The Planning Inspectorate

Appeal Decision

Site visit made on 11 June 2018

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 20th June 2018

Appeal Ref: APP/Y3805/W/17/3190967
Southwick Nursery, 15 Roman Way, Southwick BN42 4TN

- 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 Mr Chris Dossett against the decision of Adur District Council.
- The application Ref AWDM/0954/17, dated 15 June 2017, was refused by notice dated 12 October 2017.
- The development proposed is the demolition of nursery greenhouses and office buildings and erection of 2no three-bedroom dwellinghouses (C3) incorporating the change of use from horticultural nursery to residential.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Adur Local Plan 2017 (ALP) was adopted on 14 December 2017, after the Council had determined the application. As a result, the policies of the Adur District Local Plan referred to in the Council's reasons for refusal are no longer in force. Policy 15 of the Submission Adur Local Plan is now adopted as Policy 15 of the ALP. Policy 23 of the Submission plan has been renumbered as Policy 22 of the ALP. The Supplementary Planning Guidance: Development Control Standard No.2 'Space around New Dwellings and Flats' has been renamed Development Management Standard No 1.

Main Issues

3. The main issues are the effect of the proposed development on i) the living conditions of future occupiers, with particular regard to the provision of private outdoor space and ii) the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

Future occupiers

4. Adopted Policy 22 of the ALP sets out that new residential development should achieve a minimum density of 35 dwellings per hectare, with higher densities expected in certain locations including town centres. Lower densities may be acceptable in exceptional cases, where there would otherwise be an unacceptable impact on the surrounding area. Policy 22 also sets out that new dwellings will be expected to comply with the criteria of the Council's adopted Development Management Standard No 1 (DMS1).

5. It is common ground that the proposed garden provision for Plot 2 would be satisfactory in terms of the living conditions of its future occupants, principally because it would have a garden of around 136m^2, taking the appellant's measurements, thus exceeding the minimum requirement of DMS1 of 85m^2 for a small semi-detached or detached dwelling of up to three bedrooms. The plans before me show two detached chalet-type dwellings proposed, each with three bedrooms.

6. At around 64m^2, again taking the appellant's measurements, the rear garden of Plot 1 would fall significantly short of the minimum area required by DMS1 for a rear garden. I have considered the appellant's view that additional space amounting to around 20m2 would be available at the side and front of Plot 1. However, the site plan (mb/03/Southwick Nursery), indicates that a significant proportion of this area would not exceed 3m in width. Moreover, the area indicated as being around 3554mm in width, thus exceeding 3m, would not be enclosed by screen walls to ensure privacy. The criteria of DMS1 for adding areas of side garden to the rear garden area are therefore not met.

7. Furthermore, the depth of the rear garden at Plot 1 is shown as around 4276mm, thereby falling substantially short of the 11m minimum depth usually expected by DMS1. I saw that the house beyond, in Roman Crescent, has a relatively large rear garden, such that I estimate that at least 22m distance would be achieved between the rear elevation of the dwelling at Plot 1 and the rear elevation of the existing house behind. Nonetheless, I consider that the depth and area of the proposed garden would be unduly limited and cramped having regard to the size and nature of the dwelling proposed, which to my mind would be would be suitable for family accommodation. It would also clearly conflict with the relevant requirements of DMS1, which is expressly specified within Policy 22 adopted only around six months ago.

8. I therefore conclude that the proposed development would harm the living conditions of future occupiers, with particular regard to the provision of private outdoor space. It would conflict with adopted Policy 22 of the ALP, the relevant requirements of which are specified above. It would also conflict with adopted Policy 15 of the ALP, which sets out various criteria in relation to the quality of the built environment, including that the layout and design should take account of the potential users of the site.

9. In forming this view, I acknowledge that some existing properties nearby have fairly small gardens, including 25 and 27 Roman Way, and that not all future occupants of the development would necessarily seek or expect a garden larger than that proposed at Plot 1, particularly in an urban environment. In my view this does not justify the significantly limited area and depth of the garden proposed for Plot 1, relative to the minimum requirements of the adopted DMS1. I also note that DMS1 allows for gardens of 65m^2 for three bedroom terraced houses. However, the scheme before me is for detached properties, for which there are different expectations, albeit they would have three bedrooms.

Neighbouring occupiers

10. 25 and 27 Roman Way are two-storey houses with very modest rear gardens that back onto the side boundary of the site of Plot 1. The side elevation of the proposed chalet dwelling at Plot 1 would be set roughly in the position of an existing glasshouse, up to around 3.5m away from the common boundary with

Roman Way, albeit set further back into the site relative to the access. I saw that the roof of the glasshouse is visible above the wall and fence along the boundary, and above the pair of flat roofed garages that sit between the rear gardens of No 25 and No 27.

11. I am advised by the Council that the glasshouse is approximately 2.8m high, which is not specifically disputed by the appellant. The new chalet dwelling would be significantly taller at approximately 5m, taking the appellant's measurement. This additional height would consist principally of a traditional hipped roof, which would pitch away from the boundary with Roman Way. There would be no rooflights or other features in the facing roofslope, and I note that the closest part of the new dwelling would be positioned adjacent to the pair of garages.

12. However, I consider that the additional height, within only a few metres of the boundary, would be clearly visible from No 25 and No 27 Roman Way, including above the garages. By reason of the very limited size and depth of the gardens of those properties, particularly at No 25 where there is a rear conservatory, the proximity of the new, taller building would result in a dominating effect and associated sense of enclosure at the existing dwellings.

13. Furthermore, the solid nature of the dwelling, relative to the more lightweight glasshouse would, in my view, exacerbate the appearance of built form from these properties, notwithstanding that the overall coverage of the plot compared to the existing structures at the nursey would be reduced. Accordingly, I consider that the proposal would be detrimental to the living conditions of neighbouring occupiers, including relative to the existing use and built form at the site. In forming this view, I have had regard to the potential for light emissions from the existing structures, particularly the glasshouses. There is no significant detail before me of the nature or timing of such emissions, and it is therefore unclear the extent to which this might currently affect living conditions nearby to any significantly harmful degree.

14. A minimum gap of 1m would be provided between the side wall of the proposed dwelling at Plot 1 and the boundary with 25 and 27 Roman Way, in accordance with DMS1. However, given the proximity to the rear gardens and rear elevations of No 25 and No 27, and the limited size and depth of the rear gardens at those properties, this does not alleviate my concerns.

15. I conclude that the proposed development would harm the living conditions of neighbouring occupiers, with particular regard to outlook. It would therefore conflict with adopted Policy 15 of the ALP, which sets out various criteria in relation to the quality of the built environment, including that development should not have an unacceptable impact on adjacent properties, particularly residential dwellings, such as unacceptable loss of outlook.

Other Matters

16. I note the appellant's view that the pattern of built development in the area generally is somewhat irregular, and that a residential reuse of the site would be compatible with the residential use of adjacent land. There is no particular dispute in this regard, and on the basis of the evidence I see no reason to consider otherwise. However, the acceptance in principle of the use and the pattern of development does not alleviate my concerns in relation to the main issues above.

17. The scheme would provide two smaller family dwelling units in an accessible location in an area where there is significant housing need, and would bring about associated contributions to the local economy and community. There may also be reduced vehicle trips on the local road network, relative to the nursery use, and an associated improvement in air quality. However, evidence before me in this latter regard is limited. Such benefits overall would be modest in relation to a scheme for two dwellings, but I have afforded them a little weight in favour of the appeal.

18. I also note the appellant's concerns that the appeal scheme does not meet the density requirements of Policy 22 of the ALP and that reducing density of development further would not make efficient use of scarce land. Notwithstanding this, I have found that the proposal before me would have unacceptable impacts on the surrounding area in relation to living conditions. The appeal is therefore an exceptional case in the context of Policy 22.

19. My attention has been drawn to planning permission AWDM/1483/12, relating to a site about 1 km from Southwick Nursery, which the appellant considers to be one of a number of examples where the Council has permitted development with garden areas below the requirements of DSM1 (as the former SPG). However, the extract from the Council's report for that application makes it clear, among other things, the three bedroom properties proposed were modest terraced units and the layout of the two bedroom semi-detached units was akin to terraced units for which the breach of space standards was not considered sufficient to warrant refusal.

20. In the case of AWDM/1864/15, located two streets away from the appeal site, I am advised by the appellant that the Council accepted gardens of 58m^2 and 61m^2 as a marginal shortfall compared to the relevant standard of 65m^2. This case related to a pair of 2 bedroom semi-detached houses and so again differs from the scheme before me, albeit I note it was also a redevelopment of a brownfield site. On the evidence before me, I consider these other cases to have differed significantly from the proposal for detached dwellings in this appeal. They were also determined significantly prior to the adoption of the new ALP.

21. I conclude that none of these other matters adds significantly to the case for or against the appeal and my findings above are not outweighed.

Conclusion

22. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR