The Planning Inspectorate

Appeal Decision

Site visit made on 16 March 2020

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2020

Appeal Ref: W/4000407
22 Downside, Shoreham-By-Sea, BN43 6HG

- 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 P Crosby against the decision of Adur District Council.
- The application Ref AWDM/1188/19, dated 26 July 2019, was refused by notice dated 25 September 2019.
- The development proposed is described as 'Detached two bedroom bungalow'.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on:

   - The Character and Appearance of the surrounding area; and,
   - The living conditions of the occupiers of the host property and the proposed new dwelling.

Reasons

Character and Appearance

3. The appeal site comprises a plot which is formed by the sub-division of the rear garden of the host property, No 22 Downside (No 22), which is a detached bungalow located on a corner plot with Tottington Way. The appeal site comprises the upper terrace of the existing rear garden, abutting the border with No 2 Tottington Way (No 2), which is at a higher level than No 22. The site is enclosed by close board fencing and hedging on Tottington Way and hedgerows on borders with No 20 Downside. The surrounding area is characterised by bungalows, set back from the street frontage with spacious rear gardens.

4. The development proposed would construct a detached single storey bungalow on the appeal site, with new access arrangements to the appeal site from Tottington Way. Due to the topography, the roof ridge of the new dwelling would be lower than No 2 and slightly higher than the ridge of No 22 with a design and use of materials similar to those of other dwellings in the surrounding area.

5. The footprint of the new dwelling would cover a significant area of the appeal site and front and side elevations of the new dwelling would be close to the site's boundary with the highway and the shared boundary with No 2.

6. The side elevation of the new dwelling would be approximately 11 metres from the rear elevation of No 22, much closer than the minimum 14 metres distance recommended by the Council's Development Management standards[1] (DM) and would disrupt the existing balance of the corner plots of No 22 and No 28 Downside and Tottington Way, which have spacious undeveloped, rear gardens. This would result in the development proposed having a cramped appearance, indicative of the appeal site not being sufficiently large enough to accommodate the scale and layout of the new dwelling as proposed.

7. The front elevation of the new dwelling would be in alignment with the side extension of No 22, which is not shown on the plan[2] submitted, but closer to the highway than the front elevation of No 2 which is set back much further away from the highway frontage. Whilst the orientation of the new dwelling would not be at odds with the neighbouring properties which face Tottington Way, it would not follow the building line provided by No 2 and would as a result appear as an intrusive addition to the street scene.

8. Overall, the combination of the small plot size and the cramped appearance of the new dwelling on the appeal site, its close proximity to the site boundary with the highway and close physical relationship with the host property, would significantly disrupt the pattern of development in the surrounding area.

9. I conclude that the development proposed would have a detrimental effect on the character and appearance of the surrounding area which would be contrary to Policy 15 of the Adur Local Plan (2017) (LP) and the National Planning Policy Framework (2019) which when read together seek to ensure new development is to a high quality of design and which takes the opportunity to improve the character of the area.

Living Standards

10. Due to the subdivision of the rear garden of the host property, the new dwelling would have an outdoor living area of approximately 66 square metres, significantly below the minimum of 85 square metres in the Councils' DM standards referred to in footnote 1. The Council states that the host property would retain an outdoor living area of approximately 112 square metres, which is above the minimum requirement of 100 square metres. However, based on my site visit, the recently completed side extension to No 22 which is not shown on the drawing referred to in footnote 2, would have reduced this area significantly.

11. Both properties would have shallow rear gardens. The depth of the garden of the host property would be approximately 8 metres and the proposed dwelling would be less than 6 metres, both significantly below the requirement set out in the Council's DM standards of 11 metres, which is acknowledged by the appellant. As a result, the inadequate outdoor living area for the host property and the new dwelling, would have a detrimental effect on the living conditions of the occupiers of both properties.

[1] Adur District Council Development Management Standard No 1 Space Around New Dwellings and Flats
[2] Drawing submitted as evidence by the appellant entitled 'Block Plan'

12. I conclude that the harmful effect on the living conditions of the occupiers of the host property and the new dwelling would be contrary to Policy 15 of the LP and the standards set out in the DM, which when read together seek to ensure development does not have an unacceptable impact on open space amenity.

Other Matters

13. The appellant has referred to a development of six dwellings which has failed to provide the required depth for the rear gardens, but as only limited evidence has been submitted and as circumstances may have differed this has not altered my decision and each case must be determined on its own merits. Further, whilst the appellant states that the occupiers of the host property and the new dwelling would be aware of the size and shape of the gardens before purchase, this should not provide justification to permit development which would result in inadequate living conditions for occupiers, through poor design.

14. The Council has concerns that allowing the appeal would set a precedent for the development of similar development in the immediate vicinity. As the Council would need to judge each application on its own merits and as I have dismissed the appeal on the main issues, I am satisfied that a precedent would not be set in this case.

Conclusions

15. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR