The Planning Inspectorate

Appeal Decision

Site visit made on 20 July 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/D3830/D/22/3294595
46 Hickmans Lane, Lindfield, Haywards Heath, RH16 2BY.

- 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 D Hews against the decision of Mid Sussex District Council.
- The application Ref DM/21/4276, dated 15 December 2021, was refused by notice dated 27 January 2022.
- The development proposed is described as extension to first floor over existing rear ground floor extension. Conversion and extension of loft area over proposed first floor extension to form additional living accommodation.

Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the host dwelling and the street scene. The second main issue is the effect of the proposal on the living conditions of the occupiers of 48 Hickmans Lane (No.48), with particular regard to visual impact, privacy, daylight and sunlight.

Reasons

Character and appearance

3. The appeal dwelling is located within an area of detached family houses, whose form, depth, shape and design are deliberately varied. Their roofs include steep and more shallow pitches, flat and crown elements, catslide features, gables, hips and dormers. Despite this there is some repetition and a consistency in design features and external materials used throughout the estate. This, together with the spacious plots, abundance of planting within gardens and the public realm and the Hickman's Lane recreation ground, which sits at a slightly higher level, contribute to the spacious, verdant and informal character and appearance of the locality.

4. The appeal dwelling is located within a row of four houses flanked on one side by the junction with Pickers Gardens and on the other side by the recreation ground. The design and appearance of the four dwellings is varied although they all have rendered walls at ground floor level, tile hanging at first floor

level and plain tiled pitched roofs. Their roof designs include a mixture of pitches, catslide features, hips, gables and dormer windows.

5. The appeal dwelling has a catslide roof to the front, with dormer windows set within it, that are separated by a prominent two storey projection with a hipped roof. The eaves line of the hips to the side of the dwelling are in line with the eaves lines of the dormer windows and the continuous eaves line of the rear elevation of the dwelling. To the rear of the dwelling is a full width flat roofed extension with extensive areas of glazing.

6. Section 12 of the National Planning Policy Framework (Framework) seeks to ensure that new development is of high-quality design, reflects the distinctive character of the area and addresses the character and scale of the surrounding buildings and landscape. Consistent with this, policy DP26 of the Mid Sussex District Plan 2014-2031 (DP), seeks to ensure that new development is well designed and reflects the distinctive character of towns and villages. It should create a sense of place while addressing the character and scale of the surrounding buildings and landscape.

7. The Mid Sussex Design Guide - Supplementary Planning Document (SPD) aims to deliver high quality new development that responds to its context. It puts forward principles and standards that aim to create safe and attractive places that are sensitive to Mid Sussex's special character, whilst allowing creative and innovative design solutions. Section 9 addresses domestic extensions and amongst other things Principle DG49 advises that extensions should respond to the design of the original dwelling and should consider their impact on neighbouring properties.

8. Principles DG51 and DG52 of the SPD address rear and roof extensions. They advise that rear extensions which are not visible from the street scene and do not affect neighbouring properties can be expressed in many forms. Flat crown roofs are not addressed, although it advises that roof pitch and form are intrinsic to a buildings character and extensions should be sensitive to this. Where rooflights are out of scale or character with the roofscape and proportions of a dwelling they can have an adverse effect on the dwelling and the streetscape.

9. The proposed two storey rear extension would be marginally deeper than the existing two storey extension to the rear of No.48 and its first floor windows would replicate the existing. The rooflights above these windows would be modest in size and would be visually balanced both in relation to the roof and the fenestration below. Whilst the height of the roof would be slightly higher and would have a crown top, it would respect the pitch and uncluttered lines of the existing roof.

10. Similarly, from the street scene the raised crown roof would respect the pitch and form of the existing roof. The deeper flank walls and associated crown roof would be visible in views from a short stretch of Hickmans Lane and from the recreation ground, where they would respect and be readily assimilated into the varied roofscape and diverse building forms and depths.

11. Finally, the proposed roof lights on the front roof slope of the appeal dwelling are modest in form and appearance and would respect the symmetry and uniformity of the design of the front of the dwelling. In view of the diverse roof

forms and detailing in the locality, which includes dormer windows and some roof-lights, they would not look out of place within the street scene.

12. For these reasons the proposal would respect the character and appearance of the host dwelling and the street scene provided the extension was constructed with matching external materials. As suggested by the council this is something that could be adequately dealt with through the imposition of a condition.

13. I conclude on the first main issue that the proposal would respect the character and appearance of the host dwelling and the street scene. In this respect it would comply with DP Policy DP26, SPD Principles DG49, DG51 & DG52 and Section 12 of the Framework.

Living conditions

14. The existing dwelling at No.48 has favourable westerly/easterly aspects with open views into the front and rear gardens. It has a side door and ground floor window which face the appeal dwelling, which are located towards the front of the dwelling. At first floor level are two windows which face the existing flank wall of the appeal dwelling, which the council has stated is approximately 2.5 metres away. One of the windows is located towards the front of the dwelling and is obscure glazed. The other is more centrally positioned and serves a bedroom.

15. The photographs submitted by the occupiers of No.48 show that the outlook from this bedroom window is directly towards the flank wall of the appeal dwelling. They also show that in close views from the window there are oblique views towards the front and rear of the appeal dwelling and towards the sky. Notwithstanding this, the outlook from the bedroom window is enclosed.

16. It is apparent from the submitted plans and photographs and my site visit that this bedroom window receives reasonable levels of daylight and sunlight. This is due to its first floor position, southerly aspect, the size of the gap between the two dwellings, the hipped/catslide roofs at No.48 and the vertical sky component.

17. Paragraph 125 c) of the Framework advocates a flexible approach in applying policies and guidance relating to sunlight and daylight, where they would otherwise inhibit making efficient use of a site, provided the resultant scheme would provide acceptable living conditions. Paragraph 130 f) of the Framework seeks to ensure that developments create places with a high standard of amenity for existing and future users.

18. DP Policy DP26 states that new development should not cause significant harm to the living conditions of the occupiers of neighbouring properties due to factors including privacy, outlook, daylight and sunlight. Regarding household extensions SPD Principle DG 49 requires the impact of extensions on the living conditions of the occupiers of neighbouring properties to be taken into account. SPD Principle DG45 advises that the relationship between buildings and their openings can have an impact on privacy.

19. The proposed extension would be located adjacent to the existing rear two storey extension at No.48 and the two extensions would have a separation distance of approximately 2.5 metres between them. As stated by the council the extension would sit above the existing single storey extension which is

some four metres in depth. The roof height of the host dwelling would be raised slightly and would be hipped to the sides and rear.

20. The outlook from and the daylight and sunlight received within the rooms served by the windows in main front and rear elevations of the dwelling would remain unchanged.

21. The proposed increased depth and height to the rear of the appeal dwelling would be visible in close and oblique views from the side facing bedroom window at No.48. Notwithstanding this, the outlook directly to the front of this window and towards the front of the appeal dwelling would remain unchanged. As a result, I find that the bedroom served by the side facing window at No.48 would continue to receive adequate levels of daylight and sunlight, due to its vertical sky component, orientation and proximity to the catslide roof at the front of the appeal dwelling.

22. However, this is not the end of the matter. The proposal includes the insertion of two small first floor bathroom windows in the existing flank wall of the appeal dwelling. To prevent inter-looking the bathroom windows would be obscure glazed and non-opening below a height of 1.7 metres above the floor level of the bathroom. This would normally be sufficient to protect the privacy of the occupiers of the room concerned and those outside the window. However, the windows would be positioned directly opposite and some 2.5 metres from the side bedroom window at No.48.

23. Concern has been expressed that blurred images of people using the proposed bathroom would be seen through the obscure glazing from the side bedroom window at No.48. Although the proposed bathroom would not be in use for prolonged periods it would likely be in frequent use in the mornings and evenings when bedrooms are also most likely to be use. Also, whilst the visibility through different styes of obscure glazing varies, they are not fully opaque.

24. For this reason and having regard to the proximity of the bathroom windows to the bedroom window at No.48 I agree that this would be intrusive and uncomfortable for anyone sitting in the bedroom. The intrusive impact it would have on the outlook from the bedroom opposite would unacceptably harm the living conditions of the occupiers of No.48.

25. Concern has also been expressed that the occupiers of the appeal property could look through the side bedroom window from the proposed top opening bathroom windows. Whilst I feel that it would be unlikely that residents would routinely look out of the top vents, it nonetheless adds to the intrusive impact of the proposed bathroom windows.

26. This is not a matter that could be adequately dealt with by condition. This is because it would require material changes to the type of glazing; and changes to the opening of the top vents and any revised details would need to be formally considered by the council and made the subject of public consultation.

27. For these reasons I conclude on the second main issue that although I have found in favour of the appellant on some points, due to the location and nature of the glazing and opening of the proposed bathroom windows the proposal would result in significant and unacceptable harm to the living conditions of the occupiers of No.48 due to its intrusive visual impact. It would therefore conflict

with DP Policy 26, paragraph 130 f) of the Framework and SPD Principles DG45 & DG49.

Conclusion

28. Whilst I have found in favour of the appellant in relation to the first main reason and parts of the second main reason, the overall conclusion on the second main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR