

Appeal Decision

Site visit made on 15 March 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3RD March 2023

Appeal Ref: APP/Y9507/D/22/3308025

Firs Cottage, Nyewood Road, Nyewood, Petersfield GU31 5JA

- 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 Ms Sharon Jones against the decision of the South Downs National Park Authority ('the NPA').
 - The application, Ref. SDNP/22/02436/HOUS, dated 19 May 2022 was refused by notice dated 15 August 2022.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed living conditions for occupiers of the neighbouring property as regards outlook & light and (ii) the increase in floorspace having regard to the provisions of Policy SD31 of the South Downs Local Plan (2014-33) adopted 2019 ('the Local Plan').

Reasons

3. On the first issue, Roseleigh, the other half of the semi-detached pair, has a first floor bedroom window in close proximity to the western flank wall of the proposed extension. Although the existing two storey development at Firs Cottage has some effect on the outlook from the bedroom, there would be a significant increase in perceived and actual enclosure from a wall of the depth proposed this close to the window. I acknowledge that the principal outlook is directly to the south east, but the quality of the aspect would significantly change for the worse following the removal of any peripheral vision immediately to the east and east-south-east.
 4. As regards light, without a technical evaluation under the guidelines of the Building Research Establishment's '*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*' (2022)' it is impossible to quantify the actual impact of the extension with precision. Nonetheless, from the evidence in the appeal I consider that with the bedroom's primarily southern aspect, the reduction in daylight would not in itself be so significant as to carry great weight in my decision.
 5. In respect of sunlight, I have considered the effect of the extension as argued in the grounds of appeal and the objection from the occupiers of Roseleigh. From
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visiting the site and having had regard to the orientation of the dwellings in relation to the sun's path, I am satisfied that the combined height of the wall and roof would substantially increase the period during which the bedroom window would be in shadow. This would be all or most of the time when the sun is rising in the east to its southerly peak. The loss of direct sunlight combined with the reduction in outlook would have a materially detrimental impact on the enjoyment of the room concerned, and would be to an extent that would run directly counter to the requirements of paragraph k) of Local Plan Policy SD5.

6. Turning to the second issue, Policy SD31 sets a limit of approximately 30% increased floorspace of an existing building unless there are exceptional circumstances. The Technical Advice Note elaborates on the interpretation of 'approximately' and in this case the NPA say the figure would be 36% and the appellant just over 32%. In the event, I do not need to adjudicate as to the correct figure. This is because an additional proviso in criterion c) of the policy says that a proposal should not be overbearing or of a form which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.
7. However, I have already concluded on the first issue that the appeal scheme would be unacceptable as a result of the restriction in outlook from, and the loss of sunlight to, the window at Roseleigh. Accordingly there is also harmful conflict with Policy SD31 as well as Policy SD5 and I consider that it is this matter rather than the 3 to 4 per cent difference in floorspace between the parties that is the determining issue in the appeal.
8. I have carefully considered the personal circumstances raised in this case in respect of the need for an additional bedroom and have taken them into account. However, the extensions already carried out and still to be constructed amount to a significant enlargement of the dwelling. And although less preferable for the appellant, there will be options available both for alternative living arrangements within the scope of the existing and already approved floorspace and as regards the dwelling's continued suitability for the number of occupiers proposed.
9. Overall, the key and on balance decisive, consideration must be my finding of unacceptable harm to the living conditions for the adjoining occupiers in respect of outlook and light. This renders the proposal in harmful conflict with the aforementioned policies of the Local Plan and with Government policy in paragraph 130f) of the National Planning Policy Framework 2021.
10. The appeal is dismissed accordingly.

Martin Andrews

INSPECTOR