



Appeal Decision

Site visit made on 8 January 2025

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/C1435/D/24/3347645

51A Westfield Close, Polegate, East Sussex BN26 6EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Downton against the decision of Wealden District Council.
 - The application ref. is WD/2024/0524/F
 - The development proposed is first floor extension to the rear elevation and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the living conditions of the occupants of 52 Westfield Close in relation to outlook and light.

Reasons

3. The appeal site is a detached single storey dwelling with accommodation in the roofspace. It is located on the eastern side of Westfield Close with no.52 located close to its southern flank boundary. 52 is a semi-detached single storey dwelling, also with accommodation in its roof space.
4. The appeal site has off-road parking at the front and four rooflight windows in the front roof slope serving a bedroom and bathroom. There is a further bedroom on the ground floor. It has a small rear paved amenity area. It was originally constructed as a garage serving 5 Western Avenue which is to the east, the garden of which backs onto the appeal site. The property is of brick construction with a pitched concrete tiled roof and presents as a smaller and squeezed-in building in the Westfield Close streetscene.

5. 52 Westfield Close sits approximately 1.5m–2.2m away from 51A’s southern flank wall. There is a breeze block wall along part of the common boundary. 52 has ground floor and first floor windows in its northern flank wall, facing the appeal site. There is also a door in 52’s flank wall at ground floor level.
6. The proposed development would be a pitched roof first floor extension, producing a rear-facing gable end which would sit above the existing rear flat roof extension. That flat-roofed rear extension does not extend the full width of the rear but steps back at its southern end. The first floor extension would provide additional internal floorspace to enlarge the first floor bedroom. It would also have a high level window on the rear gable end and a rooflight in the new northern-facing roof pitch. It would step back from the ground floor rear elevation.
7. The first floor flank windows at no.52 serve bedrooms. No.51A has lower eaves and a lower ridgeline than 52, but 51A’s ridgeline is higher than the two flank windows and in such close proximity that light reaching those bedrooms is reduced by the first floor element of 51A. Light reaching the ground floor flank windows (serving a living room and a kitchen) is also severely impeded by the close proximity of no.51A and the common boundary wall.
8. Whilst the proposed rear gabled extension would not be flush with the southern flank wall of 51A and would step back from the ground floor rear elevation, its height and depth would further impede light reaching the ground floor flank windows of no.52. Notwithstanding that there may be other sources of daylight to 52’s kitchen and living room, I consider there would be reduction of light as a result of the proposal. I do not consider the outlook from those ground floor rooms would be seriously affected, given that there is a wall on the common boundary which those windows look onto.
9. In respect of the first floor flank windows of no.52, these windows provide the source of natural light to those bedrooms. Neither has an additional window/dormer. The proposed development would impede light reaching those windows. The eastern-most window would be more affected than the western-most one but nevertheless, the two properties are built close together and the height and depth of the proposal would impede more light, resulting in unacceptable living conditions for the occupants of no.52.
10. As to outlook, views out of the eastern-most first floor bedroom window at 52 would suffer from an increased sense of enclosure as a result of the proposal and that would amount to an unacceptable loss of outlook from that bedroom. There would also be a loss of outlook from the western-most window. This would not be as severe, but nevertheless, would be unacceptable from that bedroom window.
11. I have considered whether there would be any unacceptable loss of privacy for occupants of 3 and 5 Western Avenue but I consider the separation distance between rear windows of those properties and the high level window of the proposed extension would be sufficiently large to avoid any unacceptable loss. I have also borne in mind that the proposal would improve the living space within the appeal dwelling but this factor is outweighed by the harm I have identified to living conditions at no.52.
12. Consequently, I conclude that the living conditions for the occupants of no.52 Westfield Close would be unduly harmed as a result of loss of light to all the windows

on the northern flank elevation and as a result of a loss of outlook from the first floor northern flank windows of no.52. Saved policies EN27(2) and HG10 of the Wealden Local Plan (adopted 1998) would be breached, as would the Wealden Design Guide.

Conclusion

13. Having considered all representations made, for the reasons given above, I find the proposal would be unacceptably harmful and I dismiss the appeal.

Megan Thomas K.C.
Inspector