The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2019

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/Y3805/D/19/3239058
21 Stoney Lane, Shoreham-by-Sea BN43 6LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Laura White against the decision of Adur District Council.
- The application Ref AWDM/1405/19, dated 28 August 2019, was refused by notice dated 9 October 2019.
- The development proposed is dropped kerb with new driveway.

Decision

1. The appeal is allowed and planning permission is granted for dropped kerb with new driveway at 21 Stoney Lane, Shoreham-by-Sea BN43 6LA in accordance with the terms of the application, Ref AWDM/1405/19, dated 28 August 2019, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1019-001A, 1019-002B.

   3) The development hereby permitted shall not be used for the parking of vehicles until it has been completed in accordance with the approved drawings.

Procedural matter

2. During the consideration of the application by the Council amended plans were submitted by the then applicant. These amended the proposal to allow for landscaping along either side boundary. The Council made its decision based on these amended plans and I will use them also.

Main Issues

3. The main issues are:

   - the effect on the character and appearance of the area; and
   - whether the proposal would set an undesirable precedent which would make it more difficult to refuse similar applications in the future.

Reasons

Character and appearance

4. The appeal property is a semi-detached property set a short distance back from the highway. There is a pedestrian access to the front of the dwelling. The property is opposite a small triangular manoeuvring area allowing access to Kingston Close and a pinch point giving priority access along Stoney Lane.

5. In this section of Stoney Lane, the footway (more commonly known as the 'pavement') is set a short distance back from the edge of the carriageway with an intervening strip of grass. The footway is set at a slightly higher level than the carriageway. Further to the south, the carriageway reduces in its level while that of the footway rises; this results in a greater difference in height between them. The distance between the footway and the carriageway, and thus the width of grassed area, also increases. The grassed area therefore creates a bank upon which, a short way to the south, is an intermittent hedgerow.

6. The proposal is to create a vehicular crossing towards the northern end of the site to provide access to a block paved hardstanding area in front of the house to be used for parking.

7. While there are no other vehicular accesses on this side of this section of Stoney Lane, there are numerous other direct accesses in front of other properties in the vicinity. The creation of the access would not be visually intrusive and would be in keeping with the wider area.

8. The Council's reason for refusal include reference to Policy 30 of the Adur Local Plan 2017 (the Local Plan) which refers to Green Infrastructure. I note that the supporting text to that policy refers to the definition of Green Infrastructure in the 2011 White Paper 'The Natural Choice: Securing the Value of Nature'; this definition includes 'road verges'. The proposal would result in a small section of the grass strip being removed, and therefore would be contrary to this policy which indicates that Green Infrastructure will be protected.

9. However, set against this, are the benefits of providing parking on site and off the carriageway close to a pinch point and give way arrangement. I consider that the benefit of providing the parking outweighs the loss of this small section of Green Infrastructure.

10. Unlike further to the south, the section of grassed area to be crossed would not be wide and would not involve the loss of either part of the bank or any hedgerow. The proposal would therefore respect the existing natural features of the site.

11. The provision of an access, therefore, would be in keeping with the character and appearance of the area but would result in the loss of a small amount of Green Infrastructure. Consequently, while the proposal would be contrary to Policy 30 of the Local Plan as set out above, it would be in accordance with Policy 15 of the Local Plan which require development to respect and enhance the character of a site and its natural features. The benefits of the proposal outweigh that small loss of Green Infrastructure.

Precedent

12. Each planning application should be determined on its individual merits. However, where a proposal could set a precedent for other proposals which cumulatively would have a harmful effect this can be a material consideration.

13. Although not clearly set out in the Council Committee minute it can be surmised that the Council is concerned that allowing this proposal would set a precedent for other accesses along this side of Stoney Lane, principally further to the south. However, as noted above, further to the south the grass strip changes to be a bank and further accesses may also result in the loss of sections of hedgerow.

14. I am therefore satisfied that further to the south there would be different material considerations and consequently the proposal would not set an undesirable precedent for other development in the area.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.

16. The Council has requested conditions be imposed that the use of the parking area shall not commence until the access has been constructed and vice versa. However, it has given no reasons for this, and equally none were set out in the Committee Report, where the officers had recommended the proposal for approval. It seems to me that a single condition preventing the use of the parking area for such a purpose until the development is completed would ensure the benefits identified as part of the planning balance are delivered and the necessary dropped kerb is completed in the interests of highway safety.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

R J Jackson

INSPECTOR