27 NEW ROAD, SHOREHAM
PROPOSED 2-STOREY DWELLING

APPEAL STATEMENT AND APPENDICES

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1.0 The site and its surroundings

1.1 The appeal site encompasses No 27 New Road and its rear garden all of which are located within the Shoreham by Sea Conservation Area. The existing dwelling has a flat roof with a front parapet and rendered elevations and is linked to 11 Tarmount Lane to the west. The existing development in the immediate area is very mixed comprising terraced properties, modern flats, car parks and a large supermarket. The long rear garden is flanked by adjacent gardens to the east and west and to the north by the access to the supermarket's delivery area.

2.0 The appeal development

2.1 The proposal relates to the construction of a new 4 bedroom detached dwelling in the rear 24m of the garden of No.27 New Road. The building has been designed as a 2-storey dwelling with a flat roof and rendered exterior, both of which reflect the design of the existing house. The existing pathway alongside No.27 is to remain to serve the proposed dwelling and it is proposed to utilise one of the existing parking bays for the new development.

2.2 The planning application was submitted to the Council on 28th June 2016 and refused for one reason on 19th September 2016.

1 *The proposed dwelling, by reason of its design, form and location, would fragment and erode the verdant quality of this garden land and introduce a discordant form of development that would relate poorly to the urban grain and to the character of the area, setting an undesirable precedent for further development to the rear gardens which would not preserve or enhance the character or appearance of the conservation area within which it is sited. Furthermore, the size and layout of the proposed dwelling would result in a poor living environment for future occupiers. As such the proposed development would be contrary to saved policy AH2 of the Adur Local plan and the National Planning Policy Framework.*

3.0 The main issues

3.1 Having regard to the reason for refusal of planning permission it is considered that the main issues to be determined in this case are:

1. *The impact of the proposal on the character or appearance of the surrounding area.*

2. *Whether the proposed dwelling would provide a poor living environment for future occupiers.*

4.0 Planning Policy

4.1 The National Planning Policy Framework – March 2012. It is considered that the following national guidance documents are of relevance to this proposal and, as such, will need to be addressed in any decision.

4.2 This document sets out the overarching planning policies on the delivery of sustainable development through the planning system. It advises that development should contribute to sustainable economic development, should protect and enhance the natural environment together with the quality and character of existing communities, and should ensure high quality development through good and inclusive design, and the efficient use of resources. It goes on to state that development should support existing communities and contribute to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community. It places emphasis on creating sustainable forms of development and advises local authorities to encourage developers to reduce energy use and help to address the causes and potential impacts of climate change.

4.3 Saved Policy QD14 (Appendix 2) is a positive housing policy which sets out a number of criteria against which proposals for housing development on non allocated sites should be examined.

5.0 Statement of case

The impact of the proposal on the character or appearance of the surrounding area.

5.1 New Road lies on the eastern end of the Shoreham by Sea Conservation Area and outside the historic core which is centred around the church. The Council's Character Appraisal makes little reference to the area around the appeal site saved to say that it is a residential area having a number of unsympathetic extensions to the dwellings in New Road and surrounding streets

5.2 An examination of the area will reveal that not only are there unsympathetic extensions but also modern flatted developments, large car parking areas and a supermarket, which although outside the conservation area boundary clearly has a harmful impact on its character and appearance. This is indicated on the aerial photograph below.



5.3 While the proposed development has a modern approach to its design that does not make it automatically unacceptable as the Council are suggesting. Modern designs such as the proposal can add significantly to the diverse nature and quality of its surroundings. In this case, the Inspector will note that this part of the conservation area has been eroded by surrounding developments. The proposal, which follows the flat roof design and rendered appearance of No.27 New Road, would complement the host property and provide a high quality residential unit in an area devoid of any particular style or design. As such, the appellant would argue that it would enhance the appearance of the conservation area and thus comply with the policies cited by the Council.

Whether the proposed dwelling would provide a poor living environment for future occupiers.

5.4 The fact that the plans indicate a double bed in each of the 4 bedrooms does not automatically indicate that the proposal is for an 8 person dwelling as the Council has, without consultation, incorrectly assumed. On the contrary, it is more likely to be a 5 person dwelling with a double room for the parents and single rooms, capable of accommodating a larger bed, for the 2 or 3 children.

5.5 The Council has also relied for its decision on this issue on their Good Practise Guidance Note "Internal Space Standards for New Homes". This is not adopted policy but was approved as guidance on 26 January 2010. However, as the Inspector will be aware this has been superseded by the Government's nationally described space standards for new housing which was published in March 2015 (Appendix 1). Clearly, it is these standards which should be considered when coming to a decision on the living conditions of future occupiers.

5.6 Turning to Table 1 of these standards the overall space requirement for a 5 person, 2-storey, 4 bedroom house is 97m². Thus with a floor area of 102.7m² (Council's figure) the proposed dwelling is in full compliance. Furthermore, Section 10 of these standards refers to technical requirements, a double room requiring a minimum floor area of 11.5m². Again this requirement is fully met by 2 of the proposed bedrooms (Council's figures). In addition, the Inspector will note that all the other requirements in Section 10 (a-i) are complied with in this proposal.

5.7 The conclusion must therefore be reached on this issue that the Council has misdirected itself in applying an out of date set of local guidance when these have been superseded by the recently published Government space standards for new housing. Clearly, the proposed dwelling, which fully complies with the Government's standards would provide a good living environment for any future occupiers.

