



Appeal Decision

Site visit made on 14 May 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal Ref: APP/Z3825/C/22/3305780

Land at Chanctonbury View, 13 Turnpike Way, Ashington, Pulborough, West Sussex RH20 3QG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mrs Emily Scozzi against an enforcement notice issued by Horsham District Council.
 - The notice was issued on 25 July 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the replacement of the rear conservatory with a flat roof single storey extension; construction of a flat roof rear dormer extension; and the insertion of a window to the side elevation of the existing roof.
 - The requirements of the notice are: (1) Permanently remove from the land, the flat roof single storey extension. (2) Permanently remove from the land, the flat roof rear dormer extension. (3) Permanently remove from the land, the window in the side elevation of the existing roof space. (4) Remove from the land all materials and debris resulting from the compliance with the above steps 1, 2 and 3.
 - The period for compliance with the requirements is ten months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is allowed insofar as it relates to the part of the development specified below and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the replacement of the rear conservatory with a flat roof single storey extension and the insertion of a window to the side elevation of the existing roof on land at Chanctonbury View, 13 Turnpike Way, Ashington, Pulborough, West Sussex RH20 3QG referred to in the notice.
2. The appeal is dismissed and the enforcement notice is upheld for the remaining part of the development and planning permission is refused in respect of the application deemed to have been made under section 177(5) of the 1990 Act as amended, for a flat roof rear dormer extension on land at Chanctonbury View, 13 Turnpike Way, Ashington, Pulborough, West Sussex RH20 3QG, referred to in the notice.

Preliminary Matter

3. This Decision takes into account the revised National Planning Policy Framework, published on 19 December 2023.

Ground (a) appeal

Background & Main Issue

4. The notice attacks a dormer erected on the rear-facing roof slope of the dwelling, together with a single storey extension erected at the rear of the dwelling and a full depth window installed in the gable ended side elevation above first-floor level. The main issue in this ground of appeal is therefore the effect of the rear dormer, single storey rear extension and window on the character and appearance of the dwelling and the surrounding area.

Reasons

Rear dormer

5. The appeal property contains one of a pair of modern semi-detached two storey dwellings. The elevational treatment contributes to the well-balanced appearance of the pair of properties, as do the matching external finishes.
6. The property is located on a planned modern residential estate, close to public open space. The estate is generally made up of substantial two storey detached dwellings, similar in scale and incorporating a range of elevational designs. This, along with the subtle variations in the external wall and roof finishes throughout the estate, has led to the surroundings enjoying a pleasant and coherent if largely unremarkable suburban residential character and appearance.
7. The dormer has a flat roof and spans a substantial portion of the rear roof slope of the dwelling. The dormer face is only slightly set back from the roof eaves at the rear of the dwelling. The dormer sides are close to the roof eaves of the dwelling at the side and to the boundary with the neighbouring attached property. Furthermore, due to the overall height of the dormer its roof line sits only slightly below the highest part of the roof of the dwelling.
8. The dormer is therefore of substantial size and bulk, significantly eroding the original roof profile of the dwelling and appearing as a large, box-like and somewhat 'top heavy' built feature on the rear roof slope. The window arrangement, which does not fully align with first floor windows in the rear elevation, reinforces the sense of a lack of integration with the dwelling. This has all led to the dormer visually dominating the rear elevation of the dwelling and has upset the balanced appearance of the pair of properties.
9. The above does not compare favourably with the roof slopes of dwellings elsewhere on the estate, which for the most part are not encumbered by substantial, unsympathetic additions. Finishing the face and sides with vertical tile hanging similar in colour to the roof tiles on the dwelling is not sufficient to satisfactorily assimilate the dormer within its built context. As a result, the dormer is entirely at odds with the general pattern of local development and is perceived as an obtrusive, alien addition in views of the rear elevation of the dwelling from the street and nearby public space, as well as from adjoining residential property.
10. The examples of substantial box dormers referenced by the appellant are generally located in parts of the village where the properties differ appreciably in terms of their scale, design and external materials. This has led to a more mixed built character compared to that in the vicinity of the property. In any

event, in the absence of full details of those examples, little meaningful comparison with the facts and circumstances relating to the dormer in this appeal can be made. For instance, it is not clear whether any of those dormers were erected following a recent grant of planning permission.

11. Consequently, the dormer causes unacceptable harm to the character and appearance of the dwelling and that of the surrounding area. This is in conflict with Policy 32 of the Horsham District Planning Framework (HDPF), which requires development to be of high quality, in particular by providing an attractive, functional, accessible, safe and adaptable environment which complements locally distinctive character and which contributes a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings. Furthermore, the dormer conflicts with HDPF Policy 33 which requires development to, amongst other things, ensure that its scale, massing and appearance is of a high standard of design, relating sympathetically with the built surroundings.

Single storey rear extension and window

12. The extension replaced a conservatory previously erected at the rear of the dwelling, which benefitted from a planning permission granted in 2003¹. The extension protrudes a similar distance from the original rear elevation of the dwelling as the pre-existing conservatory and it has a similar footprint.
13. Incorporating a flat roof treatment, the extension has a significantly lower profile than the pre-existing structure. The use of bricks matching those of the dwelling on the external walls helps the extension to sit comfortably in relation to the dwelling, as does the simple elevational treatment incorporating a central glazed bifold door.
14. Accordingly, the extension is reasonably sympathetic in terms of its design and external materials and assimilates well visually with the dwelling and its surroundings. The extension is seen as an addition of relatively modest scale in the context of the more substantial proportions of the dwelling and neighbouring property. In any event, tall boundary enclosures at the rear of the property limit public views of the extension.
15. Although noticeably larger than window openings in the front and rear elevations, the new window in the side elevation has a similar vertical emphasis. As with the other elevations, the majority of the side elevation still has a brick finish following installation of the window. As a result, the window has also had limited visual consequences for the dwelling and its surroundings.
16. Therefore, neither the extension nor the side elevation window have harmed the character and appearance of the dwelling or its surroundings and there is no conflict with the requirements of HDPF Policies 32 and 33, set out above.

Conclusion-Ground (a) appeal

17. The dormer causes unacceptable harm to the character and appearance of the dwelling and the surrounding area and is in conflict with the Development Plan, taken as a whole. There is no such harm nor conflict with the Development Plan arising from the extension and side elevation window. There are no material considerations that indicate the decision should be made other than in

¹ Council Ref: AS/8/03

accordance with the Development Plan. Therefore, the appeal on ground (a) does not succeed and planning permission will not be granted for the dormer. The appeal on this ground does succeed in part however and planning permission will be granted for the extension and the side elevation window. No conditions are necessary.

Ground (g) appeal

18. The ground of appeal is that the time for complying with the notice falls short of what should reasonably be allowed.
19. Dismantling the dormer, reinstating the original roof and the associated works are likely to be relatively small-scale and straightforward operations for a suitably experienced small building contractor. Such works are also likely to be of limited duration, perhaps taking a couple of months at most to complete. The ten-month period specified in the notice would therefore provide ample opportunity to make the necessary arrangements for the remedial works and to have them carried out and completed.
20. The appellant referred to a general shortage of builders and materials. However, there is no firm evidence before me of severe difficulties currently being encountered in terms of finding suitable contractors and engaging their services, of extensive delays in such contractors becoming available or in relation to it being particularly hard to secure supplies of any necessary materials.
21. As a result, in my view the period for compliance is not too short and is reasonable. It follows that extending this period to eighteen months would do little other than to perpetuate the planning harm identified above. The ground (g) appeal fails.

Conclusion

22. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as they are inconsistent with the permission which I will grant by virtue of s180 of the 1990 Act.

Stephen Hawkins

INSPECTOR