



Appeal Decision

Site visit made on 25 April 2024

by **N Perrins BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/Y3805/W/23/3329111

Land north of 37 Western Road, North Sompting, West Sussex BN15 9UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Yavuz Altunkaya against the decision of Adur District Council.
 - The application Ref is: AWDM/0777/23.
 - The application sought planning permission for the construction of a proposed new dwelling with car parking and alterations to the existing crossover. Demolition and removal of existing garage and shed without complying with conditions 1 and 5 attached to planning permission Ref AWDM/1645/22, dated 13 January 2023.
 - The conditions in dispute are Nos 1 and 5, which state that:
 - **Condition 1:** *The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice: Existing Site Plan Drg A02, Design & Access Statement PSD/2022/271, Sustainability Statement PSD/2022/271, Proposed Plans and Elevations Drg A01 Rev P2, Proposed Site Plan Drg A03 Rev P3, Location Plan Drg A04 Rev P2, Site Plan Drg A05 Rev P2.*
 - **Reason:** *For the avoidance of doubt and in the interests of proper planning.*
 - **Condition 5:** *Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or altered by means of any development as set out within Classes A, AA, B, C, D and E of Part 1 of the Schedule to that Order.*
 - **Reason:** *In the interests of amenity and the environment having regard to the nature of the site and policy 15 of the Adur Local Plan.*
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice refers, in part, to the application seeking to vary condition 2 of decision Ref: AWDM/1645/22 in order to substitute amended plans that would enable the construction of a dormer window on the rear elevation of the proposed development.
3. Having checked with the Council, the decision notice should have referred to condition 1, rather than condition 2, as the correct reference to the approved plans condition. Accordingly, I have referred to condition 1 of Ref: AWDM/1645/22 in the header above.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the proposed development and surrounding area, and (ii) the living conditions of the adjacent property No 37 Western Road.

Reasons

Character and appearance

5. The appeal site is an open plot of land that previously was part of the adjacent property, No 37 Western Road. No 37 is the start of a run of single storey, small scale semi-detached bungalows that extend along the street to the south. These bungalows are characterised by their strong front and rear building line, uniformity in scale and unaltered roof forms. To the immediate rear of the site is a car park serving the adjacent Doctors Surgery. The wider character of the area is predominantly residential comprising mainly bungalows and flatted development.
6. Planning permission Ref: AWDM/1645/22 approved a single storey, one bed bungalow. I understand from the information before me that the approved dwelling was subservient in scale relative to its plot and consistent with the existing development nearby in terms of its size, bulk and mass.
7. In contrast, introducing the proposed dormer window along the full width of the bungalow would create a bulky and top heavy development that would not be in keeping with the scale, bulk, form and appearance of the nearby adjacent bungalows. The resultant effect would be an overdevelopment of the proposed dwelling that would over dominate the proposed dwelling and be at odds with the character and appearance of the area in the vicinity of the appeal site.
8. I note that the appellant has drawn my attention to other properties in the area that have had rear dormer windows installed. As observed on my site inspection, these other examples are generally on larger properties than the proposed appeal dwelling and, therefore, not directly comparable to the scale, type and form of the dwellings closest to the appeal site. Accordingly, I am not satisfied that the presence of dormers elsewhere in the locality provides any justification for the harm that would arise in this case.
9. I understand that the appellant is seeking additional space for the property to be used as a two-bedroom home for their family, and was under the impression there would be opportunity to do this given that two parking spaces were included in the original permission. Whilst I have sympathy with the appellant's needs for additional space, it does not justify the harm that I have identified above. Furthermore, I don't have the details before me as to why the original one bed dwelling was approved with two parking spaces. Notwithstanding this, the number of parking spaces approved would likely not have been related to the appearance of the dwelling and, therefore, does not provide any weight for or against the proposal with regard to its impact on the character and appearance of the area.
10. In conclusion and for the aforementioned reasons, the development creates a bulky and top heavy addition to the dwelling that would harm the character and appearance of the proposed dwelling and the surrounding area. I conclude, therefore, that the appeal scheme does not comply with Policy 15 (*Quality of*

the Built Environment and Public Realm) of the Adur Local Plan (2017), which requires development to enhance the local environment by way of its appearance and character, and make a positive contribution to the sense of place, local character and distinctiveness of an area.

11. Furthermore, the development is not consistent with the guidance contained in the Development Management Standard No.2 Extensions and Alterations to Dwellings Supplementary Planning Document (Extensions and Alterations SPD), which advises development to be in keeping with the appearance, scale, design and character of the street scene and that dormers should not over-dominate the dwelling. The development is also contrary to paragraph 135 of the National Planning Policy Framework, which seeks to ensure that developments are sympathetic to local character.

Living conditions

12. The rear dormer would principally look towards the adjacent car park. All parties agree that there would not be any harm to the amenity of users of the car park.
13. With regard to the impact on No 37, I acknowledge that due to the angle of the proposal and it facing towards the car park, it would not lead to direct overlooking to all of the adjacent garden area. However, the inclusion of full size windows combined with a Juliet balcony would still result in an uncomfortable and intrusive relationship with the adjacent property with some overlooking to parts of the garden. The excessive use of glazing along with a Juliet balcony would, therefore, result in a detrimental impact to the living conditions of No 37 and the enjoyment of their garden.
14. For these reasons, the proposal, does not accord with Policy 15 of the Adur Local Plan, which states that development should not have an unacceptable impact on adjacent properties, particularly residential dwellings. The proposal is also contrary to the advice in the Extensions and Alterations SPD, which states that development will not be granted planning permission if they have an unacceptably adverse effect on neighbouring properties.

Other Matters

15. I acknowledge that the appellant indicates that the impact on character and appearance of the area, and on the living conditions of No 37 could be overcome through revisions to the design, albeit no details have been provided in this regard. Accordingly, whether a revised option could overcome the issues is not a matter for me to consider in this appeal. Any revisions to the proposal would need to be considered through a fresh application to the local planning authority.
16. I also note the appellant considers they were not treated fairly during the application process although the full details are not provided. In any event, this is a matter for the appellant and the local planning authority rather than having any weight in this appeal, which has been assessed on the planning merits of the proposal.

Conclusion

17. For the reasons given above, the proposal is not consistent with the policies of the development plan as a whole, due to its impact on the appearance of the appeal property and the character of the area, and there are no material considerations that would lead me to a different conclusion. I conclude that the appeal should be dismissed.

N Perrins

INSPECTOR