6.0 Conclusion

6.1 The conclusion is therefore reached that the proposal would not conflict with saved Policy AH2 or the advice contained in National Planning Policy Framework. It would enhance the appearance of that part of the conservation area which has been harmed by the modern flatted developments, the surrounding car parks and the adjacent superstore and would fully comply with the Government's space standards for new housing thus providing a good living environment for future occupiers.

7.0 Costs application

7.1 It is acknowledged that each party is generally responsible for its own appeal costs unless one party of the other has behaved unreasonably. Furthermore, it is a fact that each reason for refusal or part of a reason for refusal should be capable of being supported by justifiable evidence.

7.2 In this case it is accepted that the Council has put forward an argument, although not agreed by the appellant, in respect of the impact of the proposal on the character or appearance of the conservation area. However, in respect of the second part of the reason for refusal the Council has reached its decision based on outdated guidance and has not fully considered the up to date Government space standards for new housing. Had this been the case, then this part of the reason for refusal would not have been included and the time and costs expended in defending it would have been unnecessary.

7.3 The Inspector is therefore respectfully requested to grant a partial award of costs relating to this second part of the reason for refusal relating to the living conditions of future occupiers.

Appendix 1 Technical housing standards – nationally described space standards



Department for
Communities and
Local Government

Technical housing standards – nationally described space standard

March 2015
Department for Communities and Local Government

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Technical housing standards – nationally described space standard

Introduction

1. This standard deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
2. The requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use.

Using the space standard

3. The standard Gross Internal Areas set out in Table 1 are organised by storey height to take account of the extra circulation space needed for stairs to upper floors, and deal separately with one storey dwellings (typically flats) and two and three storey dwellings (typically houses).
4. Individual dwelling types are expressed with reference to the number of bedrooms (denoted as ‘b’) and the number of bedspaces (or people) that can be accommodated within these bedrooms (denoted as ‘p’). A three bedroom (3b) home with one double bedroom (providing two bed spaces) and two single bedrooms (each providing one bed space) is therefore described as 3b4p.
5. This allows for different combinations of single and double/twin bedrooms to be reflected in the minimum Gross Internal Area. The breakdown of the minimum Gross Internal Area therefore allows not only for the different combinations of bedroom size, but also for varying amounts of additional living, dining, kitchen and storage space; all of which are related to the potential occupancy.
6. Relating internal space to the number of bedspaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local Plan). It does not imply actual occupancy, or define the minimum for any room in a dwelling to be used for a specific purpose other than in complying with this standard.
7. Minimum floor areas and room widths for bedrooms and minimum floor areas for storage are also an integral part of the space standard. They cannot be used in isolation from other parts of the design standard or removed from it.

8. The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls[1] that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The Gross Internal Area should be measured and denoted in square metres (m^2).
9. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Technical requirements

10. The standard requires that:
    a. the dwelling provides at least the gross internal floor area and built-in storage area set out in Table 1 below
    b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom
    c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m^2 and is at least 2.15m wide
    d. in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m^2
    e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
    f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m^2 within the Gross Internal Area)
    g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
    h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m^2 in a double bedroom and 0.36m^2 in a single bedroom counts towards the built-in storage requirement
    i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area

[1] The internal face of a perimeter wall is the finished surface of the wall. For a detached house, the perimeter walls are the external walls that enclose the dwelling, and for other houses or apartments they are the external walls and party walls.

Table 1 - Minimum gross internal floor areas and storage (m^2)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

*** Notes (added 19 May 2016):**

1. Built-in storage areas are included within the overall GIAs and include an allowance of $0.5m^2$ for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.

2. GIAs for one storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with 5 or more bedspaces. GIAs for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). Additional sanitary facilities may be included without increasing the GIA provided that all aspects of the space standard have been met.

3. Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from $39m^2$ to $37m^2$, as shown bracketed.

4. Furnished layouts are not required to demonstrate compliance.

Appendix 2 Saved policy AH2

POLICY AH2

New residential development by way of infilling or redevelopment will be acceptable in the built-up area, providing the site is not allocated for any other purpose in this Local Plan. Any proposal will be expected to be designed so that:-

(a) its appearance, character and scale create a pleasant place in which to live and is in keeping with and enhances the existing local environment with particular attention being paid to the architectural form, height, materials, density and layout of both buildings and associated structures and hard surfaced areas;

(b) it respects the existing natural features of the site, including land form and trees;

(c) it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;

(d) it incorporates adequate standards of residential amenity for the new dwelling(s) in terms of open amenity space, daylight/sunlight, outlook, and privacy;

(e) access arrangements to the public highway and on-site parking arrangements are acceptable under Policy AT12, and

(f) it accords with the standards adopted by the District Planning Authority.

LOCATION OF NEW HOUSING

9.13 Policy AH1(c) refers to new sites to be developed for housing to provide an estimated 360 new dwellings. These sites, all of which are within the built-up area, are identified in the following development proposals:-

DEVELOPMENT PROPOSALS

The District Planning Authority will grant planning permission for the residential development of the following sites, subject to compliance with all other relevant policies and design standards in this Local Plan:-

		HA	APPROX. UNITS
DP.AH1	RAILWAY SIDINGS ALLOTMENTS, FISHERSGATE	1.25	40
DP.AH2	PART OF FORMER KINGS MANOR LOWER SCHOOL SITE, MIDDLE ROAD, SHOREHAM-BY-SEA	2.67	100