The Planning Inspectorate

Appeal Decision

Site visit made on 2 May 2017

by Claire Victory BA (Hons) BPl MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/Y3805/W/16/3161475
27 New Road, Shoreham-by-Sea, West Sussex BN43 6RB

- 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 M Deller against the decision of Adur District Council.
- The application Ref AWDM/0943/16, dated 16 June 2016, was refused by notice dated 19 September 2016.
- The development proposed is a new 3/4 bedroom 2 storey dwelling.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M Deller against Adur District Council. This application is the subject of a separate Decision.

Main Issues

3. Whilst the Decision Notice set out a single reason for refusal I consider the two main issues in the appeal to be:

    - Whether the proposal would preserve or enhance the Shoreham-by-Sea Conservation Area; and
    - Whether the proposed dwelling would provide satisfactory living accommodation for future occupiers.

Reasons

Effect on Shoreham-by-Sea Conservation Area

4. The Shoreham-by-Sea Conservation Area encompasses the historic core of the town, centred around the church and the waterfront. New Road lies at the eastern end of the Conservation Area and comprises early Victorian and late Georgian villas and terraced properties. Although there have been some modern development and extensions in the locality there are no other dwellings within the rear gardens of these properties. The generally long rear gardens of properties on the northern side of New Road make a positive contribution to the conservation area, providing for a spacious and verdant appearance.

5. No 27 is a large Victorian villa attached to No 11 Tarmount Lane. The proposed dwelling would be located within the rearmost part of the rear garden, accessed by a passageway on the eastern side of the donor dwelling,

and an allocated parking space would be provided within the front forecourt of No 27. The rear gardens of adjacent properties lie to the east and west of the appeal site, and to the north is the access and loading bay of a supermarket, bounded by a brick wall.

6. The two storey dwelling would be contemporary in design, with a flat roof. Due to its height of over 8 metres and massing it would appear as a large and bulky feature that would be at odds with the otherwise open and verdant rear gardens of No 27 and adjacent properties. It would be viewed from within the rear garden environment and the nearby car park and the absence of other similar development in the locality means that it would appear as an alien structure incongruous with the spacious character of the area. Consequently it would harm the character and appearance of the conservation area.

7. I acknowledge that the nearby supermarket, which lies outside the conservation area is a large brick building and has a significant visual impact, and that there are other examples of unsympathetic development nearby. Nonetheless, the existence of such development in the vicinity would not justify the location of a large two storey dwelling within the rear garden of No 27 for the reasons set out above. Likewise, the use of render and the flat roof design which are intended to reflect that of No 27 would not ameliorate the harm that would be caused.

8. The Council has expressed concern that the development would set an undesirable precedent for further development within rear gardens. Whilst each proposal falls to be determined on its own merits, Nos 7 and 11 Tarmount Lane immediately to the west of the appeal site both have large rear gardens and existing or potential for separate access to the rear. As such it is possible that if the appeal were allowed there would be a reasonable prospect of similar development being repeated nearby. This would not be sufficient on its own to make the development unacceptable but it adds to the harm I have identified.

9. Given the size of the development compared with the conservation area as a whole I consider it would cause less than substantial harm. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework) I have therefore weighed any public benefits associated with the proposal against the harm that would be caused. The development would provide an additional family sized dwelling and would thus make a contribution, albeit modest to the District's housing supply. However, this would not be sufficient to outweigh the material harm that would be caused to the character and appearance of the conservation area.

10. The Council are unable to demonstrate a five year supply of deliverable housing sites. Thus in accordance with paragraph 49 of the Framework policies for the supply of housing should not be considered up to date. In such circumstances, paragraph 14 of the Framework sets a presumption in favour of sustainable development unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits or if there are specific policies which indicate that development should be restricted. In this instance I have given the harm to the conservation area considerable importance and weight and therefore the proposal does not represent sustainable development. I therefore conclude that the proposed development would fail to accord with national policy.

Living conditions

11. The Council referred to its Good Practice Guide – *Internal Space Standard for New Dwellings* in the officer report, which sets a minimum standard of 106 square metres (sqm) for a 4 bedroom dwelling. The government's *Technical Housing Standards – nationally described space standard*, published in March 2015 contains a range of minimum floorspace areas depending on the number of double bedrooms within the property. From 1 October 2015 Councils who wish to require an internal space standard should only do so by reference to the nationally described space standard in their local plan.

12. In assessing the adequacy of the total proposed floorspace, the parties dispute whether the bedrooms would accommodate a single or double bed. The floor plan submitted[1] shows four bedrooms with a double bed in each one. Only bedroom 1 would exceed the 11.5 sqm minimum set out in the technical standard, whilst bedrooms 3 and 4 would be smaller than the minimum by 0.3 sqm and 0.8 sqm respectively.

13. The appellant contends that the property would more likely be occupied by a family with a double room for the parents and the other rooms for children, and thus has referred to the technical standard for a 5 person 4 bedroom 2 storey house of 97 sqm gross internal floor area (GIA), but paragraph 6 of the Technical Standards is clear that the document does not imply actual occupancy and is used only for an assessment of compliance with the standards.

14. The minimum floorspace in the technical standard ranges from 97 sqm for 1 double bedroom to 124 sqm for 4 double bedrooms, and the dwelling would have a GIA of 102.7 sqm. This would equate to about a 15% shortfall against the standard for an 8 person 4 bedroom dwelling, and there would be a shortfall against all but the 5 person 4 bedroom 2 storey dwelling standard. Furthermore, the Council considers that the cooking, eating and living area falls short of the minimum required by its Good Practice Guide by some 10 sqm.

15. However, the appellant has stated that this document is not adopted Supplementary Planning Guidance, and I have no evidence before me as to its status or consultation undertaken on it. I also note that the Nationally Described Space Standard has not been adopted by the Council in its local plan, including the required evidence demonstrating need, viability and deliverability. On balance therefore, the shortfall in the size of the dwelling is not sufficient to warrant dismissal on this matter alone.

16. Turning to the proposed layout, the main living areas at ground floor level would be oriented to the south and there would be about 11 metres separation to the boundary with the donor dwelling. This would provide a satisfactory outlook and sufficient private amenity space for the proposed dwelling. However, the Council's officer report referred to concerns regarding noise from the adjacent delivery yard and refrigeration plant on the roof of the supermarket, and the Environmental Health officer requested that a noise assessment be carried out to ascertain the potential noise impact. There would be approximately 4.5 metres between the bedrooms at ground and first floor and the rear boundary of the site.

[1] Drawing ref. 03/1605649

17. There is no evidence before me that such an assessment was requested of the appellant prior to the determination of the application and noise impact was not explicitly referred to in the Decision Notice as a reason for refusal. Nonetheless, due to the concerns raised and the close proximity of the noise sources to bedrooms in the north elevation of the dwelling, I consider there is a need for a precautionary approach.

18. In the absence of a noise assessment I cannot conclude that the proposed dwelling would provide satisfactory living accommodation for future occupiers that would avoid significant adverse impacts on health and quality of life or that any impacts could be mitigated through the use of conditions. Nevertheless, as I am dismissing the appeal on the first main issue there is no need for me to pursue this matter further with the parties.

Conclusion

19. I have found that the proposed dwelling would harm the character and appearance of the Shoreham-by-Sea Conservation Area, and that this harm would not be outweighed by the proposed public benefits of the scheme. I have also found that insufficient information has been provided in relation to the potential noise impacts from the nearby supermarket on future occupiers of the dwelling.

20. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR