

Mr G E and Mrs A P Mathias
16 Tamarisk Way
East Preston
BN16 2TF

8th April 2015

Objection to **EP/26/15/HH 14 Tamarisk Way**
Front Extension To Form Attached Double Garage

Mr T Grange, our neighbour at no. 14, applied for planning permission in April 2014 to build a front extension to form a double garage with bedroom above (EP/61/14/HH).

This was refused by ADC on 13th June 2014 and the subsequent appeal to the Planning Inspectorate was dismissed on 30th January 2015.

The ADC Planning Officer's reason for refusal was:

"The front extension by virtue of its height, length and proximity to the western boundary will have an unacceptable harmful overshadowing and overbearing effect on no. 16 Tamarisk Way in conflict with policies GEN 7 (iv) and DEV 19 (iii) of ADC's Local Plan and Policy D DM 4 of the Emerging Local Plan."

The Planning Inspector's reason for dismissal of the appeal was:

"I find the proposed development would significantly harm the living conditions of the occupiers of no. 16 Tamarisk Way with particular reference to outlook and daylight."

The current proposal (EP/26/15/HH) does not include a bedroom over the double garage and this does reduce the overall height of the extension from 6 to 4.2 m. However, all the other details are the same, ie the extension would still be built almost on our boundary and its length is still 6.5 m (greater than the gap between the rear of our property and the existing garage) so the whole gap on our boundary would be filled in by an extension 4.2 m high. The distance from the Eastern wall of our house to the Eastern boundary of our property is approx 1.2 m (not 2.5 m as quoted in the case for LPA refusal of EP/61/14).

We do not believe the reduction in height would significantly reduce the harmful impact of the extension on our living conditions as it would still be being dominating, overbearing and overshadowing. We are able to judge the effect of an extension of this height on our boundary because the existing extension is this height (but fortunately it is 6 m away from our house) and if we stand by the existing extension we know what it feels and looks like.

We spend a lot of time in the back of the house and our kitchen window is only about 2.1 m from our boundary and the view will be dominated by the extension. Our patio runs almost the length of the back of our house and the proposed extension would adjoin the East end of the patio and our patio would be dominated by the extension for the whole of its depth. At the West end of the patio is a conservatory and the view from the conservatory would be the wall and roof of the extension. Because the extension is to be built almost on our boundary it is not possible to mitigate or soften its impact on our living conditions m.

We believe the comments on spatial relationship are also relevant and that the reduction in height will have no affect on the statement that " these (variations) have given rise to a relatively close spatial relationship between nos. 14 and 16 which will be further narrowed and eroded by the proposed front extension located

on the western boundary. The dimensions and location of the proposed extension would then cause unacceptable residential effects set within this spatial context. If viewed from the road from anywhere other than looking directly down our Eastern boundary the two dwelling would appear to be touching as the gap will be little more than 1.2 m.

As we believe the main consideration in considering this application is the effect on the residential amenity of no.16, we would respectfully request that ADC as the LPO reject this revised application for permission on the same grounds as before, using the arguments given by ADC's Planning Officer supported as appropriate by the comments of the Planning Inspector.

For your convenience I have attached extracts of comments made by ADC's Planning Officer for the Appeal and by the Planning Inspector in his dismissal of the appeal for EP/61/14/HH

Comments by ADC's Planning Officer in support of his recommendation:

THE CASE FOR THE LOCAL PLANNING AUTHORITY (EP/61/14/HH)

The main issue to consider in this appeal is the effect that the front extension has on the residential amenities of no. 16 Tamarisk Way situated immediately to the west. This is on account of its height and length and intended position within the site which is on the western boundary. The final issue is the spatial relationship between 'the proposed extension and the property of no. 16. The neighbouring property of no. 16 is situated in comparatively close proximity to its respective eastern boundary and means that it will only be approximately 2.5m (actually 1.2 m) away from the proposed development. These aspects combine for the proposed extension to give rise to unacceptable overshadowing and overbearing effects on the property of no. 16.

These issues are borne out in the reason for refusal of planning application EP/61/14/HH which states: "The front extension by virtue of its height, length and proximity to the western boundary will have an unacceptable harmful overshadowing and overbearing effect on no. 16 Tamarisk Way in conflict with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan and policy D DM4 of the Emerging Local Plan."

Character and Street Scene

Tamarisk Way is a residential street with mainly two storey detached properties built in a wide variety of designs and styles. The properties immediately next to and surrounding the appeal site are two storey detached on fairly sizeable plots. The surrounding properties vary in their set-back distance from the road of Tamarisk Way and also in their distances to their respective side boundaries. There are also small variations to be noted in the orientation of surrounding properties, such as the appeal property and no. 12 Tamarisk Way to the east. It is these variations that give rise to differing spatial relationships between properties as shown in drawing number 10/03/01 Rev A (Block and location plan) submitted as part of planning application EP/61/14/HH. In the case of the appeal site, these variations have given rise to a relatively close spatial

relationship between nos. 14 and 16 which will be further narrowed and eroded by the proposed front extension located on the western boundary. The dimensions and location of the proposed extension would then cause unacceptable residential effects set within this spatial context.

The design of the extension is in dispute only insofar as its dimensions and size is concerned and how this then gives rise to undesirable residential effects. However, from a visual amenity standpoint there is no harm created by the extension and this is shown to be the case in the Officer's Report and an absence of any refusal reason on the matter.

Residential Amenity

The individual aspects forming the reason for refusal of planning application EP/61/14/HH are discussed in more detail below.

Height of the front extension

The height of the proposed front extension is approximately 6m. This is considered to be unacceptably high given that the extension would be situated on the western boundary. The fact that there is currently brick walling along the western boundary at approximately 2m in height and the eaves of the proposed extension would be set at approximately 2.2m in height which is only 0.2m above the existing boundary treatment does not compare or outweigh the harm caused by the extension. This is because of the enlarged roofspace that extends above eaves level for a further 3.5m in height and combines to create harmful overshadowing and overbearing effects.

The enlarged roofspace provides accommodation at first floor level and means that the extension can be regarded as being two storeys in height. This coupled with a lack of any separation distance to the western boundary is considered to cause unacceptable overshadowing and overbearing effects on no. 16, especially when this neighbouring property is situated only 2.5m (ACTUALLY 1.2m) away from its respective eastern boundary. By way of further illustrating its excessive height, the height of the proposed extension would be set approximately 0.6m below the ridge height of the existing property and contributes to its overbearing nature. This is considered to be to the harmful detriment of occupiers of no. 16 Tamarisk Way.

Length of the front extension

The length of the front extension is approximately 6.5m and would extend forward of the property in line with the rear wall of the neighbouring property of no. 16 Tamarisk Way. There is no gap or breathing space between these lines and means that the extension would extend out into the rear garden of no. 16 for a considerable length of 6m.

Proximity to the western boundary

The front extension would be situated on the western boundary without any separation distance. It is therefore not possible to mitigate or soften its impact in any way for the owners of no. 16. An existing boundary wall of 2m in height on the western boundary is not considered comparable to the side wall of the extension that has a roof extending three times higher than the existing boundary treatment, albeit sloping away from the boundary.

Combination of factors

It is considered that it is the combination of the above factors regarding the

height, length and proximity of the proposed extension to the western boundary that causes unacceptable overshadowing and an overbearing impact on no. 16.

Summary

It is considered that the proposed front extension is excessive in its height and length whilst positioned hard up on the western boundary line. This would be unneighbourly and would cause unacceptable overshadowing and overbearing effect on no. 16. It would therefore conflict with Local Plan policy GEN7(iv) which states that any new development should not have an unacceptable adverse impact on adjoining occupiers. It is also considered that the new form of development by reason of its overbearing and overshadowing effects on neighbouring properties would be in conflict with policy DEV19(iii) of the Arun District Local Plan. This would also be in conflict with national advice as set out in Paragraph 17 of the National Planning Policy Framework and policy D DM4 of the Emerging Local Plan.

Comments made by the Planning Inspector in support of his Appeal Decision. (EP/61/14/HH)

The Inspector said "The main issue is the effect of the proposed development on the living conditions of the occupiers of No 16 Tamarisk Way, with particular reference to outlook, daylight, sunlight and privacy."

He commented that "... The proposal would be located in close proximity to a patio area which is situated adjacent to the rear elevation of the dwelling at No 16. The rear elevation of this dwelling includes a window at ground floor level, which serves the kitchen, in close proximity to the boundary with the appeal site...

" Additionally, I note that the roof structure associated with the proposal would slope away from the boundary with No 16. Notwithstanding this, as a result of the proposal's roof height, its length and close proximity to the boundary the proposed development would have a dominating effect on the occupiers of No 16 when viewed from the patio area to the rear of this neighbouring dwelling.

" Additionally, whilst the proposal would be perpendicular to the rear elevation of the dwelling at No 16, it would be in close proximity of a ground floor window that serves its kitchen. Given the proximity of this window to the boundary of the appeal site the proposal would have an overbearing impact when viewed from the kitchen."

" ... as a result of its large scale and close proximity to No 16, the proposed front extension would have a detrimental impact on the amount of daylight that would reach the part of this neighbouring property which is situated nearest to the proposal. This adds to my overall concerns regarding the proposed development." "For these reasons, I find the proposed development would significantly harm the living conditions of the occupiers of No 16 Tamarisk Way, with particular reference to outlook and daylight. As a result there would be a conflict with saved policies GEN7 and DEV19 of the Arun District Local Plan (2003) (LP) ... whilst LP Policy DEV19 seeks to ensure that extensions to existing residential properties do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. The thrust of one of the core planning principles within the Framework is that planning should always seek to ensure a good standard of amenity for all existing and future occupiers of land and buildings."

END