



Appeal Decision

Site visit made on 25 November 2024

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/C3810/C/23/3316696

Ridgeway, Park Road, Barnham, West Sussex PO22 0AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms S Burke against an enforcement notice issued by Arun District Council.
 - The enforcement notice was issued on 19 January 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, insertion of two flat roof dormer windows in the principal elevation of the dwellinghouse and provision of external staircase to the side of the dwellinghouse.
 - The requirements of the notice are: 1. To remove the two flat dormer windows from the principal elevation of the dwelling and restore the roof of the dwellinghouse to its former condition. 2. To remove the external staircase from the side of the dwelling and block up the doorway at first floor level in the flank wall of the dwellinghouse.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matter

2. There has been a revised National Planning Policy Framework (the Framework) published by Government since the Enforcement Notice was issued. It however does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

Main Issues

3. The main issues are the effect of the development on:
 - the living conditions of neighbouring occupiers, having particular regard to overlooking; and,
 - the character and appearance of the area.

Reasons

4. The site relates to a detached bungalow situated to the rear of other properties and is accessed via a long drive. The area comprises properties of mixed design. The development relates to a pair of flat roof dormer windows in the front elevation of the dwelling as well as an external staircase to the side.

Living conditions

5. The bungalow faces a neighbouring property, known as 'The Drive', which is similarly situated to the rear of other properties. The Drive is also a detached bungalow, and both properties face each other. They are thus approached end-on by their respective access drives from Park Road.
6. This means that the front garden and front elevation of The Drive is particularly secluded and thus is akin to a rear garden. Consequently, the large dormer windows and external staircase installed in the appeal property readily afford direct overlooking into the garden and living rooms of the neighbouring property, despite the presence of a high hedgerow.
7. The appellant contends there is a separation distance of 16.8m between the front elevations of these properties and so the development is therefore compliant with the Arun Design Guide SPD, 2021 (the SPD). However, the excerpt provided shows a more conventional relationship of two properties separated by a roadway, and with nominal front gardens viewed within the public realm. This is accordingly fundamentally different to the relationship between the appeal property and The Drive.
8. I conclude the development is unacceptably harmful to living conditions in contravention of Policies D DM1 and D DM4 of the Arun Local Plan 2011-2031, adopted July 2018 (the LP). These Policies, amongst other things, require development to avoid the significant loss of privacy and not have an adverse overlooking effect on neighbouring properties. For the same reasons the development contravenes the SPD.

Character and appearance

9. The bungalow is not prominent within the street-scene and is set some distance from the majority of neighbouring properties. I also recognise that there is a mixed character of properties in the area, and some contain dormer windows that have been granted planning permission.
10. However, the appeal property is a modest bungalow and the two flat roof dormer windows on the front elevation are of significant size, almost spanning from the eaves to the ridgeline. They are not centrally sited, and I have little evidence to persuade me that they amount to just over half of the width of the original roof slope. They are akin to the type and size of dormer windows found more typically in the rear roof slope of a property. Indeed, I could see during my site visit that there were two similar dormers that were in the process of being constructed in the rear roof slope of the bungalow.
11. The dormers are therefore not proportionate or subservient in the front elevation of this modest property. They consequently make the bungalow appear bulky and thus out of keeping with its surroundings, even if visibility in the public realm is more limited. They are accordingly not a minor incident in the roof plane and not of a high architectural standard. They consequently do little to assist in improving upon the character of the site and surrounding area.
12. I conclude the development is unacceptably harmful to the character and appearance of the area in contravention of Policies D SP1, D DM1 and D DM4 of the LP which require development to, amongst other things, reflect the characteristics of the site, have a high standard of architectural principles and sympathetically relate with the existing building. For the same reasons the

development contravenes Policy ES5 of the made Barnham & Eastergate Neighbourhood Plan, 2014, and the SPD.

Other Matters

13. I appreciate the site is not within a Conservation Area and the bungalow is not a Listed Building. I also accept that the staircase is not visible from the public realm and the dormer windows are to be finished using matching materials and will likely provide much needed additional accommodation for the appellant. However, this does not outweigh the harm arising from the direct overlooking and inappropriate size of the developments.

Conclusion

14. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

15. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Paul T Hocking

INSPECTOR