The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2020

Appeal Ref: APP/Y3805/W/19/3243983
35 Stoney Lane, Shoreham-by-Sea, West Sussex BN43 6LA

- 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 Mrs Sabrina Murphy against the decision of Adur District Council.
- The application Ref AWDM/0854/19, dated 22 May 2019, was refused by notice dated 9 October 2019.
- The development proposed is vehicle access and hard surfacing.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal relates to a semi-detached house centrally located within a row of similar houses on the eastern side of the road. The footway directly in front of these houses is separated from the road by an embankment with the carriageway of Stoney Lane at a lower level. There is a mature hedge for much of the length of the embankment. This is punctuated by two breaks where there are steps and a grass slope either side of the steps. The hedge continues to the south of the junction of Stoney Lane with Clarendon Road. It forms a prominent and substantial feature in the local street scene.

4. The proposal would involve removal of much of the hedge in front of 35 Stoney Lane to enable the formation of a vehicle access across the embankment, some 3.5m wide at this point, leading to a parking area in the front garden.

5. Policy 30 of the Adur District Council Local Plan (2017) (ALP) states, "*Green infrastructure will be protected and enhanced and access to it improved where necessary and appropriate*". The supporting text to the policy makes it clear that the definition of green infrastructure in urban locations relates not just to large open areas like parks but includes road verges[1]. The removal of a section of the hedge for a length of about 7m to form the access and visibility splays to both sides would be contrary to Policy 30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

[1] Paragraph 4.87 of the ALP states that the definition of green infrastructure is taken from the Government's White Paper 'The Natural Choice: Securing the Value of Nature' (2011).

6. There are few vehicle accesses along the eastern side of Stoney Lane. An access to no.45 was approved by the Council in 1998, but this is adjacent to one of the short flight of steps alongside which are grass verges. There is no information before me to indicate that this access required removal of a section of the hedge. Planning permission has recently been granted on appeal for an access at no.21[2]. However, this involved construction over a relatively narrow section of grass verge and no hedge removal. The Inspector considered that proposal to be in keeping with the character of the area as there are similar accesses nearby across grass verges to the western side of Stoney Lane.

7. The current proposal would not form a break in a middle section of the hedge as hedge removal would be alongside the gap with steps in front of nos. 31 and 33. But it would disrupt the present rhythm of modest gaps between longer sections of hedges. It would not be like the access at no.45 which abuts a short flight of steps. The proposal would be contrary to Policy 15 of the ALP which requires development to respect and enhance the character of the site and the prevailing character of the area, including in relation to landscaping.

8. The proposal would result in the benefit of a single off street parking space that would be in sight from the dwelling and which the appellant claims would be safer due to the difficulties of vehicles passing parked cars in Stoney Lane. At my site visit I noticed the road's limited width, that vehicles parked only on its eastern side and that there are width restrictions assigning traffic priorities to the north and south of the appeal site. I have also noted representations in favour of the proposal, mostly in relation to road safety. The Council can review the adequacy of present traffic control measures. However, it is my judgement in relation to all material considerations that the benefits arising from the proposal would not outweigh the harm I have identified.

9. The appellant comments that the hedge forms an unattractive feature in that it has thorns, nettles alongside and attracts litter. I noticed thorns and some nettles at my visit, but these were not so close to the footway to be unduly hazardous. There was some litter, but overall the hedge forms a visually attractive feature in the street scene; it is also beneficial to biodiversity. A small tree to the southern side of the front garden would be retained, but this would not compensate for the loss of a significant proportion of the frontage hedge. The appellant has referred to several other vehicle accesses nearby; the majority of these relate to even numbered dwellings to the western side of Stoney Lane where there is a narrower grass verge and no hedge compared with the hedge topped embankment to the eastern side.

Conclusion

10. The proposal would have a detrimental effect on the character and appearance of the area and would be contrary to development plan policies. It would also make it difficult for the Council to resist similar proposals that would cumulatively erode the amenity value of the remaining hedge. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Rory MacLeod

INSPECTOR

[2] Appeal Ref: APP/Y3805/W/19/3243983. Council Ref: AWDM/1405/19.