Planning Inspectorate

Appeal Decision

Site visit made on 2 April 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/Y3805/W/24/3349225
Perkins and Robins, Ham Road, Shoreham-by-Sea, West Sussex, BN43 6PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Matthew Elliott (MJE Servicing Ltd) against the decision of Adur District Council.
- The application Ref is AWDM/1936/22.
- The development proposed is demolition of existing light industrial structure on site and construction of new purpose built mixed use building. Change of Use from vehicle maintenance garage (class B2) to mixed use building comprising two retail/cafe units (class E) at ground level with 6 No residential apartments (class C3) on 4 upper floors (2No 1-bed + 4No 2-bed).

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site lies within the Shoreham Conservation Area. I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, in accordance with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area with particular regard to the Shoreham Conservation Area; and b) the living conditions of neighbouring occupiers, with particular regard to whether it is an overbearing and dominant form of development, causing a loss of light and increased sense of enclosure.

Reasons

Character and Appearance

4. The Shoreham Conservation Area (SCA) extends over a large area, encompassing the High Street and much of the central part of the town between the shore and railway line as well as two ribbons of housing beyond.

5. The special interest and significance of the SCA, insofar as it relates to this appeal, is provided by the historical buildings encompassed by the SCA and the close-knit arrangement of buildings and narrow streets which creates an intimate streetscape laid out in an informal grid. Away from the High Street there are some notable, taller buildings but the intimate character of the roads is reinforced by the majority of buildings being two storeys in height. This is particularly evident along

Brunswick Road and Ham Road in the vicinity of the appeal site, where the quality of buildings, their nature and their relationship to one another generally contribute positively to the SCA and its significance.

6. The main parties acknowledge that the appeal building itself offers little architectural interest. It reflects the close-knit arrangement of buildings and is said to have some historical interest in being the former coach house/stables to the adjacent building. However, its contribution to the SCA is limited. The Council acknowledge that there are opportunities for enhancement around the station and it does not explicitly object to the loss of the existing building.

7. The proposal would replace the existing single storey building with one which is part three and part five storeys. The building would be finished principally in brick with the fifth floors being set back and finished in grey zinc, designed to reflect the mansard roof of No.46 Brunswick Road. The front and rear façades would have a vertical articulation and be designed to give the impression of three narrower frontages rather than one, larger single elevation. A flat roof and parapet walls would also mirror features of No.46.

8. As a corner building near the railway crossing, it would not be unexpected for No.46 Brunswick Road to be a larger building that helps to provide legibility to the townscape. As such, it would be expected to step down in height as it returns along Ham Road, where it is adjacent to smaller buildings and cottages. Although it is suggested that No.46 is not a 'positive building' nor is it listed, I find that it is nevertheless an important element in the overall townscape and from which other buildings take their cue.

9. Therefore, what would be unexpected, is for the height and scale of a building at the appeal site to be competing visually with No.46. By virtue of the appeal building stepping up from three storeys to five storeys, it disrupts the established legibility and building hierarchy that characterises this part of the SCA.

10. It is suggested that the difference in height between the existing building at the appeal site and No.46 produces its own incongruity. Furthermore, by creating a building of similar height to No.46, it is suggested that No.46 would no longer appear as a singularly taller building. However, as noted above, a taller, corner building in this location could be expected. Therefore, any redevelopment of the appeal site would not necessarily have to be at the scale and height proposed to overcome any currently perceived incongruity from the existing building, especially if, as in this case, it introduces greater harms to the SCA.

11. Furthermore, by virtue of its design approach the five-storey element is positioned adjacent to a two-storey cottage (No. 1-3 Ham Road). Not only would this mean that the appeal building would visually dominate the adjacent cottage, but it would further disrupt and undermine the established character and building hierarchy. When viewed from further east along Ham Road, the brick detailing panels on the new building's east elevation would not lessen the building's scale nor overcome this jarring and incongruous relationship.

12. Accordingly, the proposal would not bookend the cottages with Caxton House in the way suggested by the appellant. Instead, it would introduce an incongruous three and five storey structure that would be unduly dominant and visible from both Brunswick Road and Ham Road. Even accepting that there is some variety in the style and height of buildings along Ham Road, I have not found the proposal to

have sufficient affinity with the prevailing townscape or character of the SCA. The proposal would not therefore successfully assimilate into the prevailing environment.

13. In the above context, I find that the proposal would have a deleterious effect on the prevailing character and appearance of the area, and so it would fail to preserve the significance of the SCA. It would therefore not accord with the clear expectations of the Act, and this is a matter to which I apportion great weight.

14. The proposal therefore does not comply with Policies 15 and 17 of the Adur Local Plan 2017 (ALP). These policies, among other provisions, seek to ensure all development is designed to a high quality that respects the context within which it is set, and has due regard to the preservation and enhancement of conservation areas.

15. The proposal would also conflict with Section 16 of the National Planning Policy Framework (the Framework) which seeks to conserve and enhance the historic environment in a manner appropriate to its significance, as well as the objective of ensuring that development is sympathetic to local character and history.

16. Owing to the scale and nature of the proposals the degree of harm to the significance of the heritage asset would be less than substantial. Nevertheless, the Framework is clear that great weight should be given to an asset's conservation even if there is less than substantial harm to its significance. I consider the matter further in the heritage balance below.

Living Conditions

17. The Council indicate that a daylight and sunlight assessment was not submitted with the application although the initial Design and Access Statement references it as influencing the design of the building. However, the assessment was submitted with the appeal and the Council would have had an opportunity to review it at that stage.

18. The Daylight, Sunlight & Overshadowing Report from Delta Green (September 2022) concludes that the flats at No.46 Brunswick Road would not suffer an undue loss of sunlight or daylight as a result of the proposal. I have no substantive evidence before me which contradicts these findings.

19. However, the scheme would result in a distinctly reduced outlook to these residents and create a sense of enclosure where none previously existed. I accept that occupiers would still retain an outlook to the sides of the proposed development, but this would not overcome the obvious change to the outlook experienced by these neighbouring occupiers nor the overbearing relationship that would arise directly in front of them. Whilst the properties are set within an urban context, the resulting relationship would be unneighbourly and unsatisfactory.

20. The impact of the proposal on the other adjacent property (No.1-3 Ham Road) was not considered by the Delta Green assessment. It has a small rear garden which is north facing and has the appeal building to the west. Whilst these factors no doubt limit the sunlight this area receives it is difficult to see how the proposed building would not have an additional impact on light reaching this part of the neighbour's property. Nevertheless, at five storeys it would undoubtedly be a dominating form

of development that would create a harmful sense of enclosure to this small garden area.

21. I therefore find that even if there would not be a loss of light to neighbours from the proposal, it would be an overbearing and dominant form of development which would create an increased sense of enclosure to the neighbouring occupiers. As such, the living conditions of neighbouring occupiers would be unacceptably affected.

22. The proposal would therefore be contrary to Policy 15 of the ALP which, amongst other things, requires development to not have an unacceptable impact on adjacent properties, particularly residential dwellings.

23. There would also be conflict with the Framework's provision to ensure development creates a high standard of amenity for existing and future users.

Other Matters

24. The proposal would retain commercial uses on the ground floor and existing employees of the garage would be relocated to the appellant's other premises nearby. The new commercial uses would be more in keeping with a building located on the edge of a commercial/residential area. This all weighs positively in favour of the scheme.

25. The Council has indicated that it might be more amenable to a redevelopment of the site which involved town houses with pitched roofs. However, such a scheme is not before me, and I have therefore only considered the planning merits of the proposal which is the subject of this appeal.

Heritage Balance

26. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether the harm to its significance is less than substantial. However, the Framework also requires that the less than substantial harm to the significance of a designated heritage asset is weighed against the public benefits of the proposal.

27. In terms of the public benefits, the development would provide six new residential units. The Council indicate a current deliverable housing land supply of 3.5 years. In numerical terms the proposal will not deliver a high number of units, but it is nonetheless an important contribution, that could be delivered quickly in a town centre location. There would be associated benefits to the local economy during construction and upon occupation there would be some further economic and social benefits.

28. The proposal would also retain commercial uses on the ground floor and existing employees of the garage would be relocated to the appellant's other premises nearby. The new commercial uses would be more in keeping with a building located on the edge of a commercial/residential area. These would represent public benefits to the local economy and environment.

29. There are also said to be other benefits such as to groundwater drainage arrangements when compared to the existing situation and that the green roof would slow down and reduce surface water run-off. Furthermore, there may be some energy and climate change benefits given the proposed solar panels and

absence of gas boilers. No substantive details are provided for these other benefits and some of them are becoming more common and a requirement of building regulation but nonetheless I give them a small amount of positive weight.

30. The benefits associated with six flats would be considerable. However, even taking account of the current housing land supply position, the cumulative weight of benefits would not be sufficient to outweigh the importance and weight that I attribute to the erosion of the heritage asset and the loss of its significance. The identified heritage harm is therefore unjustified in terms of the approach to heritage set out in the Framework.

Planning Balance & Conclusion

31. As the proposal is contrary to the policies of the Framework relating to designated heritage assets, there is a clear reason for dismissing the appeal. On this basis the approach to decision making set out in paragraph 11(d) of the Framework indicates that permission should not be granted, despite there being a shortfall in the supply of housing land.

32. Having regard to the effect on the character and appearance of the area, and the heritage asset in particular, as well as the harm to the living conditions of neighbouring occupiers, the proposal conflicts with the development plan as a whole. The material considerations cited in support of the proposal do not indicate that the appeal should be decided other than in accordance with the development plan.

33. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR