



Appeal Decision

Site visit made on 3 June 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2025

Appeal Ref: APP/D3830/W/25/3361594

2 Halsford Park Road, East Grinstead, West Sussex RH19 1PN

- 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 R Simmonds against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/1535.
 - The development proposed is first floor extension and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for first floor extension and associated works at 2 Halsford Park Road, East Grinstead, West Sussex RH19 1PN in accordance with the terms of the application, Ref DM/24/1535, subject to the following conditions:
 - 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 drawing nos 2123.SP01, 2123.SP02, 2123.P01, 2123.P02.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 2123.P02 and the application form.
 - 4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or amended in the future no part of the flat roof adjoining the extension hereby approved shall be used as a balcony or terrace.
 - 5) The extension hereby permitted shall not be occupied until the windows at the extension's southeast and southwest elevations have been fitted with obscured glazing, and no part of that/those windows that is less than 1.8 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Preliminary Matter

2. As part of their submission, the appellant refers to an alternative scheme that would have reduced the number of windows on the proposal. This was not seen by the Council prior to determination of the application. I am mindful that it is not the purpose of the appeal process to evolve a scheme, and it is therefore important that what is considered by the Inspector is essentially what was considered by the Council. Some of the plans submitted are also marked as preliminary. I have

proceeded to determine the appeal on the basis of the plans listed in the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 4 Halsford Park Road (no 4), with particular regard to privacy.

Reasons

4. The appeal property is a detached, two-storey building in use as a dental clinic. It is located on a corner plot within a predominantly residential, suburban area. Dwellings neighbour the site to the south and west. The building is set behind a deep section of verge and has parking to the front.
5. No 4 is a bungalow located to the south of the appeal property and the two properties are perpendicular to each other. The proposed development is for a first-floor extension to the rear of the dental clinic to enlarge an existing surgery room. The proposal would be located adjacent to the shared boundary with no 4 with a window on the southeast elevation facing the rear of the bungalow and five windows on the southwest elevation facing the rear garden.
6. Rooflights are proposed but would not give rise to overlooking due to their position above eye-level. However, the location and extent of the proposed southeast and southwest elevation windows would provide opportunities for overlooking of no 4's rear-facing rooms and rear garden.
7. There is existing boundary screening between the appeal site and no 4 which comprises a mix of individual trees, groups of trees and shrubs that are maintained as hedging. The southern boundary closest to the proposed development comprises a mix of sycamore trees growing within a hedge. The sycamore trees are deciduous and would not provide high level year-round screening from the proposal. However, the hedge would provide year-round screening, which would significantly limit direct views of the rear garden and amenity space to the rear of no 4 from the proposed extension.
8. The boundary screening is good but not a perfect solution to the overlooking. The appellant has stated they have no intention to remove the screening, and it would not be within their interests to do so due to the requirement for the dental clinic to protect the privacy of its patients. The screening substantially obscures views from the proposal to no 4 and its rear garden and would generally prevent direct overlooking and would maintain the privacy of no 4's occupiers. However, the boundary vegetation is not formally protected and therefore its retention cannot be guaranteed in perpetuity.
9. A condition to obscure glaze the windows in the southeast and southwest elevation and to fix the windows to be top vent opening only would remove any potential for overlooking. The condition would therefore be necessary to maintain the privacy of neighbours.
10. The Council also raise concern regarding the perception of overlooking felt by the occupiers of no 4. However, due to the presence of the screening allowing only intermittent views of the obscured glazing from no 4, I do not consider the perception of overlooking would cause harm to the living conditions of the occupants of no 4.

11. French doors are shown on the northwest elevation leading out onto a first-floor roof. Whilst it is not the intention of the appellant to use the terrace as outdoor amenity space, the roof is nonetheless large enough to accommodate a roof terrace/outdoor amenity space with the potential to cause a loss of privacy to the occupiers of no 4 from overlooking. A condition preventing the use of the flat roof as a terrace is therefore necessary to maintain a suitable standard of privacy for the occupants of no 4.
12. In conclusion, with the use of appropriate conditions requiring obscure glazing on the first floor of the southeast and southwest elevation windows and to prevent the use of the roof of the ground floor as a terrace, the potential for harm to the living conditions of the occupiers of no 4 from a loss of privacy would be mitigated. Consequently, the proposed development would not harm the living conditions of the occupants of no 4.
13. The proposal would therefore comply with Policy DP26 of the Mid Sussex Development Plan March 2018 which seeks to ensure development does not cause significant harm to the amenities of existing nearby residents including the impact on privacy, and Policy EG3 of the East Grinstead Neighbourhood Plan which seeks to ensure development does not harm adjoining amenity.

Conditions

14. I have attached the standard commencement condition and a condition requiring compliance with the submitted plans for reasons of certainty. A further condition requiring the materials to be as detailed within the application is also necessary for clarity and to control the appearance of the proposal.
15. In order to protect the living conditions of the occupiers of no 4 from overlooking and a loss of privacy I have imposed conditions requiring obscure glazing to the first-floor windows on the southeast and southwest elevations and preventing the use of the flat roof adjoining the extension as a balcony or terrace.

Conclusion

16. For the reasons given above the appeal should be allowed.

C Coles

INSPECTOR