The Planning Inspectorate

Appeal Decision

Site visit made on 1 July 2024

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

an Inspector appointed by the Secretary of State

Decision date: 09 July 2024

Appeal Ref: APP/Y3805/W/23/3334241
53 Southview Road, Southwick, West Sussex BN42 4TS

- 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 Paul Calland of SD Holdings Ltd against the decision of Adur District Council.
- The application Ref is AWDM/0373/23.
- The development proposed is demolition of 53 and 55 Southview Road and construction of 1 no. 3 bedroom detached dwelling and 8 no. 2 bed flats in 2 no. two storey blocks with new vehicular access from Southview Road and associated parking and amenity areas.

Decision

1. The appeal is dismissed.

Preliminary matter and main issues

2. The plans on which the Council made its decision included plan 22022_P02F. The appellant submitted the optional plan 22022_P02D during the appeal process, which includes a different car parking layout and flats numbered 2 to 5 sited a little further south. As the changes are minor and I do not consider that anyone's interests would be prejudiced, I shall consider the optional plan.

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 flats 2 to 5 inclusive, regarding noise and disturbance, and the ground floor flat at 57 Southview Road, regarding outlook.

Reasons

Character and appearance

4. The irregular-plan appeal site is situated within a mainly residential area where the local landform slopes gently down from roughly north to south. The site includes the 4 flats at 53 and 55 Southview Road, which would make way for the proposal, greenfield land by and between the far ends of the back gardens of dwellings in Southview and Underdown Roads, and the far ends of the back gardens of odd numbers 57 to 61 Southview Road. The horse chestnut tree within the west part of the site, which makes a significant positive contribution to the character and appearance of the area, and thus, to amenity, is subject to a Tree Preservation Order.

5. The surrounding area is mainly characterised by rows of mostly 2 storey semidetached and terraced Victorian style and inter-war style dwellings, some with rooms in their roofs, and occasional detached houses and bungalows, set back from the roads in front gardens and/or parking spaces with generous back gardens. The decorative fronts of most nearby dwellings on the west side of Southview Road include features such as bays with gabled roofs, and most of their backs include subservient outshoots. Whilst some former houses now include flats, the character and appearance of the buildings and their grounds as houses has largely endured. The greenery in the front gardens, the trees in the north part of Southview Road, and the leafiness and openness in the back gardens and beyond, which can be seen in the gaps between the dwellings, are important to the local suburban character, and to the sense of place.

6. The proposal would include a detached house by the frontage in Southview Road and 2 roughly south facing detached flats buildings, including flats 6 to 9 inclusive and flats 2 to 5 inclusive (east building), beyond its back garden reached by a new road, along with parking and various stores. The soft landscaped roughly south west part of the site would include the protected chestnut tree and the swale.

7. Amongst other things, the ground floor levels of all of the dwellings would need to be at least 300 mm above the surrounding ground levels to avoid the risk of flooding. So, whilst the plans show that the ridge of the Plot 1 dwelling would be a little lower than that of the dwellings at 57 Southview Road, there would be little difference between them. The 2 flats buildings would be sited close to the irregularly aligned north boundaries, and because their shared parking area would be hemmed in between the tall flats buildings and the tall boundary fence it would be a stark and unwelcoming space. The deeper planting strip between the back of the east building and the parking court, and the different parking bay layout shown on the optional plan would not overcome that harm.

8. Due to their tall height, substantial scale, and bulky monolithic hipped roofed forms, the utilitarian appearance of their lengthy sides and backs, and their poorly proportioned front outshoots and fenestration, the large and dominant purpose-built flats buildings, with their central entrance halls, would contrast starkly with the character and appearance of the nearby dwellings. As the east building would be largely surrounded by the new road and its turning head, and other hard surfaced areas, including paths, parking spaces and bike and bin stores, its built up character would be at odds with its suburban surroundings. Moreover, as the east building would be particularly prominent from Southview Road in views along and by the new road, and as both tall and bulky flats buildings would be harmfully discordant in the mostly good-sized gaps between the nearby dwellings in Southview Road, the proposal would be incongruous.

9. Whilst the developments at Somerly Gardens and Old Dairy Close have a more urban character they replaced a substantial industrial building with a large expanse of car parking and a large milk processing and bottling facility respectively. So, these other schemes provide little support for this damaging proposal.

10. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy 15 of the Adur Local Plan 2017 (LP) which seeks high quality design and respect for context, and the National Planning Policy Framework (Framework) which aims

to achieve well-designed and beautiful buildings and places, and sympathy for local character.

Living conditions

11. The activities in the shared parking area for all of the flats would be expected to include the randomly occurring sounds of the comings, goings and manoeuvring of vehicles and their occupants, in-car entertainment, and the bangs and clicks of vehicle doors and locks at any time, as well as sporadic exhaust fumes, and the lighting effects of headlights after dark. There would be little space between the car parking and turning areas in the parking court and the bedroom windows in the east building on either floor in either scheme. It would also not be reasonable for the occupiers of the bedrooms to have to keep their bedroom windows shut, especially so on warmer days and nights. So, having regard to the number of car parking spaces and the effects of the hard surfaces including the solid boundary treatments, the parking court's hard surface and the flats buildings' walls, as well as the relationship between the parking court and the east building's bedroom windows, the proposal would not provide acceptable living conditions for the future occupiers of those flats due to the noise and disturbance that would be likely to arise from the use of the parking court.

12. As the suggested fence between the parking court and the east building would have little effect on the noise and disturbance experienced by the occupiers of its first floor bedrooms, and it would be oppressive in the outlook from at least 3 of its ground floor bedrooms in either case, it would not be acceptable.

13. The east building would extend beyond both sides of the end of the shallow plot at 57 Southview Road, where the ground floor flat is deeper than its upstairs neighbour. Due to the scale and proportions of the east building, the lie of the land, and its relationships with the ground floor flat at 57 Southview Road, the proposal would be unacceptably overbearing and oppressive in the outlook from the back of the ground floor flat. There would be a little more openness on the north side of the east building in the optional scheme, but it would not be sufficient to overcome that harm. Moreover, from the Council's data, the proposal would be contrary to the advice in the Council's Development Management Standard No 1 Space Around New Dwellings and Flats, which seeks a minimum of 14 m between the back of a dwelling and the 2 storey side of another.

14. Thus, I consider that the proposal would harm the living conditions of the occupiers of flats 2 to 5 inclusive, regarding noise and disturbance, and the ground floor flat at 57 Southview Road, regarding outlook. It would be contrary to LP Policy 15 which aims for proposals to not have an unacceptable impact on adjacent dwellings, and the Framework which seeks a high standard of amenity for existing and future users.

Other matters

15. As the development proposed in appeal decision ref APP/Y3805/W/20/3253462 included terraced, semidetached and detached houses with back gardens, it differs from the proposal before me. So, whilst I have had regard to my colleague's findings, I have dealt with the proposal on its merits, and in accordance with its site specific circumstances and relevant local and national policy and guidance.

16. The Council cannot demonstrate a 5 year supply of deliverable sites for housing. So, Framework paragraph 11 d) is relevant. The proposal aims to make effective use of land within a reasonably accessible location, and its other benefits would include 5 welcome new homes and jobs during construction. Even so, as the harm identified in my main issues would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

17. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.

18. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR