The Planning Inspectorate

Appeal Decision

Site visit made on 25 July 2014

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 30 July 2014

Appeal Ref: APP/Y3805/A/14/2213216
95 South Street, Lancing, West Sussex BN15 8AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs C A Sen against the decision of Adur District Council.
- The application Ref AWDM/0699/13, dated 5 June 2013, was refused by notice dated 9 August 2013.
- The development proposed is front extension and creation of additional floor within new mansard roof to facilitate once ground floor retail unit, 3No two bed flats and 2No one bed flats with 3 parking spaces.

Decision

1. I dismiss the appeal.

Main Issues

2. These are;

    - The effect of the proposals on the character and appearance of the South Street area of Lancing.
    - The effect of the proposals on the living conditions of existing neighbouring residential occupiers with particular regard to light and outlook.
    - The effect of the proposals on the living conditions of prospective residential occupiers with particular regard to outlook, privacy and amenity space.
    - The effect of the proposals on the viability and vitality of the shopping area.
    - The effect of the proposals on the provision of infrastructure.

Reasons

Character and Appearance

3. This main issue refers to the Council's reasons for refusal 1, 2 and part of 3. Saved Local Plan Policy AH2 provides for residential infilling in built-up areas provided the effect of its appearance, character and scale are in keeping with and enhance the existing local environment. The application is in outline with all matters reserved but the Council point to illustrative material and to parameters in the Access and Design Statement in making their appraisal and the Council's interpretation of the broad proposals are not challenged by the appellant, only the judgement reached as to the effects.

4. The building as seen is unprepossessing, and is an intrusive element on the street scene due to its incongruent design and size. To the rear there has been erected a poor quality open-sided roof to the balcony, but at the time of the site inspection this was partly enclosed by woven material. In addition, whilst the three properties to the north step forward from each other as the road bends, the appeal property is set back behind a forecourt and this, together with the size and design provide considerable scope for the type of enhancement sought under Policy AH2.

5. However, there are aspects of the proposed design that would not take the opportunity presented for such enhancement; rather, the building as now proposed would cause visual harm. Whilst the proposed stepping forward to line with the front of the neighbouring building is not only acceptable but desirable, having a beneficial effect on the street scene, the use of a steeply-pitched mansard would introduce a discordant roof form with a vertical face visible over the neighbouring front pitch that would cause visual harm in views from the north. The mansard arrangement would also not accord with the prevailing arrangement nearby, and those examples of higher pitched roofs, such as South View Lodge to the north-west and another to the south are not sufficiently near as to assist.

6. The turning of the corner with the mansard arrangement would also bring this feature into the street scene of Roberts Road where the southern elevation and the eastern end would be seen in proximity to the more domestic scale and roof arrangement of the properties along the north side of that road. The effect would be uncharacteristic and harmful. Therefore, whilst the redevelopment would make better use of land in the built-up area, would make good some unattractive aspects of the present building on the site, and would re-provide an element of shopping use, in line with the general thrust of Policy AS1, the size and bulk of the building proposed would cause unacceptable harm and be contrary to the aims of Policy AH2 with regard to the visual effect.

Living Conditions of Existing Neighbours

7. The flank wall would extend alongside the boundary with the neighbouring building to the north as at present and be as near to a rear facing window as at present. That room appears to be in domestic use, as at the time of the site inspection some washing was airing there, and the Council refer also to this being a domestic use. However, the flank wall would be to the south of the window and would extend higher than is presently the case, that height being in the form of the return face of the mansard roof, and hence would have an effect not sufficient dissimilar to a further storey of wall rather than roof. Whilst there is open space immediately behind and to the north, the effect would be likely to be detrimental to the living conditions of the occupier of the neighbouring premises contrary to Policy AH9 which relates to the conversion of dwelling houses and the living conditions of neighbouring occupiers, and Policy AH2, section c) which requires development not to have an un-neighbourly effect on existing dwellings by reason of an unacceptable loss of, among other things, daylight, sunlight or outlook.

Living Conditions of Prospective Occupiers

8. The Council refer to Policy AH5 and its presumption in favour of small households for single persons, small families and elderly people, and to Policy AH2 where at section d) is stated the need to incorporate adequate standards

of residential amenity for the new dwellings in terms of open space, daylight and sunlight, outlook, and privacy. Policy AH9 on the conversion of dwelling houses seeks to safeguard the living conditions of prospective occupiers. The present arrangement does have a balcony, although its appearance is detrimental to the street scene, but the new dwellings have no such provision. Whilst this may be acceptable for the one bedroom flats, in view of the likely nature of the use and the proximity of the seafront and other open spaces, there are also two-bedroom flats where ready access to open space, perhaps just communal sitting and clothes airing space, should reasonably be expected.

9. The ground floor flat is the one that displays the seriously unacceptable arrangement though, being enclosed on two sides by the blank walls of the rear of the new shop and the adjoining building to the north, with a third wall looking out only onto the parking area, with the front door giving out onto that area and into the living room. The fourth wall is directly on the rear of the footway. The Bedroom 1 shown would be hemmed in by the flank wall behind the cars, by the nearest car itself and by the cycle store whilst the kitchen of this flat looks out onto what is described as an 'open yard' which if featured in the detailed design for reserved matters would gain its light from two storeys above at only the narrow width shown, allowing little light and no real outlook. This arrangement of living rooms so close to public or communal spaces would risk a lack of privacy for the occupiers also.

10. In conclusion on this issue, the lack of open space associated with the two bedroom flats is a failing, but the layout and outlook of the ground floor two bedroom flat would be unacceptable and contrary to the expectations of Policies AH2 and AH9. Although this is an outline application, the detail that has been provided as to the amount of accommodation and other parameters leads to the view that there would be insufficient scope to design-out these failings within the limited space available as a result of the amount of accommodation sought.

Vitality and Viability of Shopping Area

11. Policy AS1 concerns development for shopping in particular areas, which from the Committee Report includes the area in which the site is located. The policy seeks to resist the loss of existing shopping space if the proposal is likely to detract from the character and vitality of the shopping area. That area is stated to be as far south as the coast road, A259, although it is clear that the provision becomes more sporadic and dominated more by the timber trade by the time the appeal site is reached and to the south.

12. There would be a loss of retail floor-space, but this could well be overcome by its improved visibility and making more of an obvious contribution to the retail street scene than is presently the case, through moving the shop-front forward. However, the present shops have direct access through a lobby to the rear yard, and the loss of this feature and the reliance on a shared lobby with the flats to provide delivery access other than through the front of the shop would be a retrograde step. It is true that some shops operate that way, due to their having been conversions from residential uses, as appears to have been the case with those to the immediate north, but in a new development this would appear to be a further indication of an over-dense provision of accommodation for the site. It may be possible to improve this feature in the

detailed design, but the view remains that the proposal attempts to fit more accommodation on the site than is reasonably possible.

13. There is likely to be a market for various sizes of retail use, and the loss of some floor area in this location may not cause harm, notwithstanding the requirements of Policy AS1, but the provision falls short of being reasonable in terms of its servicing so as to call into question the likelihood of this being a viable addition to the vitality of the shopping area.

Provision of Infrastructure

14. There does not appear to be any dispute that a contribution to highway needs, as set out with reference to Policy AG34, is required, and the appellant has presented a completed Undertaking and paid the sum sought for the Council's costs. At the time of the site inspection the Council has not accepted the Undertaking, having cited a number of concerns over wording and provision. The appellant has responded with reasons why the Undertaking complies with the requirements. Were all else acceptable, these differences could be reconciled; there may even be scope for a condition provided it did not seek payment, but only a scheme, albeit that it may result in the Undertaking, so that this Decision was not unduly delayed. As it is, there are failings in the proposal that result in permission being withheld, and therefore no further comment is required on the terms of the Undertaking.

Conclusions

15. Whilst the upper floor one-bed flats could be considered acceptable in this location, the lack of outdoor space for the two bedroom flats is not acceptable and the ground floor flat is seriously lacking in outlook and privacy. There is also an unacceptable a risk of the outlook from the neighbouring first floor window being adversely affected and the serving arrangement for the retail unit would be worse than at present and not of the standard that ought to be expected. The proposed bulk of the building is likely to result in an incongruous use of a mansard or similar high pitched roof to accommodate the intended residential second floor space, and that would cause visual harm in views along both adjoining roads. The cumulative effect of these failings is and indication that the proposal is for too much accommodation for the site and that the detail design required for the approval of reserved matters is unlikely to properly address all of these concerns. These failings outweigh the public benefits of the work and the provision of more housing in a sustainable location that it proposals. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR