



---

## Appeal Decision

Site visit made on 7 November 2023

**by G Roberts BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>RD</sup> November 2023**

---

**Appeal Ref: APP/C3810/D/23/3328574**

**Reed Cottage, Westergate Street, Westergate, PO20 3SQ**

- 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 Russell against the decision of Arun District Council.
  - The application Ref. AL/69/23/HH, dated 3 May 2023, was refused by notice dated 4 August 2023.
  - The development proposed is erection of detached garage with room above and 1 x dormer following the demolition of existing detached garage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for erection of detached garage with room above and 1 x dormer following the demolition of existing detached garage at Reed Cottage, Westergate Street, Westergate, PO20 3SQ, in accordance with the terms of the application, Ref. AL/69/23/HH, dated 3 May 2023 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 on the existing host building and otherwise be in accordance with the materials listed in the Application Form.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: A002/Rev.01; A200/Rev.01; A201; A202; A210; A211; A212; A213; A220.

### Preliminary Matters

2. The application was submitted in response to a previous proposal for a detached garage with room above and 1x dormer, which was dismissed on appeal on 18 January 2023 (ref. APP/C3810/D/22/3305015) (2023 Appeal). I have had regard to that decision in determining this appeal.
3. The Council's Delegated Report (CDR) refers to the National Planning Policy Framework (July 2021) (Framework), but since then the Framework has been revised, in September 2023. However, the CDR does not refer to any specific part or paragraph of the Framework and similarly neither of the two reasons for refusal refer to any part of the Framework .

## **Main Issues**

4. 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 the neighbouring occupiers at 23 Belle Meade Close.

## **Reasons**

### *Character and appearance*

5. The Appeal site is located on the northern side of a private unmade lane, which is accessed off Westergate Street, to the west of the appeal site. The host property lies behind a detached two storey property known as Caigers Cottage and shares the same access. The host comprises a large single storey property within a spacious plot that also contains various outbuilding and structures. The latter include a detached double garage located in the north western corner of the site that would be demolished, together with the adjoining temporary structure, to accommodate the appeal proposal. Most of the boundaries to the appeal site are well screened by a combination of fencing, trees and hedging. The lane is private with no public footpath or access and its southern boundary runs parallel to a main railway line.
6. The surrounding area comprises a mixture of largely two storey detached and semi-detached properties, with those to the north and west of the appeal site forming part of a modern cul-de-sac known as Belle Meade Close. A number of properties in the area have been altered and extended, and there are various examples of outbuildings. Examples of new development include the approval of a first floor extension to 26 Belle Meade Close (No.26), which abuts the northern boundary of the appeal site. Also, the approval of a two storey detached dwelling on the land abutting the eastern boundary of the appeal site (to the rear of The Grange). Overall, the surrounding area has no uniform character, with properties varying in terms of their siting, layout, form, scale, age and pallet of materials.
7. A further feature of the appeal site is that it is largely hidden from public view and is only visible from neighbouring properties or from the private lane. In terms of the later and as I observed on site, given that the host property and garage is located to the rear of Caigers Cottage and at the end of its shared drive, those views that do exist are long range views of only the garage and boundary trees. As such, neither the garage nor the host property form part of any established streetscene.
8. The appeal proposal involves replacing the exiting garage and temporary structure with an 'L' shaped detached garage with a room (office) above accommodated within a gabled and part hipped roof with a small dormer window on the end of the 'L' section facing the host. The submitted plans indicate that the proposed design would involve a bespoke oak framed timber clad building with roof tiles to match existing.
9. The Council contend that due to the scale and height of the proposed building it would appear as an unduly dominant structure that would be out of character with the development on the site. I do not agree. The proposal, in terms of its construction and materials, would represent a high quality of design that would be in keeping with the design of the host and a significant improvement on the existing unsightly garage and adjoining temporary structure. The pallet of

materials used, in particular the oak frame, would enable the new building to sit comfortably next to the host property and would emphasise its subordinate nature to the host.

10. The proposed footprint would be proportional to that of the host. The increase in footprint, compared to the existing garage and temporary structure, would be modest. Whilst I accept that the proposed building would be larger in scale and height to the existing garage, the appeal site comprises a large plot that is more than capable of accommodating a building of the size proposed. I also acknowledge that the proposed ridge to the new building would be higher than that to the host property, but the difference between the two is marginal and would be barely perceptible when viewed from the private lane due to the distance involved and the inclusion of a small hip end on the section of the new roof closest to the host that mirrors a similar existing hip feature. As such, the new building would successfully integrate with the host and surrounding area.
11. As I confirmed earlier, the proposed building would be visible from some neighbouring properties and from the private lane. Even in the case of the latter, the view that exists is long range and would largely be of the proposed building itself set against the foreground of mature trees and the two storey properties that are found either side of the shared access to the lane. The existing view is of an unsightly garage and the proposal would, therefore, improve and enhance the character and appearance of this part of the lane.
12. Turning to the 2023 Appeal decision, the Inspector found that the proposal would be over ambitious in terms of its bulk, height and site coverage, and would not give the appearance of a secondary building being ancillary to the host. As the current submitted plans show, the overall ridge height of the new building has been reduced and this has in turn reduced the overall bulk of the building, with its eaves height also reducing to a level that would be lower than the eaves of the existing garage. Whilst the proposed footprint would not be different to that in the 2023 Appeal and the previous Inspector had reservations over site coverage, for the reasons set out above and below these are not concerns that I share. The increase in footprint, compared to the existing garage and temporary structure, is modest and is also proportional when regard is had to the footprint of the host property. Moreover, the large plot is more than capable of accommodating an outbuilding of the size proposed. Consequently, I am satisfied that the appeal proposal has addressed the majority of the previous Inspectors concerns in this respect.
13. Accordingly, I find that the appeal proposal is acceptable in that it would not appear as an unduly dominant structure and would not be out of character with the host property or the surrounding area. It would represent a sympathetic, appropriate and high quality outbuilding to serve the host property and would thus accord with policy D DM1 part (1) of the Arun Local Plan 2011 – 2031 (July 2018) (ALP). This part of the policy requires development to make the best use of land by reflecting and improving on the character of the site and surrounding area in terms of, amongst others, scale, siting, layout, materials and design features.

#### *Living conditions - neighbours*

14. The Council contend that that due to the height, length and positioning of the proposed garage it would have a harmful overbearing and overshadowing impact on the living conditions of the occupiers of 23 Belle Meade Close

- (No.23). I do not share the Council's concerns. In reaching that finding, I have had regard to the comments of the Inspector in the 2023 Appeal, where he accepted the Appellant's points about the orientation of the proposed building limiting the potential for any overshadowing. The Inspector went on to say that had this been the only concern he might not have seen it as being decisive, but concluded that the bulk and height of the new building would be too extensive and too proximate. As I set out earlier, the scale and height of the new building has been reduced, as has its bulk, and I am satisfied that as a result of all these changes the previous Inspectors concerns in this respect have been addressed.
15. Whilst the footprint has not changed, the proposed garage is still shown as being offset by some 0.9 metres from the common boundary with No.23. As far as I can see, this is the same distance as shown in the 2023 Appeal. The CDR suggests that this distance is less than 0.9 metres, which appears to be an error. Offsetting the new building by this distance would be an improvement on the existing garage which sits on the common boundary, and the Appellant has indicated that in its place a new fence would be erected. The proposed layout also shows that the new building would be sited further away from the common boundary with No.26.
  16. The eaves of the proposed garage, facing No.23, would also be lower than in the 2023 Appeal and lower than the eaves to the existing garage. The new pitched roof would slope away from the common boundary to No.23, with its ridge also at a much lower level to the previous proposal. This ridge and thus the highest part of the proposed garage would be a considerable distance from the rear windows and immediate private amenity area of No.23. In view of this and as No.23 and its garden are sited due west of the proposed garage, I am satisfied that the height, length and siting of the proposed garage would not have any significant overbearing or overshadowing impact on the garden or rear windows to No.23 or to any of its neighbours.
  17. Whilst the proposed garage would be visible above any new fencing that is erected on the common boundary, the visual impact on the occupiers of No.23 would be modest. The building relationships that would arise are, in my view, acceptable and not uncommon in urban areas. Indeed, as I observed on site, the Council's approval for a new floor to No.26 has resulted in a large two storey flank wall with hipped roof that is sited close to the common boundary with the appeal site. The building relationship between the appeal proposal and No.23 would represent an improvement on the relationship of the appeal site with the flank of No.26, which the Council found to be acceptable.
  18. The Council have referred to parts J and H of section 2 to the Arun Design Guide Supplementary Planning Document (January 2021) (SPD Guide). Whilst there are no specific references, the CDR does refer to separation distances between existing and proposed development, which are set out in Figures 147 – 151 (inclusive) of part H. Whilst my reading of section 2 of the SPD Guide is that it largely relates to the new residential development, as I confirmed above I am satisfied that the distance separating the proposed building from the rear of No.23 is acceptable. Moreover, the CDR refers to the back to side separation distance of 14 metres (from Figure 150), but contends that as the distance in this case is 12 metres the proposal is in conflict with part H. I disagree. My reading of this is that the 14 metres relates to the separation from the rear of a two storey house to the side of a new two storey house (with

pitched roof). The appeal proposal involves a single storey building with a room above accommodated within a new pitched roof. It does not involve a proposal for a full two storeys (with pitched roof). I am not convinced that this standard is, therefore, relevant or should be applied in this case.

19. Turning to part J of the SPD Guide, the CDR refers to the statement within this that new development should not result in any unreasonable loss of light or privacy to neighbours, and then concludes that the proposal conflicts with this statement. There is no suggestion in the Council's reason for refusal that the proposal would result in a loss of privacy, and indeed there are no windows on any of the ground and first floor elevations facing neighbouring properties. As to loss of light, I have already found that the proposal would not result in any significant harm in this respect and there is no substantive evidence before me that justifies taking a different view or that supports the Council's statement in this respect. Moreover, the Appellant contends that the proposal would meet the 25° and 45° rules referred to in section 3 and part M of the SPD Guide. Indeed, part M, which deals with various household extensions, is, in my judgement, the more relevant part of the SPD Guide that should be used when assessing the implications of new domestic buildings/extensions, as proposed.
20. For all the above reasons, I am satisfied that the proposed garage would not conflict with the aims and objectives of the SPD Guide. I am also satisfied that the level of impact on the outlook and light to No.23 would be modest. As such I find that the appeal proposal would not result in any significant harm to the living conditions of the occupiers of No.23 or any immediate neighbours, and would comply with part (3) of policy D DM1 of the ALP. This seeks to ensure that new development has a minimal impact on the occupiers of nearby property by avoiding, amongst others, a significant loss of light, privacy and outlook.

### **Conditions**

21. The conditions suggested by the Council are all standard in that they relate to control over the use of materials and approved plans. Both are necessary and reasonable in order to secure a high-quality development and to reflect the details included in the application. I have, however, added a list of approved plans for clarity.

### **Conclusions**

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

*G Roberts*

INSPECTOR