
Appeal Decision

Site visit made on 3 September 2024

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

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/D3830/D/24/3343649

1 Mytten Close, Cuckfield, Haywards Heath RH17 5LN

- 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 Alex Meraviglia & Will Williams against the decision of Mid Sussex District Council.
 - The application Ref. is DM/24/0128.
 - The development proposed is a two-storey rear extension. Existing side windows to ground and first floor to be full height windows. Garage conversion. Larger window proposed to front wall of existing utility room. Wider window to first floor front elevation in bedroom. Pitched roof open porch to front door and new side window to front door.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension. Existing side windows to ground and first floor to be full height windows. Garage conversion. Larger window proposed to front wall of existing utility room. Wider window to first floor front elevation in bedroom. Pitched roof open porch to front door and new side window to front door, at 1 Mytten Close, Cuckfield, Haywards Heath RH17 5LN in accordance with the terms of the application, Ref. DM/24/0128, dated 17 January 2024 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development shall be carried out in accordance with the following approved plans: OS based Location Plan & Block Plan and Drawing Nos.00; 01; 02; 10; 11 & 12.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions for the occupiers of No. 3 Mytten Close as regards privacy and outlook. As part of my visit, I assessed the existing privacy level for No. 3 by looking out from the nearest upstairs window in No. 1 towards the rear garden of this adjacent dwelling.
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Reasons

3. The appeal dwelling is a detached house close to the northern boundary with No. 3 and set at an angle that permits more direct views over the land to the side and rear of that property than would normally be the case. The appeal scheme includes the replacement of an existing conservatory with a two-storey rear extension that at its northern corner would be close to the boundary.
4. Turning firstly to the effect of the extension on the privacy of the occupiers of No. 3, I have carefully considered the Officers' Report. However, whilst the proposed extension with its first-floor windows would project further into the rear garden, its corner would still be to the flank of No. 3 rather than aligning with or projecting beyond the latter's rear wall.
5. Furthermore, the nearest first floor window would be 2.2m away from the boundary. And with its still rearward position in relation to the neighbour, I consider that despite the move forward from the existing, the appeal scheme would have a negligible, if any, effect on the privacy of the neighbours. This is firstly because, as at present, the outlook would be limited by the side wall of No. 3 and secondly due to the combined screening effect of the wooden fence, the tall and dense leylandii hedgerow and the mature tree.
6. I acknowledge that when not in leaf the tree will be a less effective screen but given the density of the branches in its crown, I consider that there will be little difference between the seasons. For the appellants it has also been pointed out that due to the existing extensions to No. 3, the appeal scheme would do no more than restore the relationship that existed when the two dwellings were originally constructed.
7. Accordingly, if the tree were to be removed at some time in the future, existing overlooking would be increased but no more than that originally. And unless a residential area is of particularly low density, all linear development of two storey dwellings as is the case here will inevitably have their rear garden overlooked from a neighbour's upstairs windows. The appeal scheme does have the advantage of reducing the existing three bedroom windows to two and as the photograph in paragraph 5.22 of the grounds of appeal clearly illustrates, a degree of mutual overlooking is already present given No. 3's roof terrace. There are also windows in a second-floor dormer, but I was unable to ascertain whether these are clear or opaque glazed.
8. Turning briefly to the assertion in the Refusal Notice that the proposed extension would be overbearing, there are no habitable room windows in the two storey flank windows of No. 3 and only a side garden area of limited width, dominated by the leylandii hedgerow. There is therefore no reasonable basis for regarding either this area or the rear garden of No. 3 as being affected by the appeal scheme being 'overbearing'.

Other Matter

9. The southern boundary of the appeal site is adjacent to the Cuckfield Conservation Area. However, I consider that the appeal proposal would have no effect on the latter's setting.

Conclusion

10. Overall, I consider that the proposed development would not have any material effect on the living conditions for the occupiers of No. 3 in terms of either a loss of privacy or outlook. There would therefore be no conflict with the sixth bullet point of Policy DP26 of the Mid Sussex District Plan 2014-2031 (adopted 2018) or with Government policy in paragraph 135f) of the National Planning Policy Framework December 2023.
11. I shall therefore allow the appeal. A condition requiring the external materials to match the existing is needed for visual amenity, whilst a condition requiring the development to be carried out in accordance with the approved plans will avoid uncertainty and is in the interests of proper planning.

Martin Andrews

INSPECTOR