Mill Pond (to the west of the appeal site), are largely dominated by Slipper Mill, a large two storey building with roof accommodation converted into four residential properties. The view beyond this, as you move north past the appeal site, comprises a mixture of two storey detached, semi-detached and terraced properties that vary in terms of their style, age, scale, roof forms, ridge heights and materials. A number of these properties have flat roofed dormers. A further feature of Slipper Road is Slipper Park, a large development of single storey mobile homes located to the north of 49 Slipper Road (No.49), which is again very visible from public vantage points in and around Slipper Mill Pond.

9. Within the above context, the proposed dormer windows would be sited centrally within their respective roof planes, located below the existing ridge and well above the existing eaves, and set well back from the edges (sides) to the hipped roofs. Whilst the dormers would not be aligned with the existing windows below, the new windows and tile hanging to the dormers would match existing. As such, the proposed dormers would not appear out of keeping with the host property or the character of the surrounding area, where, as I confirmed, there are numerous examples of existing dormer windows of differing designs and scale, several of which include flat roofs.
10. I accept that the proposed dormers would result in a change to the appearance of the host property. However, I disagree with the Council and consider that the new dormers would be proportionate and subservient to the host, that they would not dominate any of its facades and would not result in an incongruous form of development. All three new dormers would sit reasonably comfortably on the respective roof planes. Although they would not be symmetrical with the existing windows below, this factor alone would not result in any significant harm to the host or to the character and appearance of the area. Moreover, views from the public footpath that bisects Slipper Mill Pond would largely be of the side cheeks of the proposed dormers seen against the backdrop of the gable/hipped roofs to the properties in Roundhouse Meadow to the rear.
11. Whilst there would be some conflict with the advice in PGN3, as the proposed dormers would not be symmetrical with the windows below, that conflict is, in my judgement, minor. In all other respects the appeal proposal would accord with the guidance in PGN3 and also that within the SPD. Even so, as I have found, both documents predate the Framework and NDG and the PGN3 has not been adopted as a Supplementary Planning Document. Moreover, the PGN3 is advisory and, as with the SPD, its guidance should be applied with flexibility and with each application considered on its individual merits.
12. Accordingly, I find that the appeal proposal would comply, in this respect, with policy 33 of the CLP and with the corresponding policies of the Framework.

Neighbours living conditions

13. The proposed dormer on the north (side) elevation of the host property would face towards No.49. The new dormer would be sited within the main roof plane and would be set further back than existing first floor windows that currently offer views towards No.49. The submitted plans indicate that the proposed windows would be obscure glazed and would serve a new shower room and toilet. As well as this, the proposed windows would face onto the side elevation of No.49 and whilst the latter does contain windows on the upper floors, they are separated from the proposed dormer by a reasonable distance with, in between, existing boundary trees/hedging providing some reasonable screening.
14. Given the above, I am satisfied that any overlooking of No.49 would be limited and would not be materially different to existing views from the host property. The proposed use of obscure glazing, which can be conditioned accordingly, would largely negate any issues of overlooking.
15. The proposed dormer on the east (rear) elevation would face towards 6 Roundhouse Meadows (No.6 RM) (the Council's decision notice refers to 5 Roundhouse Meadows but based on the appraisal in the CDR this appears to be

an error). The new dormer would again be set within the main roof plane and would serve one of the bedrooms. However, there is already a bedroom in this location which is served by a large rooflight facing towards No.6 RM. As I observed on my site visit, this existing rooflight already affords clear views of the rear of No.6 RM. In addition, the distance between the proposed windows and rear of No.6 RM is some 20 metres (the Appellant has measured it as just under 21 metres) and the boundary fencing/hedging in between again affords some reasonable screening.

16. Given the above, I am again satisfied that any overlooking of No.6 RM would be limited. Whilst the proposed windows would be slightly larger than the existing rooflights, the views towards No.6 RM would not be materially different to those that currently exist and as such would not result in any significant harm to the living conditions of the neighbouring occupiers. This finding is supported by the distance between the proposed windows and rear of No.6 RM, which, in my judgement, provides a satisfactory level of separation, reflecting those relationships that are commonly found in built up areas such as this, where some overlooking of adjoining properties is an inherent characteristic.
17. Whilst, overall, there would be some conflict with the advice in PGN3, as the proposed dormers would not be 25 metres from the side/rear of adjoining properties, this is only a recommendation. Even so, that conflict is, in my judgement, minor and as I have also found the PGN3 is not an adopted Supplementary Planning Document but guidance that should be applied flexibly taking into account the individual merits and circumstances of each case.
18. Accordingly, I find that the appeal proposal would not lead to any significant harm to the living conditions of the neighbouring occupiers of No.49 or No.6 RM and would, therefore, be compliant, in this respect, with policy 33 of the CLP and paragraph 130 f) of the Framework.

Conditions

19. 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 and for materials to match existing or otherwise as shown on the approved plans, are necessary and reasonable to secure a high-quality development. I have, however, added a list of approved plans for clarity. I have also added a condition that requires the windows within the proposed second floor dormer on the north (side) elevation of the host to be obscure glazed, to protect the living conditions of neighbouring occupiers.

Conclusion

20. 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