



Appeal Decision

Site visit made on 17 February 2025

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/C3810/W/24/3351571

Paddock House, 44 Ferringham Lane, Ferring, West Sussex BN12 5LU

- 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 Steven Salvidge against the decision of Arun District Council.
 - The application Ref is FG/62/24/PL.
 - The development proposed is “Existing dwelling to be altered and reduced in footprint. Erection of a new detached dwelling”.
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Decision

1. The appeal is allowed and planning permission is granted for “Existing dwelling to be altered and reduced in footprint. Erection of a new detached dwelling” at Paddock House, 44 Ferringham Lane, Ferring, West Sussex BN12 5LU in accordance with the terms of the application, Ref FG/62/24/PL, subject to the conditions set out in Schedule A at the end of this Decision.

Preliminary matters and main issues

2. The appellant submitted amended plans with the appeal which seek to address the Council’s concerns in its reason for refusal 2. As interested parties have had the opportunity to comment on the amended plans during the appeal process, and as I do not consider that anyone’s interests would be prejudiced, I shall consider the amended plans. I shall refer to the proposal on which the Council made its decision as the ‘appeal proposal’, and to the proposal shown on the amended plans as the ‘revised proposal’ where relevant.
3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the occupiers of 11 Little Paddocks, regarding privacy.

Reasons

Character and appearance

4. The appeal site is situated within a mainly residential area within the built up area of Ferring. The site includes the grounds of Paddock House, which is set well back from Ferringham Lane by a drive that also leads to the 4 dwellings at 1 to 4 Pebble Lane, which lie roughly south of Paddock House. The existing single storey plus attic north wing of the 7 bedroom mostly 2 storey dwelling at Paddock House and its detached garage and attached outbuilding would make way for the proposed detached west facing dwelling.

5. The nearby part of Ferringham Lane is mainly characterised by dwellings in a range of types and styles set back from the road by front gardens and/or drives in spacious plots. However, the nearby development in Little Paddocks, which lies roughly east, whilst set around soft landscaped areas, is tighter knit, and most nearby dwellings there have fairly shallow back gardens. As Paddock House and most of the dwellings at 1 to 4 Pebble Lane are sited close to the dwellings in the nearby part of Little Paddocks, and as they are largely screened by the frontage development along Ferringham Lane, they form a distinct enclave, which has little effect on the street scene in Ferringham Lane.
6. The hipped roofed 2 storey part of the west facing dwelling would be sited a little further from the common boundary with 10 and 11 Little Paddocks than the present north wing, and the built form at the site would not be significantly increased. As most of the west facing dwelling would be sited on the far side of Paddock House or would replace existing development, the proposal would have little effect on the sense of space at and around Paddock House and 1 to 4 Pebble Lane. Whilst the single storey part of the west facing dwelling would be deeper than the present garage and its outbuilding, it would be sited further from the site's roughly north and east boundaries, so the proposal would be more spaciouly sited than the existing development. Moreover, due to the proposal's distance from Ferringham Lane, there would be little change to the glimpsed views along and by the drive. The density within the enclave would be increased, but due to its form, scale and siting, the proposal would respect the local suburban character.
7. Because the existing dwellinghouse at Paddock House could accommodate a large extended family with older children who might drive, the comings and goings, and matters such as car parking and bin provision, would be little different to those of the 2 smaller dwellings proposed. So, the use of the site would not be harmfully intensified.
8. Therefore, I consider that the proposed development would not harm the character and appearance of the surrounding area. It would satisfy Policy D DM1 of the Arun Local Plan 2011-2031 (LP) which seeks the best possible use of the available land while maintaining character and local distinctiveness.

Living conditions

9. Whilst there is a tall fence by the common boundary between the site and the back garden of the mostly single storey dwelling at 11 Little Paddocks, the upper floor of the west facing dwelling in the appeal proposal would include a roughly east facing clear glazed bedroom window. Due to the distances and relationships between the appeal proposal and the recently extended dwelling at 11 Little Paddocks, the appeal proposal would allow overlooking into the nearby habitable room in the back of the dwelling at 11 Little Paddocks, and into much of its back garden, which would harm its occupiers' privacy.
10. As the intervening vegetation is not statutorily protected, its screening effect could not be relied upon to endure in the long term, and as the east facing clear glazed dormer window in the north wing has different relationships with the dwelling and its grounds at 11 Little Paddocks, it attracts little weight. So, whilst some degree of mutual overlooking would reasonably be expected in a suburban area such as this, the appeal proposal would not be acceptable.

11. However, as the only east facing upper floor windows in the revised proposal would light a bathroom and a landing, they could be obscure glazed and fixed shut up to 1.7 m above finished floor level. So, the revised proposal would not cause a harmful loss of privacy at 11 Little Paddocks. As the obscured glazing in the east facing upper floor windows would be obvious to the occupiers of 11 Little Paddocks, the revised proposal would not be likely to cause an unacceptable perception of being overlooked. Moreover, the existing clear glazed east facing dormer window in the north wing would be gone.
12. Thus, I consider that, subject to the imposition of suitable conditions, the proposed development would not harm the living conditions of the occupiers of 11 Little Paddocks, regarding privacy. It would satisfy LP Policy D DM1 which seeks minimal impact to users and occupiers of nearby property and land.

Other matters

13. Whilst interested parties have expressed concerns about matters including outdoor amenity space, parking and drainage, they were not concerns of the Council in its reasons for refusal. I see no reason to disagree. So, as the proposal would be acceptable, planning permission should be granted subject to the imposition of suitable conditions.

Conditions

14. The Council's suggested conditions have been considered and reworded as necessary in the light of paragraph 57 of the National Planning Policy Framework (Framework) and Planning Practice Guidance. As Paddock House could be occupied throughout the construction process, the implementation provisions in some of the suggested conditions have been altered.
15. In addition to the standard implementation condition, the condition identifying the approved plans is necessary to provide certainty for all parties. The conditions to control demolition and construction hours, and glazing and opening lights in the west facing dwelling's east facing first floor windows are reasonable and necessary to protect the living conditions of the occupiers of 11 Little Paddocks. Conditions withdrawing permitted development rights for extensions, alterations, outbuildings and additional openings are necessary to protect the nearby and future occupiers' living conditions at the west facing dwelling due to the site specific circumstances in this case.
16. The condition to control external materials is necessary to protect the character and appearance of the area. The conditions to secure biodiversity net gain and renewable energy measures are necessary and reasonable in the interests of biodiversity and sustainability respectively. The conditions to control on-site vehicle parking spaces including those in the garages, and for secure and covered cycle parking, are necessary and reasonable in the interests of highway safety in Ferringham Lane and to promote sustainable transport modes respectively. These conditions have been imposed.
17. However, as the condition seeking the electric vehicle charging point, and the part of the suggested condition seeking energy efficiency measures would be dealt with under Building Regulations, they have not been imposed.

Conclusion

18. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.
19. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: P001/P1, P002/P2, P009/P3, P010/P3, P011/P3, P012/P3, P013/P3 and P014/P3.
- 3) Demolition or construction activities shall take place only between 0800 hours and 1800 hours on Mondays to Fridays inclusive and between 0800 hours and 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) No development above damp proof course level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development above damp proof course level shall take place until a scheme for renewable energy supply measures for the west facing dwelling hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and the approved measures shall be retained and kept operational thereafter.
- 6) No development above damp proof course level shall take place until details of the biodiversity enhancement measures in accordance with the ProHort Limited Biodiversity Net Gain Matrix dated 26 February 2024 have been submitted to and approved in writing by the local planning authority. The west facing dwelling hereby permitted shall not be first occupied until the approved measures have been implemented in accordance with the approved details, and those measures shall be retained in that manner thereafter.
- 7) Details of the type of obscured glazing for the first floor windows in the east elevation of the west facing dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved obscured glazing details, and the west facing dwelling hereby permitted shall not be occupied until the first floor windows in the east elevation have been fitted with the approved obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being

opened, and the first floor east facing windows shall be retained as approved thereafter.

- 8) The west facing dwelling hereby permitted shall not be occupied until the vehicle parking spaces for both dwellings in the development hereby permitted have been provided in accordance with plan no P0009/P3, and those spaces shall be retained as approved solely for the parking of vehicles thereafter. The garages in both dwellings in the development hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings hereby permitted and their visitors and for no other purpose.
- 9) Notwithstanding the details shown on the approved plans, the west facing dwelling hereby permitted shall not be occupied until the covered and secure cycle parking facilities for both dwellings in the development hereby permitted have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority, and those facilities shall be retained as approved solely for the parking of cycles thereafter.
- 10) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no windows or dormer windows other than those expressly authorised by this permission shall be constructed above ground floor level in the east elevation of the west facing dwelling hereby permitted.
- 11) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C, D or E of Part 1 of Schedule 2 to the Order shall be undertaken at the west facing dwelling hereby permitted.

End of Schedule A