



Appeal Decision

Site visit made on 13 July 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2022

Appeal Ref: APP/Z3825/D/21/3289834

3 Vaughan Copse, Mannings Heath RH13 6GN

- 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 Paul Courtney against the decision of Horsham District Council.
 - The application Ref DC/21/1483, dated 24 June 2021, was refused by notice dated 10 November 2021.
 - The development proposed is a single storey rear extension (sunroom).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of 4 Vaughan Copse, with particular regard to sunlight and outlook, and (ii) the character and appearance of the area and host dwelling.

Reasons

Living conditions

3. The proposed extension would be positioned in close proximity to the boundary shared with 4 Vaughan Copse (No 4). There is a pair of French doors to the rear of No 4, mirroring that of the host property, also positioned in close proximity to the boundary. Due to the height, as well as length of the proposal in terms of its projection from the rear elevation, together with the positioning of the dwellings and the proposed, the extension would block sunlight from reaching these doors during the morning and into the afternoon each day. This would be particularly so during the winter months when the sun is lower in the sky. Consequently, the proposed development would result in an unacceptable reduction in the amount of sunlight that would reach these French doors, which are the principal source of light to the living space within No 4. The lack of objection from the occupiers of No 4 does not allay my concerns in regard to this matter.
4. The appellant highlights that a higher boundary treatment could be erected as permitted development. However, the proposed height of the extension exceeds what could be so erected and thus this matter has little bearing on my decision.
5. In terms of outlook, whilst the extension would be higher than the boundary fence that currently exists and would extend along this boundary for a not

insignificant distance, the principal outlook from the interior of No 4 is to the garden space, not over the boundary to adjacent dwellings. The extension would clearly be a new visual feature in views from the living space of No 4. However, given that the roof would pitch away from No 4 and that the roof would incorporate a hipped end, any visual effect would not be of such significance as to materially harm living conditions.

6. I therefore find that the scheme would result in an unacceptable diminution of the living conditions of the occupiers of 4 Vaughan Copse, with particular regard to sunlight. Accordingly, the proposal is contrary to policy 33 of the Horsham District Planning Framework (adopted 2015) (the HDPF), insofar as it seeks to ensure that development avoids unacceptable harm to amenity.

Character and appearance

7. The proposed extension would be attached to the rear elevation of the property, where it would rise to a point below the first-floor windows and extend across approximately half the width of the dwelling. In these respects, it would appear as a subordinate addition to the property. In respect of the projection from the rear elevation, I do not consider that this would be excessive in visual terms. While there are no similar additions to nearby properties, that does not of itself indicate that the proposal is unacceptable. The garden of the appeal property is generous in its proportions, including depth, and as such the projection would not significantly intrude into, or reduce, the garden area.
8. I accept that there would be views of the proposal from the public realm, including a nearby public footpath, as well as from nearby private areas. However, within any such views, the proposal would be viewed within the context of the nearby built development and thus would not be intrusive. I note reference by the Council to a limited sense of openness to the rear of the appeal property and its neighbours, however I observed there to be a considerable degree of openness and thus, given the scale of the proposal, I do not consider that this would be unacceptably diminished.
9. Accordingly, I find that the proposal would have an acceptable effect on the character and appearance of the area and host dwelling. Thus, the scheme accords with policies 32 and 33 of the HDPF, insofar as they seek to ensure that development delivers a high-quality of design and that the scale, massing and appearance of development is sympathetic to its surroundings. While not explicitly mentioned in the decision notice, there would also be no conflict with policy 10 of the Nuthurst Neighbourhood Plan, which seeks to ensure, that alterations to buildings reflect the character and scale of surrounding buildings.

Other Matters

10. The Council's reason for refusal mentions policy 25 of the HDPF, but this is not discussed in the Officer's Delegated Report, nor has a copy of this policy been provided. Nonetheless, I have found conflict with policy sufficient to dismiss the appeal.

Conclusion

11. While the scheme would not harm the character or appearance of the area or host dwelling and would not result in any unacceptable loss of outlook, it would

be unacceptable by virtue of the harmful effect on living conditions through loss of sunlight.

12. I therefore conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR