ECE Planning

Statement of Case.

Appeal Against – Refusal of Planning Permission (AWDM/0707/14).

17 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5RL.

October 2014.

Project Name:	17 Old Fort Road (Original Application)
Location	17 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5RL
Client:	Pursuit Properties Ltd
File Reference:	5910

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1. Introduction

1.1. This 'Statement of Case' has been produced on behalf of Pursuit Properties Ltd in support of an Appeal against the refusal by Adur District Council of Full Planning Permission for *'Demolition of existing bungalow and construction of a single two storey 4 bedroom dwelling, associated access, parking and landscaping'* at 17 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5RL **(AWDM/0707/14)**.

1.2. This application was refused by Adur District Council's Planning Committee on Monday 4 August 2014, despite the Council's Planning Officer's providing a recommendation for the approval of the Full Planning Application. Those reasons given by Arun District Council for the refusal of planning permission are as follow:

> ***'The proposal is unacceptable in that it does not relate sympathetically in design, form, scale and massing with the existing character of the locality and, cumulatively, developments of this form and scale are eroding the original character of the area to the detriment of the visual amenities and residential environment of the area. It therefore conflicts with saved policies AG1 and AH2 of the Adur District Local Plan and the policies of the National Planning Policy Framework.'***

1.3. The proposed development, in support of which this Appeal has been lodged, represents revisions to an earlier scheme, that sought the *'Demolition of existing bungalow and construction of 2no. semi-detached, 3 storey flat roofed dwelling with front roof terraces and first floor balconies'* **(AWDM/0284/13)**. This previous scheme was refused by Adur District Council, and later dismissed at appeal **(APP/Y3805/A/13/2202322)**.

2. The Site

2.1. The Appeal site at 17 Old Fort Road, Shoreham-by-Sea is located within the area known locally as Shoreham Beach and is situated on the northern side of Old Fort Road. The application site is currently occupied by a non-descript detached bungalow of limited architectural quality dating from the 20th century and, is set back from Old Fort Road within an extensive plot.



Figure 1 - Site Context

2.2. Separated from the rest of the town by Shoreham Harbour, Shoreham Beach is a largely residential community that comprises part of the larger town of Shoreham-by-Sea. The English Channel lays to the south; whilst to the north is the River Adur and Shoreham Harbour. Shoreham Beach is connected to the remainder of the town via a single road and separate footbridge. However, in many ways, Shoreham Beach is segregated from Shoreham-by-Sea physically, but also socially and economically. Consequently the area has developed self-sufficiently, with its own commercial premises on Ferry Road, including 2 no. convenience stores (including a sub-Post Office), a bakery, 3 no. takeaway food premises, a hairdressers, an accountants and a seafood restaurant. Close-by is also a Public House, and social clubs at Emerald Quay and the Harbour Club.



Figure 2 - Site Location

2.3. Shoreham Beach is predominantly residential is character and typified by detached residential dwellings of varying architectural style. Reflecting the organic historic development pattern of the area, those existing residential properties along Old Fort Road are of varying architectural style, character, design and mass, and consequently, a local vernacular is indistinguishable. Despite the predominant character of detached dwellings, a more recent flatted residential development is situated to the north of Shoreham Beach, abutting Shoreham Harbour.

2.4. The existing residential property at 17 Old Fort Road is a non-descript detached bungalow that extends deep into its plot, reflective of the historic development of Shoreham Beach and those early properties along Old Fort Road. Whilst the property at 17 Old Fort Road remains, the majority of those existing residential dwellings within the locality has either been extensively expanded and altered or, indeed have been replaced with modern properties. Therefore, while 17 Old Fort Road echoes those original properties along Old Fort Road and wider Shoreham Beach, it is considered that the property no longer reflects the predominant character of the local area.

2.5. Indeed, due to the pattern of development experienced within Shoreham Beach over recent years, which is reflected by the prevalence of modern replacement dwellings, it is strongly contended that the character of the area is now typified by large detached dwellings many of which are two storeys and constructed in the modern idiom.

2.6. Rectangular in shape and measuring 425sq.m in area, the site is bound to the south by Old Fort Road and the existing residential properties at 15 and 19 Old Fort Road to the west and east respectively, the Appeal site at 17 Old Fort Road is relatively large. Those two neighbouring properties to the east and west are two storey's in height, and flat roofed in construction, demonstrating a contemporary architectural style.

2.7. The northern boundary of the application site is shared with the dwelling at 13 The Meadway. The application sites existing boundary treatments comprise low block/brick walling and timber fencing (Figure 3).



Figure 3 - Existing Property at 17 Old Fort Road

2.8. The existing property that occupies the Appeal site has predominantly white rendered walls with white painted timber clad panels. The roof is of a fairly unique but symmetrical design, with a front projecting porch. The property has a crossover access onto the north side of Old Fort Road leading to an informal hard standing area that comprises the entire frontage of the plot. The site has a small rear garden area, accessed via narrow passageways to either side of the property.

2.9. In addition to the main dwellinghouse, a small single garage is located in the north-east corner of the plot, to the rear of the dwelling.

2.10. 19 Old Fort Road, a detached 2-storey flat roofed house is located immediately to the east of the Appeal site, while 15a & 15b Old Fort Road which are a pair of flat roofed 2-storey semi-detached properties, are located to the west of the site; while those properties to the north of the application site which, are situated along The Meadway are typically bungalows. Consequently, the surrounding street scene, although entirely residential, is varied in its character, typical of the wider 'Shoreham Beach' neighbourhood.

2.11. Similar to the remainder of Shoreham Beach, Old Fort Road has experienced steady and sustained redevelopment from the post war period to the present day, therefore the area is not classified as being a Conservation Area or of any other special character designation. The variety in architectural styles range from original converted railway carriages and timber framed bungalows, larger 1950's/60's houses of limited character, art deco and modernist properties.

2.12. Access to Shoreham Beach and the Appeal site at 17 Old Fort Road is achieved via either the single road that leads from the A259 to the west or, via the Adur Ferry Bridge which provides pedestrian and cycle access alone. The Adur Ferry Bridge ensures that the Appeal site is afforded good pedestrian and cycle access to Shoreham Town Centre and Shoreham Railway Station which are located approximately 600 metres and 1km north of the Appeal site respectively. It is therefore considered that the Appeal site benefits from excellent connections to those key local services offered within Shoreham-by-Sea, as well as the extensive rail connections afforded by Shoreham Railway Station. Furthermore, the Appeal site is also served by regular bus services to provide a link to the Shoreham, Worthing, Brighton and beyond, as well as connecting services to Steyning, Horsham and Mid Sussex. Overall it is considered that the Appeal site represents a highly sustainable development site.

3. Planning History

3.1. The Appeal site has been subject to an earlier Planning Application's for the residential redevelopment of the application site. The following represents an assessment of these recent applications, as well as the subsequent appeal decisions.

3.2. **Demolition of existing bungalow and construction of 2no. semi-detached, 3 storey flat-roofed dwellings with front roof terraces and first floor balconies. 17 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5RL. AWDM/0284/13.**

3.3. This first application for the residential redevelopment of the site sought the demolition of the existing bungalow with its replacement by two semi-detached properties. The application was refused by Adur District Council on the basis of the perceived visual dominance from adjacent dwelling and the outlook from the properties to the north of the application site. **Refused**.

3.4. **Appeal Reference APP/Y3805/A/13/2202322: Demolition of existing bungalow and construction of 2no. semi-detached, 3 storey flat-roofed dwellings with front roof terraces and first floor balconies. 17 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5RL.**

3.5. This Appeal was brought by the applicant against Adur District Council's decisions to refuse planning permission for the demolition of the existing bungalow and construction of 2no. semi-detached properties within a 3 storey flat-roofed dwelling.

3.6. This Appeal was dismissed, with the Planning Inspector siding with the Council's view of the perceived visual dominance from adjacent dwellings and the outlook from properties to the north of the Appeal site. Furthermore, the Inspector considered the living conditions of existing and future residents to be compromised by this scheme.

3.7. Although the Appeal was dismissed, the Inspector acknowledged that the Appeal site *'is located within an established residential area where new housing and redevelopments can be permitted'*. It is therefore concluded that the principle of the residential redevelopment of the site is considered appropriate.

3.8. The proposed development, for which this Appeal has been lodged, represents an amended scheme that considers and addresses each of the Inspectors concerns. Full details of which will be discussed in detail later in this report.

4. The Proposal

4.1. Introduction

4.1.1. The proposed development, in relation to which this Appeal has been lodged, seeks Full Planning Permission for the *'Demolition of existing bungalow and construction of a single two storey 4 bedroom dwelling, associated access, parking and landscaping'* at 17 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5RL **(AWDM/0707/14)**.

4.1.2. The proposals represent amendments to the previously submitted application which sought the demolition of the existing bungalow and replacement with two semi-detached three storey properties. It is considered that the proposed amendments address those concerns raised by Adur District Council, as well as the Planning Inspector in relation to the previously refused application **(AWDM/0284/13)**.

4.1.3. The Appeal scheme, as described above, seeks the erection of a single replacement dwelling of the highest quality, replacing the existing poor quality property. The following represents a breakdown of the internal and external accommodation as proposed.

Development Schedule	
Internal Accommodation	
Ground Floor Area (GIA)	86.9sq.m
First Floor Area (GIA)	59.1sq.m
Total Floor Area (GIA)	146.0sq.m
Outdoor Amenity Space	
Rear Amenity Space	101.0sq.m
Parking Provision	
Allocated Parking	No. 3 off-road parking spaces (including integral garage)
Cycle Parking	No. 2 secure cycle spaces

Figure 4 - Development Schedule

4.1.4. Full consideration has been given, in the architectural approach that has been adopted within the proposals, to those existing neighbouring residential properties and the overall character of the local area. In this regard consideration has been given to the scale, mass, appearance and layout of the proposal to ensure that there is no adverse impact on the residential amenity of neighbouring properties or, the overall character of the locality. Consideration has also been given to those access arrangements for the replacement dwelling.

4.2. Layout

4.2.1. The architectural approach that has been adopted has given full consideration to those neighbouring properties along Old Fort Road and The Meadway, as well as the overall character of Shoreham Beach. Such consideration includes the layout of the proposed development in terms of the location of the replacement dwelling, and therefore the separation between the proposed property and the existing neighbouring properties.

4.2.2. As demonstrated below (Figure 5), the proposed replacement dwelling has been positioned within the northern and southern extents of the existing property, and therefore the separation between proposed dwelling and neighbouring property (13 The Meadway) at first floor has been extended from 14.4m (as existing) to 22 metres (as proposed).

4.2.3. With regards to the southern extent of the proposed dwelling, it is strongly contended that the proposals have given consideration to the existing building line to the north of Old Fort Road. Consideration has therefore been given to the building line adopted by those neighbouring properties immediately to the east and west (15 and 19 Old Fort Road respectively). The proposal is therefore considered to reflect the character of the local area in this regard.

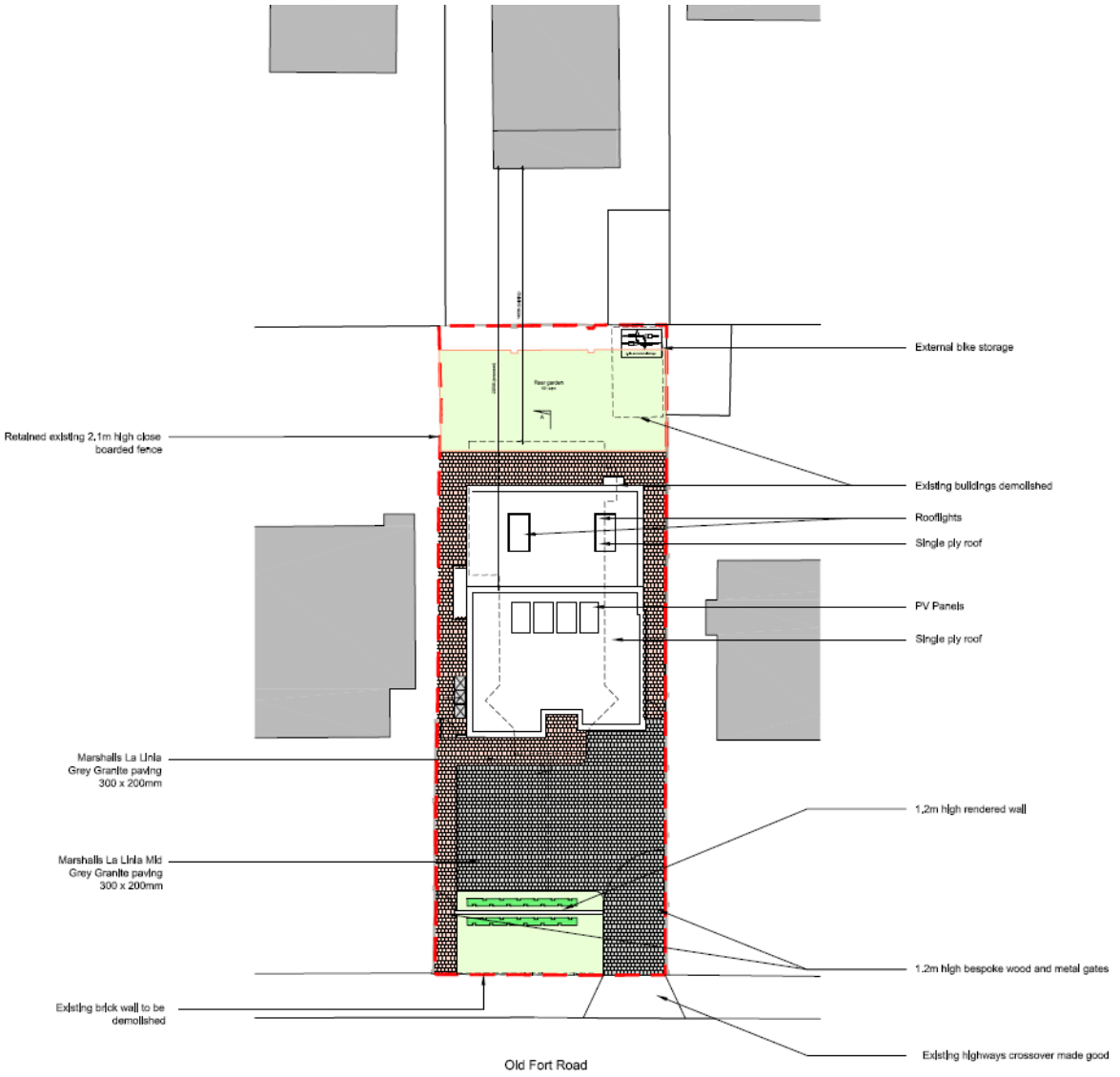

Figure 5 - Proposed Site Plan

4.2.4. Reflecting both the existing property, and indeed the overall character of the local area, the position of the vehicle parking area to the front of the proposed dwelling has been retained, with both pedestrian and vehicular access achieved from Old Fort Road.

4.2.5. Internally, the proposed dwelling will be arranged with the ground floor accommodation comprising of private garage, living room to the front, with study and kitchen/dining/family room to the rear. The first floor level will accommodate four bedrooms (one with en-suite), as well as a family bathroom.

4.3. Scale

4.3.1. As with the layout, the scale of the proposed dwelling has been fully informed by the character of those neighbouring properties and the wider locality. Consequently, whilst the existing property represents a bungalow, it is strongly contended that the proposed two-storey 4 bedroom family dwelling, is of a scale that reflects the character of the local area and those neighbouring properties.

4.3.2. It is considered that, through the architectural approach that has been adopted, the replacement building retains ample distances between the dwelling and all the site boundaries. Furthermore, the form proposed is commensurate with adjacent buildings, and a large number of others along Old Fort Road.

4.3.3. The building will be flat roofed, and in terms of its scale and massing will be very similar to its immediate neighbours at 15a and 15b Old Fort Road to the west, and 19 Old Fort Road to the east (Figure 3).

4.4. Landscaping

4.4.1. It is noted that there is no notable landscape features at this site. The proposal includes the creation of a larger area of private rear garden. It is intended to lawn this area. The parking area to the front shall be paved. The applicant would be happy for a condition to be imposed regarding landscaping of the site.

4.5. Appearance

4.5.1. The development has been designed in a contemporary, 'modernist' style, which will create a visually striking and interesting facade. Although fairly unique in its approach; the design and form proposed does take inspiration from other recent developments along Old Fort Road, including those at 15A & 15B and 19 Old Fort Road immediately adjacent. Consequently, the proposal will add to, and compliment, the established varied character of the street scene.

4.5.2. It should be noted at this stage that the Council's recent decisions to grant planning permission for neighbouring residential properties of a similar architectural style to that proposed, would suggest that the Council has not applied planning policy and guidance consistently in the determination of the Appeal scheme.

4.5.3. The windows comprise double glazed aluminium units, which will be large to allow maximum light into the building. These windows have been carefully positioned to avoid over-looking of the neighbouring properties. All glazing on the east and west elevations will be obscured to assist with this, as will the first floor window to the bathroom.

4.5.4. The materials palette has been carefully considered to both integrate and respond to the context without overly complicating the appearance. The main portion of the building will have Siberian Larch timber boarding to the front elevation, with white painted render to the element above the garage and metal garage and entrance door. The side and rear elevations have been simplified to include both brick and render.

4.5.5. The site boundaries will form timber fencing and rendered walls, with the existing stone walls retained also.

4.5.6. It is therefore considered that the proposed dwelling would result in an appearance that would reflect the varied character of the surrounding area.

4.5.7. The palette of materials chosen will be in keeping with the 'coastal' style of architecture in this area.



Figure 6 - Proposed Perspective from Old Fort Road

4.6. Access

4.6.1. The proposal would involve a new crossover in the same position as the existing access onto Old Fort Road. The proposal would provide off-road parking for 3 no. vehicles (1 within the garage). It is noted that the majority of properties along Old Fort Road have similar access and parking arrangements to that proposed. Please note that the access will be provided on an inclusive basis for all groups of residents and visitors.

5. Policy Overview

5.1. Introduction

5.1.1. A key role of the planning system is to regulate the development and use of land in the public interest. At the heart of the planning framework are Statutory Development Plans, which seek to guide the decision making process. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires, that where the Development Plan contains relevant policies, and application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

5.1.2. In this case, the Development Plan comprises those saved policies of the Adur Local Plan 1996, the emerging Adur Local Plan. The National Planning Policy Framework (NPPF) and Supplementary Planning Guidance are material consideration.

5.1.3. A Neighbourhood Plan has yet to be adopted that encompasses the Appeal site.

5.1.4. This section considers how the proposed development complied with both National and Local Planning Policy.

5.2. National Planning Policy Framework (NPPF)

5.2.1. The National Planning Policy Framework 'The Framework' is a material consideration in the determination of planning applications and Appeals. The relevant parts of The Framework for the determination of this Planning Application related to the delivery of a wide choice of high quality homes and requiring good design.

5.2.2. The proposed redevelopment of the existing site 17 Old Fort Road, Shoreham to provide a single residential family dwelling is considered to represent a highly sustainable development that will contribute to the delivery of a high quality residential dwelling in a highly sustainable location.

5.2.3. Firstly, The Framework places a presumption in favour of sustainable development that is the basis of every plan, and every decision. The proposal for the residential redevelopment of the existing site at Old Fort Road is considered to represent sustainable development that will provide a high quality single residential dwelling without harm to the character of the locality or amenity of neighbouring properties. Therefore a presumption in favour of the proposed sustainable development should exist under the provisions of paragraphs 14 and 49 of The Framework.

5.2.4. In determination of applications for residential development, the Local Planning Authority, in this case Adur District Council must assess as to whether the proposed development will result in adverse impacts that would *'significantly and demonstrably outweigh the benefits'* of permitting development. In this regard, the development is not considered to have any significant adverse impacts and therefore Adur District Council should positively seek opportunities to meet their housing needs of their area through windfall developments such as that proposed in this application.

5.2.5. The Framework provides clear guidance to planning authorities on *'delivering a wide choice of high quality homes'* to meet locally identified housing needs. Paragraph 49 clearly states that; *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.'*

5.2.6. While the proposed development seeks only the replacement of a single residential dwelling, it is considered that Adur District Council should consider this application in light of the Council's inability to demonstrate a valid or robust five-year housing land supply. In this regard the Council's own evidence base (Locally Generated Housing Needs Survey) suggests that the locally generated housing need is at least 270 dwellings per annum, significantly greater than the Council's existing housing land supply meets. This application should therefore be considered primarily against the presumption in favour of sustainable development under the provisions of paragraph 49 of The Framework.

5.2.7. The proposed residential dwelling at 17 Old Fort Road will provide for a dwelling of significant architectural and design quality and sustainability. *Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'* **(Para 56, NPPF)**.

5.2.8. The Framework clearly provides Local Planning Authorities with guidance on how to consider design in policy terms, with Section 7, providing the following framework against which to consider design quality.

> *'Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:*
>
> - *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
> - *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
> - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
> - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
> - *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
> - *are visually attractive as a result of good architecture and appropriate landscaping.*
>
> (Para 58, NPPF)

5.2.9. It should be noted that this stage that no Neighbourhood Plan has been adopted that encompasses that Appeal site, and that it is strongly contended that due to the significant time that has elapsed since the adoption of the Adur District Local Plan 1996 those policies contained within are out-of-date.

5.2.10. It is considered that the proposed dwelling has considered fully the design requirements of The Framework and, will deliver a scheme that represents the efficient use of land and, responds fully to the context of the site, providing for a bespoke design solution of high architectural quality.

> *'..design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally'* (Para 59, NPPF).

5.2.11. The proposed development is considered to be innovative, original and produces an attractive piece of architecture that enhances the visual amenity of the locality and re-enforces local distinctiveness.

5.2.12. In addressing the sites context with the built environment the proposal is considered to accord fully with the provisions or paragraph 61 of The Framework also;

> *'Although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.'*

5.2.13. The proposed dwelling has evolved following the previous Appeal Decision and considered to respond fully to their considered views.

5.3. Strategic Planning Policy – Saved Policies of the Adur Local Plan 1996

5.3.1. The proposed development has given full consideration to those saved policies of the Adur Local Plan 1996 and, it is considered that the proposals comply fully with those objectives of the Adur Local Plan 1996.

5.3.2. Adur District Council, in their refusal of the Appeal scheme, indicated that the proposed development did not comply with Saved Policies AG1 and AH2 of the Adur Local Plan 1996. Whilst it is strongly contended that due to the significant time that has elapsed since the adoption of the Adur Local Plan 1996 – in which time the National Planning Policy Framework has been adopted – those policies of the Adur Local Plan 1996 should no longer be considered in the determination of the Appeal scheme, the proposals have been considered against policies AG1 and AH2 of the Adur Local Plan 1996.

5.3.3. Saved Policy AG1 of the Adur Local Plan 1996 states that within the built-up area boundary *'development will normally be permitted, subject to other policies in this Local Plan and to it not detracting from the existing local environment'.* In this regard, it is strongly contended that the proposed development at 17 Old Forth Road – which is within the built-up area – will have no adverse impact on the local environment, and should therefore be permitted under the provisions of Policy AG1.

5.3.4. Policy AH2 of the Adur Local Plan 1996 requires new residential development by way of infilling or redevelopment – as proposed – to be acceptable in the built-up area. Any such development will be expected to ensure 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.'*

5.3.5. It is strongly contended that the proposed development provides for a high quality residential property that significantly enhances the visual appearance of the local area without adverse impact on the residential amenity of neighbouring properties.

5.3.6. It is therefore considered that the proposal complies fully with the objectives of the Saved Policies of the Adur Local Plan 1996.

5.4. Strategic Planning Policy – Emerging Adur Local Plan

5.4.1. Whilst the emerging Adur Local Plan is yet to be examined by a Planning Inspector or, formally adopted by Adur District Council, the proposed development has given full consideration to those relevant policy objectives contained within the emerging Local Plan.

5.4.2. Overall it is considered that the proposed development represents a highly sustainable residential development and, therefore complies with the objectives of the emerging Adur Local Plan.

5.5. Supplementary Planning Document – Space Around New Dwellings and Flats

5.5.1. This document provides clear guidance in relation to acceptable forms of development and spacing around new development in the context of existing properties. The scheme has been designed with full regard to these standards.

5.5.2. Of particular relevance to this guidance is saved policy AH2 from the Adur District Local Plan which states:

> *'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:-*
>
> - *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;*
> - *it respects the existing natural features of the site, including land form and trees;*
> - *it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;*
> - *it incorporates adequate standards of residential amenity for the new dwelling(s) in terms of open amenity space, daylight/sunlight, outlook and privacy.*
> - *access arrangements to the public highway and on-site parking arrangements are acceptable under Policy AT12; and*
> - *it accords with the standards adopted by the District Planning Authority.'*

5.5.3. In maintaining privacy between facing windows a separation distance of at least 22 metres is considered acceptable for two storey development. The proposed development provides for first floor separation distances to primary rooms in excess of 22 metres which therefore complies fully with this guidance.

5.5.4. The single storey rear projection would be over 8.4 metres from the northern boundary and 16.7m from the nearest property to the north of the application site. The existing dwelling at 17 Old Fort Road is only 14.4 metres from the nearest property to the north, with a fully pitched gable roof at its nearest point.

5.5.5. In relation to side boundaries the site lies in a linear form of development along Old Fort Road, orientated east-west. The proposed dwelling would set in by 1.5m from the west boundary and 1.2m from the east boundary, responding fully to any concerns in respect of the development being overbearing or harmful to the rhythm of the street scene.

5.5.6. The two storey element of the scheme does not project beyond the building line of the existing properties to the east and west and therefore is deemed acceptable in relation to this adopted guidance.

5.5.7. The proposed dwelling provides for a rear garden depth of over 8.4m (6m as existing) with an overall rear amenity space area of 101m which is considered appropriate and provides for a quality environment with adequate daylight and sunlight provision. Any properties on this street have north facing gardens which reduce sunlight, but not to a harmful degree.

6. Appeal Statement of Case

6.1. Introduction

6.1.1. This Statement of Case will consider those reasons cited by Adur District Council for the refusal of the proposed development. The statement will address those claims that the proposed development is unsympathetic in design, form, scale and massing, and that the proposal therefore has an adverse impact on the character of the area and the residential amenity of neighbouring properties.

6.1.2. The reasons cited by Adur District Council for the Planning Committee's decision to not grant Full Planning Permission for the proposed development are as follow:

> ***'The proposal is unacceptable in that it does not relate sympathetically in design, form, scale and massing with the existing character of the locality and, cumulatively, developments of this form and scale are eroding the original character of the area to the detriment of the visual amenities and residential environment of the area. It therefore conflicts with saved policies AG1 and AH2 of the Adur District Local Plan and the policies of the National Planning Policy Framework.'***

6.1.3. Adur District Council's Planning Committee's decision to refuse Full Planning Permission for the proposed development, on the basis of the above reasons for refusal, was contrary to the Planning Officer's (Mr Peter Barnett) recommendation. The Planning Officer's recommendation for the approval of Full Planning Permission was based upon a full and detailed assessment of the principle of development, the visual amenity and character of the local area, accessibility and parking, and the residential amenity for the proposed dwelling as well as its effect on the residential amenity of neighbouring properties.

6.1.4. Despite their Planning Officer's conclusions to the contrary, Adur District Council's Planning Committee's reasons for refusal appear to relate to those issues considered and dismissed by the Planning Officer. The assessment and conclusions of the Planning Officer therefor form the basis of this Appeal, with those principal issues of the scale of the proposed development, as well as its visual appearance, and this impact of these on the residential and visual amenity of those neighbouring properties and the wider area considered fully.

6.2. Overview

6.2.1. The Appeal scheme represents significant revisions in relation to the previously refused proposal for the residential redevelopment of the site **(AWDM/0284/13)**. Therefore, the Appeal scheme has evolved to address those concerns raised by Adur District Council and the Planning Inspector in relation to the previous scheme, to produce a development that is considered to be of an appropriate scale and appearance to ensure the residential amenity of the neighbouring properties and, to sustain and enhance the character of the wider area.

6.2.2. Whilst the previous proposals, as well as the Appeal scheme have been refused Full Planning Permission, it is strongly contended that the principle of residential redevelopment of the site is appropriate, and indeed has been accepted by Adur District Council and the Planning Inspector.

6.2.3. Therefore, the Appeal scheme falls to be considered in respect of its size, scale, massing and appearance, under the provisions of the National Planning Policy Framework, National Planning Practice Guidance, and the Adur Local Development Plan.

6.2.4. The following sections will provide analysis of these issues in light of the relevant National and local planning policy and guidance. It is strongly contended that the Council have failed to consider fully these issues under the provisions of the National and local planning policy and guidance. Furthermore, the Council is considered to have failed to assess the context of the local area, with particular focus on the character of the locality in light of recent developments that have been permitted.

6.3. Principle of Development

6.3.1. The Appeal scheme seeks Full Planning Permission for the *'Demolition of existing bungalow and construction of a single two storey 4 bedroom dwelling, associated access, parking and landscaping'*, and therefore represents the residential redevelopment of the proposed development site at 17 Old Fort Road, Shoreham-by-Sea.

6.3.2. Whilst it is considered that the existing property that occupies the application site is no longer fit for human inhabitation, it should be acknowledged that the site benefits from an existing residential use (C3 Use Class), consequently, the proposals are considered to represent a replacement dwelling.

6.3.3. Furthermore, in determining the previous Appeal, the Planning Inspector acknowledged that the Appeal site *'is located within an established residential area where new housing and redevelopments can be permitted'* **(APP/Y3805/A/13/2202322)**.

6.3.4. It is therefore strongly contended that the principle of a family dwelling within the proposed development site has been established.

6.3.5. The principle of the proposed residential redevelopment of the site is considered to be established further under the provisions of the National Planning Policy Framework 'The Framework' that seeks to promote the delivery of high quality and sustainable residential dwellings. In this regard, it is strongly contended that the proposal for the residential redevelopment of the existing site at Old Fort Road is considered to represent sustainable development that will provide a high quality single residential dwelling.

6.3.6. Therefore, it is considered that the principle of the proposed development is established under the provisions of The Framework, which places a presumption in favour of sustainable development that is the basis of every decision. A presumption in favour of the proposed sustainable development should therefore exist under the provisions of paragraph 14 of The Framework.

6.3.7. Whilst the principle of the sustainable residential redevelopment of the site at 17 Old Fort Road is considered to be established under the presumption in favour of sustainable development, as contained within The Framework, Adur District Council must – under the provision of paragraph 14 of The Framework – assess whether the proposed development will result in adverse impacts that would *'significantly and demonstrably outweigh the benefits'* of permitting development.

6.3.8. The following sections therefore seek to assess whether the proposed development will result in adverse impacts that would *'significantly and demonstrably outweigh the benefits'* of the proposed development.

6.4. Local Character

6.4.1. Of those reasons provided for the refusal of the Appeal scheme, Arun District Council have indicated that they believe that the proposed development would – in accumulation with other similar developments – erode the original character of the area, and that this erosion of character would have a detrimental impact on the visual amenity and residential environment of the area.

6.4.2. Although it is acknowledged that the historic development of Shoreham Beach, primarily in the early 20th Century, ensured that many of those original properties adopted a similar architectural approach (predominantly timber-framed bungalows), it is strongly contended that since the original development of the properties at Shoreham Beach, a broad mix of housing types has developed throughout the area.

6.4.3. The vast majority of those original bungalows have since been demolished, with larger two storey family dwellings replacing these original single storey properties. Those properties that have not been comprehensively redeveloped have been substantially altered. Consequently, only a handful of properties exist that reflect the original appearance of the area, and it is therefore strongly contended that the original character of the local area has been diminished to the extent that Shoreham Beach no longer benefits from an identifiable character. Therefore, whilst the existing property at 17 Old Fort Road is formed of by a bungalow, it is strongly contended that the overall character of the local area is no longer characterised by such properties.

6.4.4. This was supported fully by officers of the Council who stated in their report to Committee:

> *The reduction to two storeys has brought the building down to a height more consistent with its neighbours on either side, both of which have flat roofs. The width of the building across the plot is similar to the previous scheme but the front elevation has more variety, with projecting elements and the use of different materials. No front balcony is proposed.*
>
> *In visual terms, the proposed dwelling is considered to be much more acceptable in the street scene that the previous refused scheme and will not appear out of character, particularly when viewed in the context of its immediate neighbours.'*

6.4.5. It is considered that the architectural approach that has been adopted within the proposed development, acknowledges and reflects the historic development of the local area, and the shifting architectural character of those properties that make up Shoreham Beach. With many 'contemporary' developments permitted within the immediate vicinity (Figure 8). Including those existing neighbouring properties at 15 and 19 Old Fort Road (Figure 7), between which the proposed dwelling is to be located.



Figure 7 - Existing Residential Properties (15a, 15b and 19 Old Fort Road)



Figure 8 - Example of Contemporary Architecture (Old Fort Road)

6.4.6. Overall, it is strongly contended that the proposed development reflects the historic development of the local area, which in recent years has seen numerous buildings of a similar architectural approach permitted.

6.4.7. The Local Planning Authority have clearly acted unreasonably in this regard, failing to take account of the immediate and varied character of development on Old Fort Road.

6.5. Size, Scale and Massing

6.5.1. The architectural approach that has been adopted within the proposed development has given full consideration to the size, scale and massing of the proposal to ensure that the development does not have an adverse impact on the residential and visual amenity of the neighbouring properties. Consequently, the proposals represent significant revisions from the previous application **(AWDM/0284/13)**, ensuring that the size, scale and massing of the proposed development addresses those concerns previously established by Adur District Council and the Planning Inspector. This was acknowledged by the Planning Officer in their report as previously cited at para 6.4.4.

6.5.2. Whereas the previously refused application sought the development of a pair of three storey semi-detached dwellings, the proposed development seeks the erection of a single two storey dwelling. Consequently, the proposals represent a significant reduction in scale of the proposed development, including the removal of the upper floor accommodation. Those revisions significantly reduce the visual mass of the building, and consequently its impact in both visual and amenity terms.

6.5.3. The proposed development itself, provides for a single detached dwelling of 174sq.m over just two storeys. Through the high quality contemporary architectural approach that has been adopted, the visual mass of the proposed development has been reduced through the utilisation of changes in height and materiality throughout the development.

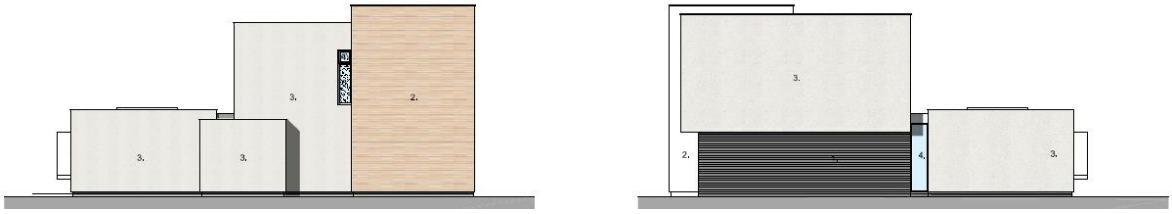

Figure 9 - Proposed Side Elevations

6.5.4. The reduction in height, mass and width as well as the increased separation of first floor (over 22m back to back) is considered to produce a development which would have no adverse impact on outlook from properties to the north, including 13, 15 and 17 The Meadway.

6.5.5. The existing bungalow, with its pitched roof sits further north in the site than the proposed development, and indeed the dwellings to the east and west (15 and 19 Old Fort Road) are further north on their plots at two storey height (10.4m and 11m respectively) than the proposed development.

6.5.6. The proposed development is therefore considered to address the previous issues relating to outlook and prospect producing an entirely appropriately designed and scaled dwelling that accords fully with the Councils adopted guidance for separating two storey developments. This was acknowledged once again in the Committee Report, which stated:

> *At the rear of the site are bungalows in The Meadway. Most affected is No. 13 The Meadway which is directly to the north and which has a conservatory at the rear and a short rear garden of just 8m depth. The first floor of the proposed dwelling will be 22m from the end of the conservatory and 24m from the main part of the bungalow. The first floor will also be 7.5m further away from No. 13 than the existing bungalow at No. 17. The previous application showed a pair of 3 storey dwellings 21m from the rear of No. 13 which would have had a much greater impact. This proposal is considered to result in a much more acceptable relationship with the bungalows in The Meadway.*

6.5.7. The proposal at 2 storeys is therefore considered to provide for an acceptable form of relationship with properties to the north, which in our view would improve the outlook in comparison with the existing situation, which is indicated on the proposed elevations, which clearly show the extent of development as existing.

6.5.8. The impact of the development to the east and west must be considered in the context of any existing development on Old Fort Road. The road runs east-west and therefore any property will sit flank to flank with its neighbouring property. The proposed increase in separation and amendment to scale and design is considered to address this issue to produce an attractive neighbouring form of development.

6.5.9. The proposed property is significantly reduced in height and mass from the previous scheme, losing the entire upper floor of accommodation, providing for a 2 storey building with eaves at approximately 6m above ground level. The increase in separation from the boundaries to 15a and 19 Old Fort Road has also addressed issues relating to domination and overshadowing to the entrances and rear gardens of these properties.

6.5.10. It is clear that the two storey form of development proposed is commensurate in scale to the properties east and west and further reduction in scale and form would be out of keeping with the locality.

6.5.11. The reduction in height, scale and mass is also considered to materially improve light conditions to gardens to the north of existing properties (15a and 19 Old Fort Road) and the proposed dwelling itself. The reduction in depth of the first floor of accommodation and removal of the entire second floor accommodation is considered to address this issue fully as shown in the accompanying overshadowing report.

6.6. Design and Appearance

6.6.1. Adur District Council's refusal of this scheme is considered to be contrary to the advice of Council's Planning Officer who, in their evaluation of the proposed development, acknowledged those significant improvements between the proposed development and the previously refused application in relation to visual amenity.

> *'In visual terms, the proposed dwelling is considered to be much more acceptable in the street scene than the previous refused scheme and will not appear out of character, particularly when viewed in the context of its immediate neighbours'* (Adur District Council Planning Committee Report, August 2013).

6.6.2. In this regard it is considered that the proposed development is of the highest architectural quality. Therefore, it is strongly contended that the dwelling is well articulated and the simple material pallet employed produces a high quality development that will sit comfortably in the context of neighbouring properties and enhance the character and appearance of the area more generally.

6.7. Residential Amenity

6.7.1. The design, form, appearance and scale of the proposed residential dwelling at 17 Old Fort Road, have been fully informed by the requirements of maintaining and ensuring the residential amenity of neighbouring properties and their users, as well as the future occupants of the dwelling itself. Fundamental in achieving these objectives is the separation between the proposed development and neighbouring properties and, reducing the potential overlooking from the development. Other concerns regarding residential amenity, such as the impact on sunlight have also been considered.

6.7.2. With regards to the potential impact on sunlight/daylight to neighbouring properties, the proposal is significantly reduced in height and mass from the previous scheme, losing the entire upper floor of accommodation, providing for a 2 storey building with eaves at approximately 6m above ground level. The increase in separation from the boundaries to 15a and 19 Old Fort Road has also addressed issues relating to domination and overshadowing to the entrances and rear gardens of these properties.

6.7.3. It is clear that the two storey form of development proposed is commensurate in scale to the properties east and west and further reduction in scale and form would be out of keeping with the locality. The entrances to the neighbouring properties are to the sides however this is not unusual in the locality and Adur District Council has allowed very similarly sited properties without concern to amenities of neighbouring residents.

6.7.4. The orientation of the site clearly provides for overshadowing in the morning and evening to properties flanking the site, however the diminution in daylight and sunlight to these side entrances is not considered to be to a level to justify refusal of any application.

6.7.5. The reduction in height, scale and mass is also considered to materially improve light conditions to gardens to the north of existing properties (15a and 19 Old Fort Road) and the proposed dwelling itself. The reduction in depth of the first floor of accommodation and removal of the entire second floor accommodation is considered to address this issue fully as shown in the accompanying overshadowing report.

6.7.6. The north facing gardens will already be shadowed by existing properties and the introduction of the proposed dwelling is not considered to reduce sunlight (or daylight) by a noticeable degree. The accompanying solar analysis clearly shows the level of overshadowing created as existing and proposed demonstrating how the proposal will afford adequate sunlight to the rear gardens as existing and proposed.

6.7.7. The Inspector previously commented on the *'poor outlook from the proposed kitchen, study and living area windows, the poor level of sunlight and daylight within some of the rooms. In addition, the proposed rear gardens would be small and overshadowed for much of the time.'* Clearly the proposed development of a single detached property provides for a significant enhancement to the layout of the property, providing excellent lighting, outlook and prospect to all habitable rooms.

6.7.8. Furthermore, the proposed development has given full consideration to the residential amenity of the existing residential property at 13 The Meadway in relation to separation distances. The proposed replacement dwelling at 17 Old Fort Road, benefits from a 'set back' at first floor level to provide a separation of in excess of 22 metres which, exceeds the Council's own conservative guidance. It is therefore concluded that the proposed development will have no adverse impact on the residential amenity of the neighbouring properties, including at 13 The Meadway.

6.7.9. It is therefore considered that the proposed development will have no adverse impact on the residential amenity of the existing neighbouring properties.

7. Areas Not In Dispute

7.1. Introduction

7.1.1. Due to the nature of the proposed development, and those reasons provided by Adur District Council for their decision to refuse Full Planning Permission for the proposal, it is considered that the only area not in dispute is as follow.

7.2. Principle of Development

7.2.1. It is acknowledged by Adur District Council that the Appeal site at 17 Old Fort Road, Shoreham-by-Sea, West Sussex is located within the 'built-up area' boundary as defined by the Adur Development Plan, and that the local area is predominantly residential in character.

7.2.2. Consequently, it is agreed that the principle of the residential redevelopment of the site, providing a single replacement dwelling, is acceptable.

8. Conclusions

8.1. The Appeal scheme has been assessed against all relevant National and local guidance and all other material considerations, and has been found acceptable. The design has evolved with the full guidance and collaboration of Council Officers and was supported fully by the professional Planning Officers of Adur District Council.

8.2. The proposal is considered to provide for the delivery of a replacement family dwelling of the highest architectural quality that, will enhance the visual amenity and character of the local area, without adverse impact on the setting or residential amenity of neighbouring properties.

8.3. The design of the proposal in relation to density, layout, scale, mass, bulk and height has been given careful consideration in relation to the context of the site within Shoreham Beach, and the prevailing architectural style of the area more generally.

8.4. In this regard the proposed dwelling would be at a scale that responds fully the visual mass and form of the existing property and those neighbouring properties in keeping with the scale of the site and locality more generally.

8.5. It is strongly contended that the character of the local area has evolved significantly since the completion of the existing property at 17 Old Fort Road, and therefore the proposal will reflect the new character of the area in regard to size, scale, mass and appearance.

8.6. Overall the proposed dwellings would enhance the visual amenity of the locality, removing the existing poor quality property, and replacing this with a modern family dwelling of the highest architectural quality.

8.7. The proposed replacement dwelling at 17 Old Fort Road is fully compliant with the Council's Supplementary Planning Guidance/Documents on residential development (e.g. space between dwellings).

8.8. The development is considered to be consistent fully with the aims and objectives of both the National Planning Policy Framework and the Adur Local Development Plan.

8.9. The Inspector is therefore respectfully requested to allow this Appeal and grant Full Planning Permission for this development.

Chris Barker MATP MRTPI

Director

ECE Planning Limited