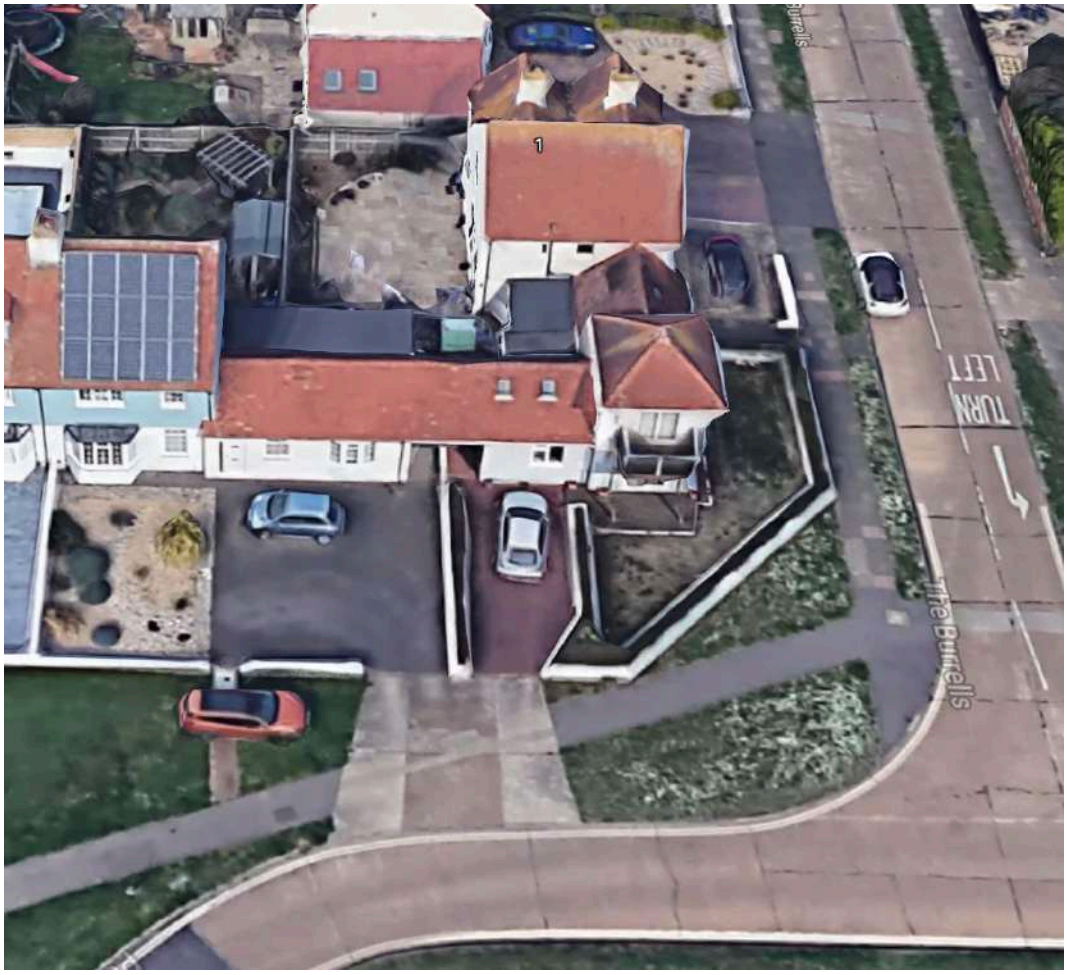
APPEAL STATEMENT ON BEHALF OF APPELLANT, SHARON PRIOR

ADDRESS:	**3 Coastguard Cottages, Old Fort Road, Shoreham-by-Sea West Sussex BN43 5HR**
PROPOSAL:	**Creation of front porch; first floor side extension with front balcony including roof extension with raised ridge height and new gable roof to front; re-build of single-storey rear extension.**
COUNCIL REF:	**AWDM/1243/22**
DECISION DATE:	**17 October 2022**



From Google Maps

1.0 Introduction

1.1 This appeal is against the refusal of planning application AWDM/1243/22 at DM2022/00165 at 3 Coastguard Cottages, Old Fort Road, Shoreham-by-Sea for:

"Creation of front porch; first floor side extension with front balcony including roof extension with raised ridge height and new gable roof to front; re-build of single-storey rear extension."

1.2 The application was registered with Adur District Council on 29 July 2022 and refused on 17 October 2022.

1.3 In this appeal statement we detail the site and surroundings, planning history, policy context, proposal and common ground. We then respond to the Council's reasons for refusal and consider other matters.

1.4 This appeal statement has been prepared by a qualified planning consultant with appropriate expertise. Suzanne Asher, BA (Hons), DipTP and Member of the Royal Town Planning Institute (RTPI), has over 20 years' experience working as a town planning consultant.

2.0 Site and surroundings

2.1 The site is located on the corner of Old Fort Road and The Burrells, in a residential area near Shoreham seafront. It is occupied by a part two-storey, part single-storey property with off-street parking to the front and amenity space to the front and side, enclosed by a low-level wall and landscaping. There is a small rear courtyard.

2.2 Immediately adjacent to the north is No. 1 The Burrells, again a part two-storey, part single-storey property. No. 1 The Burrells has a rear garden, which is situated predominantly behind (to the north of) No. 2 Coastguard Cottages.

2.3 The site is not in any Conservation Area and the buildings are not listed. The site is in flood zone 3.

Figure 1 – Location Plan (not to scale)

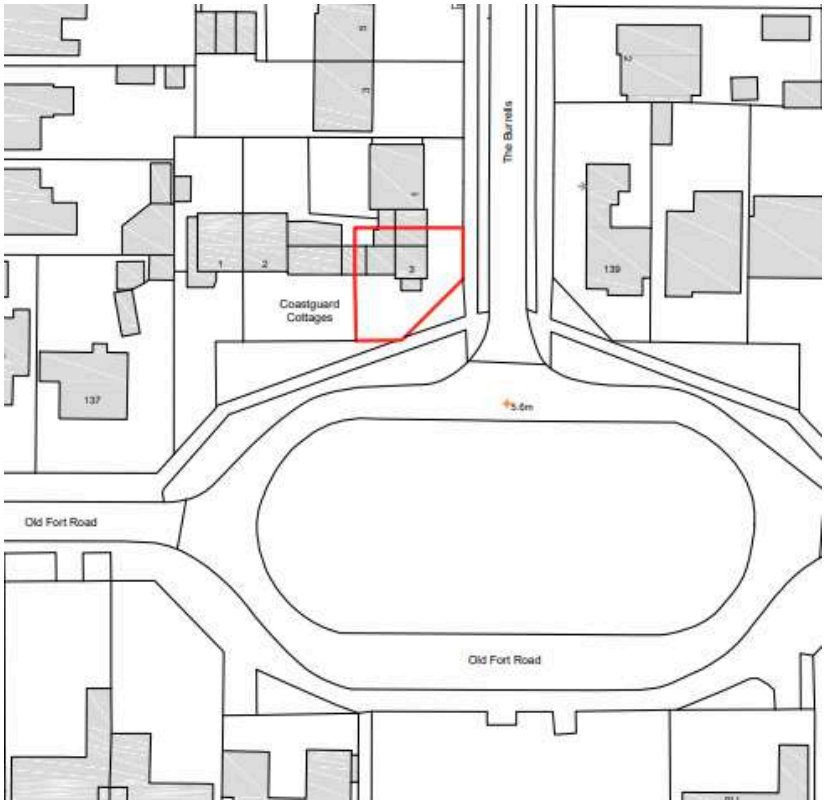


Figure 2 – Street view, Old Fort Road (from Google Maps, appeal property outlined in red)



Figure 3 – Street view, The Burrells, (from Google Maps, appeal property outlined in red)



3.0 Planning history

3.1 In 1986, planning permission was granted for the conversion of the former coastguard office to create a 1-bedroom bungalow and additional accommodation for the adjacent dwelling (SU/8/86/TP/1741). In 2004, planning permission was granted for a store to the rear (SU/161/04/TP/21360).

3.2 In 2008, a planning application was submitted for an additional storey on the corner, to provide a bedroom and balcony (ADC/0363/08). This was refused, but went to appeal, with the main issue being the effect of the proposed development on the character and appearance of the property and the street scene. The appeal was allowed with the decision stating (para. 4) that:

"The modest rectangular built form proposed would be beneath a simple hipped roof and would be flanked by retained single storey elements to the west and north. This would, to my mind, introduce a welcome increase in scale in this prominent location, providing a design feature which would appropriately emphasise and turn the corner between Old Fort Road and The

Burrells. It would not, in my opinion, introduce a discordant or inappropriately dominant feature into the street scene."

3.3 The appeal decision is included at Appendix 1.

4.0 Policy context

4.1 The decision notice refers to the Adur Local Plan (2017) National Planning Policy Framework (NPPF, 2021). We agree that these are the relevant policy documents. Policy extracts are provided at Appendix 2.

5.0 Proposal

5.1 The proposal is for a new front porch to serve a new entrance. It is proposed to increase the height of the existing two-storey part of the building in the corner and extend it to the west, with a new front gable and an extra front balcony. This will provide an extra upstairs bedroom. The existing single-storey rear extension (a workshop) will be demolished and rebuilt (slightly extended) to provide a bathroom. The layout of the property will be reconfigured.

5.2 It is also proposed to add 1.8m close-boarded fencing to the side garden, to enclose the garden so that it is private.

Figure 4 – Existing streetscene (Old Fort Road, front)

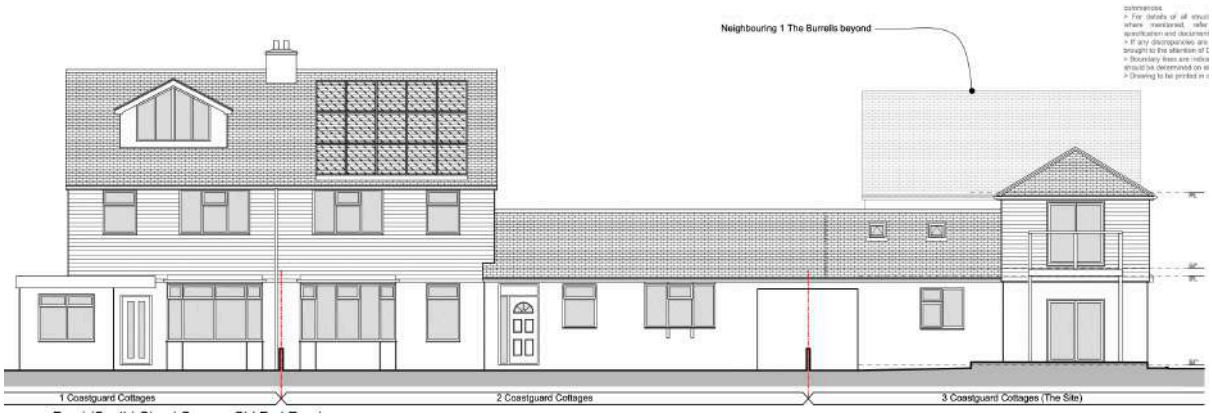


Figure 5 – Proposed streetscene (Old Fort Road, front)

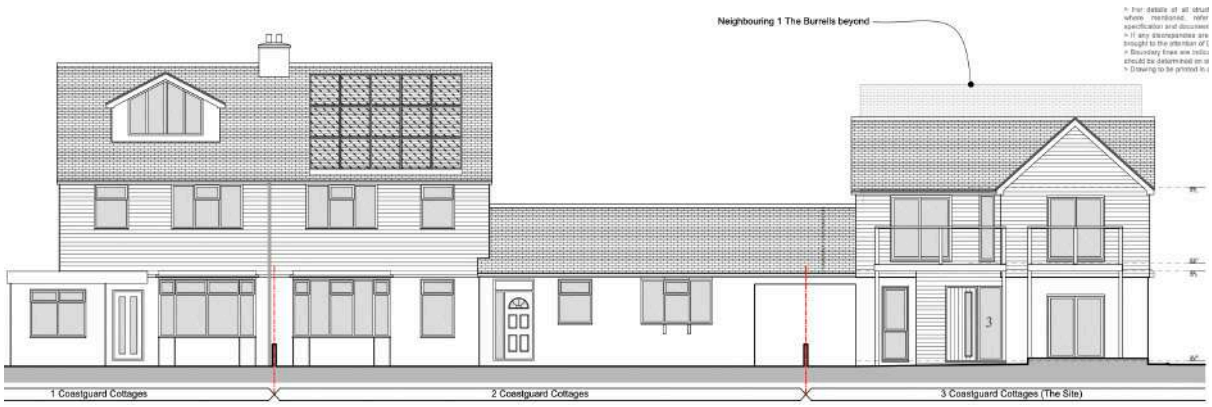


Figure 6 – Existing streetscene (The Burrells, side)



Figure 7 – Proposed streetscene (The Burrells, side)



6.0 Common ground

6.1 The officer's report (Appendix 3) finds that the proposed extensions will have no adverse impact upon the streetscene, stating as follows:

"The proposed development will expand the two-storey section in width and increase the bulk and height of the existing building by introducing a gable to the existing hip and raising the ridge. The bulk of the building will be significantly increased. It is not considered that in principle this part of the development combined with the proposed front porch and rear extension rebuild would have any adverse impact upon the street scene."

6.2 This is considered to be a point of common ground.

7.0 Grounds of appeal

7.1 We are appealing against refusal of planning permission. Below we respond to the reasons for refusal.

Reason for refusal 1 – Neighbour amenity

7.2 The reason reads as follows:

"The proposed development due to its bulk, scale and height, will result in a loss of light and overbearing impact to the property to the north, No. 1 The Burrells. It would therefore be contrary to Policy 15 of the Adur Local Plan and National Planning Policy Framework."

7.3 The increased two-storey section of the building will face the side elevation of No. 1 The Burrells, where there are two small windows. These windows were considered in the previous appeal decision, and the Inspector found (para. 8) that:

"…neither of these windows serve habitable rooms and, like the Council, I consider that the reduction in sunlight would not be so significant as to be unacceptable."

7.4 The BRE guidance on daylight and sunlight only requires assessment of habitable rooms (i.e. living rooms, kitchens and bedrooms). Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed.

Figure 8 – No. 1 The Burrells, first-floor windows, from rear courtyard of appeal site

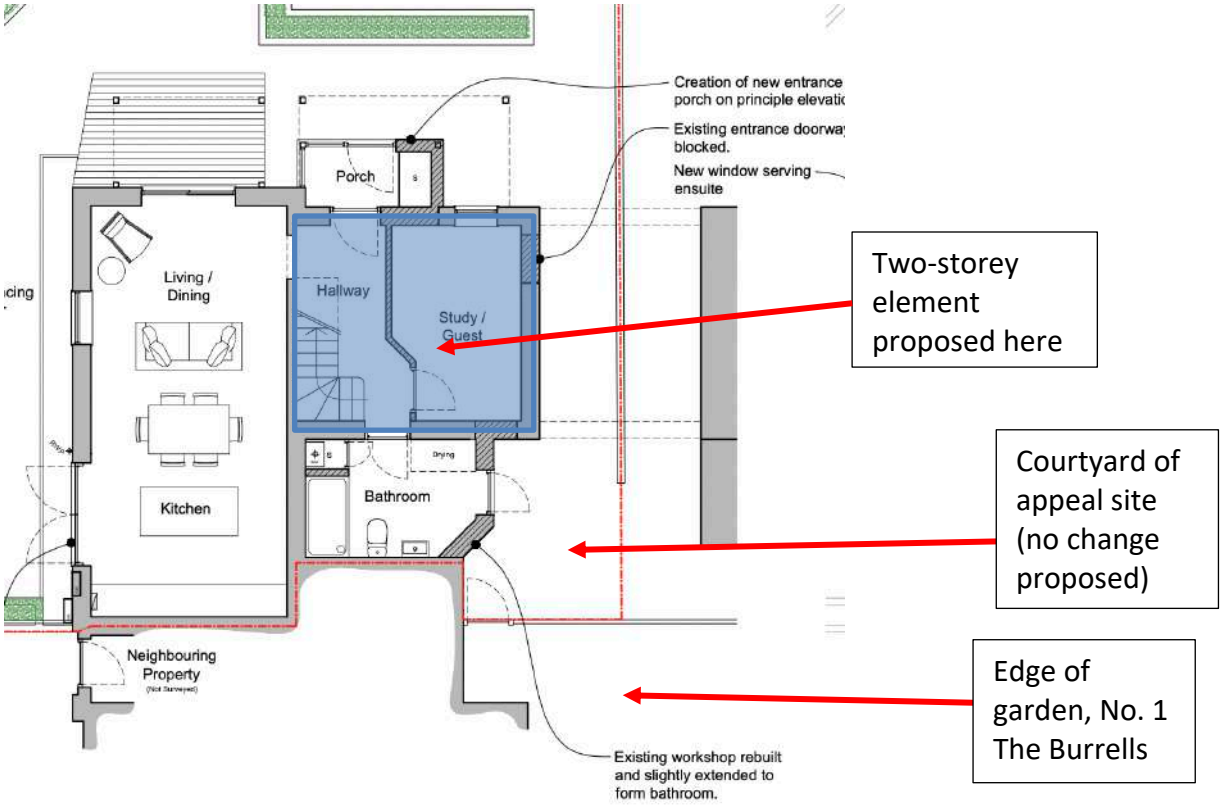


7.5 The officer's report concurs with this view, clarifying that the concern regarding loss of light and overbearing impact relates to the garden of No. 1 The Burrells:

"The proposed increase in bulk and height of the existing two storey section of building and the connecting first floor addition will produce a bulk of first floor development directly to the south of the side boundary of the neighbouring dwelling and the rear garden. There would be loss of light and overbearing impact as a result especially to the garden and to the north no. 3 The Burrells is alongside the garden on the neighbouring property therefore a tunnelled impact will occur."

7.6 This is incorrect because the appeal property is not directly to the south of the side boundary of the garden of No. 1 The Burrells. A very small part of the appeal site (the small rear courtyard garden) borders the garden of No. 1 The Burrells. The two-storey element of the proposal will not be aligned with the garden at all; it will match the rear building line of No. 1 The Burrells. Most of the garden of No. 1 The Burrells is behind the single-storey element of No. 2 Coastguard Cottages (and this single-storey element is set back from the boundary line).

Figure 9 – Proposal in relation to garden of No. 1 The Burrells



7.7 Given this situation, it is highly unlikely that there will be any loss of light to the garden of No. 1 The Burrells, as a result of the appeal proposal. It is also highly unlikely that there will be any overbearing impact or 'tunnelling' effect, given that the garden is very wide and that all of the southern boundary of the garden will remain bordered by single-storey development, set back from the boundary line. The only part of the appeal property bordering the garden of No. 1 The Burrells will remain the small single-storey element, which is separated by the courtyard area to the rear of the appeal property.

7.8 The proposal will not have any adverse impact on neighbour amenity and therefore accords with Adur Local Plan Policy 15 and the NPPF.

Figure 10 – Position of appeal site in relation to garden of No. 1 The Burrells (appeal site shown by red dashed lines)



Reason for refusal 2 – Impact of fencing on character and appearance of streetscene

7.9 The reason reads as follows:

"Due to its height and siting the proposed close boarded fencing will be detrimental to the character and appearance of the street scene and surrounding area, resulting in an alien feature within the locality contrary to Policy 15 of the Adur Local Plan and National Planning Policy."

7.10 The officer's report elaborates as follows:

"The proposed fencing along the side boundary adjacent to The Burrells will be higher than the existing low-level wall and hedging, it will represent a solid boundary along the front and side of the property. It will be out of keeping with the character and appearance of the street scene which is mainly low walls and vegetation, this development would be harmful and cannot be supported in this case."

7.11 We disagree that the street scene comprises mainly low walls and vegetation. There are in fact many examples of high vegetation and fences on both Old Fort Road (see Figures 11-14 below) and The Burrells (see Figures 15-17).

7.12 The proposed fencing is appropriate to the streetscene and will not have any adverse impact on character or appearance, in accordance with Adur Local Plan Policy 15 and the NPPF.

Figure 11 – High trees/hedges at 116 Old Fort Road



Figure 12 – High trees/hedges at 141 Old Fort Road

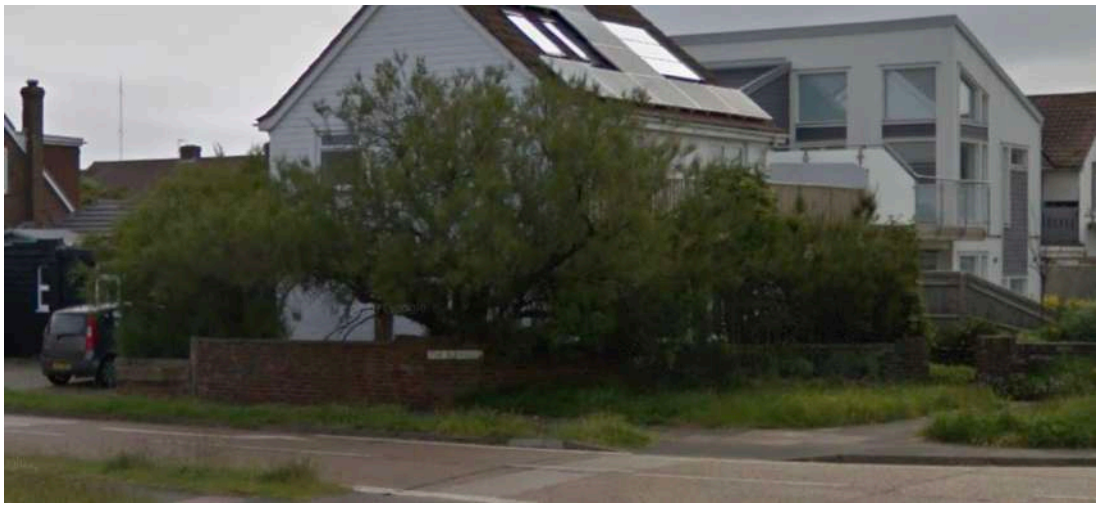


Figure 13 – Fencing at 96 Old Fort Road



Figure 14 – Fencing at 127 Old Fort Road



Figure 15 – Fencing and high hedges at 2 The Burrells



Figure 16 – Fencing at Beach House Day Nursery



Figure 17 – High hedges at 17 The Burrells



7.13 The submitted plans do not show the proposed boundary treatment in detail and the Council did not provide any opportunity for this to be discussed prior to the refusal of the application. Should the Inspector be of the view that soft landscaping should be included, the appellant would be willing to accept a planning condition to require full boundary treatment details to be submitted to and approved by the Council.

8.0 Summary and conclusion

8.1 This appeal is against the refusal of planning application AWDM/1243/22 at DM2022/00165 at 3 Coastguard Cottages, Old Fort Road, Shoreham-by-Sea for:

"Creation of front porch; first floor side extension with front balcony including roof extension with raised ridge height and new gable roof to front; re-build of single-storey rear extension."

8.2 The application was refused by Adur District Council on 17 October 2022 due to the impact of the two-storey extension on the garden of neighbouring No. 1 The Burrells (loss of light and overbearing) and the impact of the proposed fencing on the character and appearance of the streetscene.

8.3 In our view, the appeal should be allowed and planning permission granted, for the following reasons:

- Only a very small part of the appeal site (the small rear courtyard garden) borders the garden of No. 1 The Burrells. The two-storey element of the proposal will not be aligned with the garden at all and the existing single-storey element will be unchanged and will remain separated from the garden by the existing rear courtyard.
- Given this situation, it is highly unlikely that there will be any loss of light or overbearing impact on the garden.
- There are many examples of high vegetation and fences on both Old Fort Road and The Burrells, therefore the proposed fencing will be appropriate in the streetscene.

8.4 The proposal complies with national and local planning policy and comprises sustainable development. We respectfully request that the appeal be allowed.

APPENDIX 1 – PREVIOUS APPEAL DECISION

Appeal Decision

Site visit made on 3 March 2009

by Rob Huntley BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
31 March 2009

Appeal Ref: APP/Y3805/A/08/2090208
3 Coastguard Cottages, Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr N Lovegrove against the decision of Adur District Council.
- The application Ref ADC/0363/08, dated 12 July 2008, was refused by notice dated 9 September 2008.
- The development proposed is the construction of a first floor extension.

Decision

1. I allow the appeal, and grant planning permission for construction of a first floor extension at 3 Coastguard Cottages, Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5HR in accordance with the terms of the application, Ref ADC/0363/08, dated 12 July 2008, and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

   3) No development shall take place until details of the balcony forming part of the development hereby permitted (including materials to be used) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the property and the street scene in this part of Old Fort Road and The Burrells.

Reasons

3. The appeal property forms the eastern part of an 'L' shaped single storey wing connecting a pair of 2 storey houses fronting Old Fort Road (Nos 1 and 2 Coastguard Cottages) with a third 2 storey house fronting The Burrells (No 1 The Burrells). It occupies a prominent corner position at the junction of these two roads, facing across its open front garden area towards the beach, with an intervening open space encircled by one-way roads. The residential

development in the area, including in Old Fort Road and The Burrells, exhibits considerable variety in style, form, scale and use of materials.

4. The proposed extension would involve creating a first floor room above the corner element of the single storey wing connecting the 2 storey buildings to the west and north. The modest rectangular built form proposed would be beneath a simple hipped roof and would be flanked by retained single storey elements to the west and north. This would, to my mind, introduce a welcome increase in scale in this prominent location, providing a design feature which would appropriately emphasise and turn the corner between Old Fort Road and The Burrells. It would not, in my opinion, introduce a discordant or inappropriately dominant feature into the street scene.

5. I note that policy CH1 of the *West Sussex Structure Plan 2001-2016* (SP) seeks to maintain and enhance local character and distinctiveness, and SP policy DEV1 promotes high quality design, including through the use of distinctive buildings and landmarks. Policy AG1 of the *Adur District Local Plan 1996* (LP) directs development generally to built up areas (in which the appeal property lies) and LP policy AH7 sets out criteria against which domestic extensions are to be assessed, with items (a), (b) and (e) being of particular relevance in this case. I agree with the Council that the appeal proposal would not result in any unacceptable degree of overlooking or loss of natural light. The materials proposed would be sympathetic to the original dwelling and the area in general. I therefore consider that the proposed development would accord with items (a) and (b) of LP policy AH7.

6. Item (e) of LP policy AH7 seeks compliance with adopted standards and in this context the Council has drawn attention to its *Development Control Standard No3 – Extensions and Alterations to Dwellings* (DCS3), and in particular the Appendix to that document which deals with garden areas. The Appendix to DCS3 provides that the rear garden area to be provided for a 2 bedroomed terraced property should be 50 sqm, but the text at paragraph 2.4(b) implies that the intention is to ensure that domestic extensions do not result in an unacceptable reduction of available garden space, so as to retain space for the use of occupants and to avoid a cramped appearance. The appeal property has a small yard at the rear and a more extensive garden area at the front and side facing Old Fort Road and The Burrells, extending to about 145 sqm. These would not be diminished by the appeal proposal and the addition of a balcony as proposed would add a small area of external amenity space. I consider that, although open to view from public areas, the garden space at the front of the appeal property does provide an adequate area of outdoor amenity space useable by the occupants. I also consider that the proposed development would not result in a cramped appearance and that the objectives of DCS3, as applied by policy AH7, would be complied with.

7. I have found that the proposed development would not give rise to an adverse effect on the appeal property or the street scene in Old Fort Road or The Burrells and that local distinctiveness would be promoted. As a result I find no conflict with the relevant provisions of the development plan, or with DCS3.

Other Matters

8. The occupants of No 1 The Burrells have expressed the view that the proposed development would cause loss of light to that property and that the extension

proposed would create a precedent potentially leading to the roofline of other parts of the single storey building being raised. I was able to view the appeal property from the south facing first floor landing window of No 1 The Burrells. I noted that views towards the south are obstructed by the existing pitched roof of the appeal property, but I have no doubt that the proposed development would reduce the incidence of direct sunlight at this window, and at the adjoining bathroom window. However, neither of these windows serve habitable rooms and, like the Council, I consider that the reduction in sunlight would not be so significant as to be unacceptable.

9. I have indicated above that I consider that the form and scale of the first floor extension proposed is acceptable and that its location would appropriately emphasise the corner where The Burrells meets Old Ford Road. These factors would not necessarily apply to any future proposal to raise the roofline of other elements of the single storey building forming parts of Nos 2 and 3 Coastguard Cottages. Any future application would be decided on its own merits and, therefore, I do not consider that allowing this appeal would set any precedent for further development involving raising the roof level in this location.

10. The appellant has referred to the extensive variety of development styles in the vicinity and has drawn attention to particular recent developments nearby. I have indicated above that I agree that significant variety in design is a characteristic of the general area, but none of the examples referred to are directly comparable to the appeal proposal and they have therefore not influenced my decision.

Conditions

11. The Council has suggested 2 conditions which should be imposed, in addition to the standard "time limit" condition. I agree that a condition requiring the use of matching materials is necessary and reasonable to ensure the satisfactory appearance of the extension and I have imposed such a condition. I agree that a condition requiring the submission and approval of the details of the proposed balcony structure would also be appropriate and necessary because of the importance of this element to the quality of the design and its prominent location. I have therefore imposed a modified version of the condition suggested by the Council to secure this.

Conclusion

12. I have taken account of all other matters raised in the representations, and for the reasons I have set out above I have concluded that the appeal should be allowed.

Rob Huntley

INSPECTOR

APPENDIX 2 – POLICY EXTRACTS

Adur Local Plan (2017)

Policy 15: Quality of the Built Environment and Public Realm

Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should:

- **Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;**
- **Include a layout and design which take account of the potential users of the site;**
- **Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment;**
- **Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;**
- **Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;**

- **Have safe access to the highway network, and not result in harm to highway safety;**
- **Have acceptable parking arrangements (in terms of amount and layout);**
- **Take into account the need for waste reduction and recycling, both during the construction phase and over the lifetime of the development;**
- **Incorporate public art in major developments* where appropriate.**

Opportunities will be taken to improve the public realm through new development, transport schemes or regeneration schemes. These will aim to improve the quality, accessibility and legibility of public streets and spaces.

Best practice guidance published by the Government, the Council and other bodies will be used when assessing applications. Design codes, planning briefs and masterplans will be developed for key sites where appropriate.

When considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard.

Lighting incorporated into developments should provide the minimum for public safety, be energy efficient, designed to illuminate the target only and avoid light pollution.

Express consent will only be granted for advertisements which respect the character and appearance of the surrounding area, and do not create a danger or hazard to public safety. Where an illuminated advertisement is acceptable in principle, such advertisements should be either externally illuminated or have internally illuminated individual lettering with a solid or opaque background.

New shopfronts will be permitted where the design and materials respect the character of the area and of the building of which they form part. Planning permission to replace shopfronts of inappropriate design or materials, or in poor condition in Conservation Areas, will be granted providing the replacement is of appropriate design and materials, respecting the character of both the building and the Conservation Area.

(*Major development is defined in the Town & Country Planning (Development Management Procedure) (England) Order 2010 as 10 or more dwellinghouses, or sites of 0.5 hectares or more where it is not known if the development will have 10 or more dwellinghouses; the

provision of a building or buildings where the floorspace to be created is 1,000 sqm or more, or development on sites of 1 hectare or more).

National Planning Policy Framework (2021)

130. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users[49]; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

APPENDIX 3 – OFFICER'S REPORT

Development Management – Delegated Officer Report

Application Number: AWDM/1243/22 **Recommendation: REFUSE**

Site: 3 Coastguard Cottages, Old Fort Road, Shoreham-By-Sea

Proposal: Creation of front porch; first floor side extension with front balcony including roof extension with raised ridge height and new gable roof to front; re-build of single storey rear extension.

Date of Site Visit: 30th August 2022

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

The application site is an unusual style property, partly two storey partly single storey with off street parking to the front. Amenity space is limited to the rear and there is space to the front and side enclosed by a low level wall and vegetation. The site is a corner plot facing onto a roundabout along Old Fort Road and The Burrells runs to the side of the site.

Consent is sought to add a front porch to serve a new entrance. The existing two storey part of the building in the corner is to be increased in height with a new gable continuing to a first floor extension alongside to the west of existing. A single storey rear extension is to be rebuilt and the proposed plans showed the side garden area to be enclosed by 1.8 metre closeboard fencing.

Representations

1 Representation received from the owner/occupier of 1 The Burrells, Shoreham-By-Sea: -

- The extensions will lead to a loss of light and overshadowing.
- Loss of privacy.
- Close boarded fence up to front door, properties are separated by low level walls and plants. Out of keeping to the general area.
- Fence overbearing to front of property.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area.

Visual amenity

The property is clearly visible within the street scene being in a prominent position on a corner plot on the roundabout. The corner section of the building at two storey and with a front balcony is an attractive feature with single storey sections connecting the building to the neighbouring terrace properties.

The proposed development will expand the two storey section in width and increase the bulk and height of the existing building by introducing a gable to the existing hip and raising the ridge. The bulk of the building will be significantly increased. It is not considered that in principle this part of the development combined with the proposed front porch and rear extension rebuild would have any adverse impact upon the street scene. There is variation in building form as existing, use of materials also differ along the terrace.

The proposed fencing along the side boundary adjacent to The Burrells will be higher than the existing low level wall and hedging, it will represent a solid boundary along the front and side of the property. It will be out of keeping with the character and appearance of the street scene which is mainly low walls and vegetation, this development would be harmful and cannot be supported in this case.

Residential amenity

The application site is connected to the property to the rear No. 1 The Burrells. The proposed increase in bulk and height of the existing two storey section of building and the connecting first floor addition will produce a bulk of first floor development directly to the south of the side boundary of the neighbouring dwelling and the rear garden. There would be loss of light and overbearing impact as a result especially to the garden and to the north no. 3 The Burrells is alongside the garden on the neighbouring property therefore a tunnelled impact will occur. Due to this relationship it is considered that the development potential of this site is limited.

The single storey rear extension rebuild, porch extension and fencing will have no adverse impact upon residential amenity which would justify a refusal on this ground.

Recommendation

REFUSE

1. The proposed development due to its bulk, scale and height, will result in a loss of light and overbearing impact to the property to the north, No. 1 The Burrells. It would therefore be contrary to Policy 15 of the Adur Local Plan and National Planning Policy Framework.
2. Due to its height and siting the proposed close boarded fencing will be detrimental to the character and appearance of the street scene and surrounding area, resulting in an alien feature within the locality contrary to Policy 15 of the Adur Local Plan and National Planning Policy.

Is recommendation contrary to letter(s) of representation N

1. Refusal

Case Officer: Hannah Barker Date: 17th October 2022

Authorised by: Peter Barnett Date: 17 October 2022