The Planning Inspectorate

Appeal Decision

Site visit made on 24 June 2013

by Clive Tokley MRTPI

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

Decision date: 10 July 2013

Appeal Ref: APP/Y3805/A/13/2196386
37 Buckingham Road, Shoreham-by-Sea, BN43 5UA.

- 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 Mrs S Miles against the decision of Adur District Council.
- The application Ref AWDM/1511/12, dated 7 December 2012, was refused by notice dated 27 March 2013.
- The development proposed is a 4 storey side extension with rear dormer to form new 2 bed flat (lower ground floor extension to be demolished and existing 2 bed flat on lower ground floor reconfigured to a 1 bed flat).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and its effect on the living conditions of the occupiers of No 39 Buckingham Road as regards light and outlook.

Reasons

Character and appearance

3. Towards its southern end Buckingham Road comprises mainly business uses at ground floor level with residential above. However to the north of Stockwell House the road has a residential character. No 37 forms the northern half of a building (nos 35 and 37) comprising a cross wing at the rear with two full-height gabled forward projections that together span the full width of the building. The front gables are marked by bay windows extending from the semi-basement to first floor level and the gable ends are topped by decorative barge boards and finials.

4. To the south of No 35 is an unremarkable pair of two-storey mid 20th century semi detached houses (31 and 33); however, to north of the appeal site, No 39 Buckingham Road is an unusual building of a similar age and style to Nos 35 and No 37. The northern half of the front elevation of that building comprises a gabled wing with roof level detailing that matches Nos 35 and No 37 but the southern half, nearest to the appeal site, is designed as a four storey square

tower with decorated window surrounds and bracketed eaves supporting a half-pyramid roof. This eaves detailing is also found on the pair of smaller houses further to the north (Earlingham Lodge) and together Nos 35 to Earlingham Lodge form a contrasting but architecturally linked group of three buildings who's individual distinctiveness is reinforced by the spaces between them. The appellant points out that the site is not within a conservation area; nevertheless this group of buildings makes an important contribution to the character and appearance of the area.

5. No 35 has been extended at the side by a continuation of the cross wing to within about 1m of the side boundary with No 33 resulting in a gap of about 2m between the buildings. The front of that extension is set back from the front wall of the original building and a gabled front porch has been constructed incorporating barge boards and finials to match the main roofs. The proposal would result in the construction of an extension of similar design at the northern end of the building. The extension would be slightly narrower than that at No 35 (0.2m) with minor variations in the window pattern; however to the casual observer the proposal would match the existing extension to the south.

6. The side wall of No 39 lies on the boundary with the appeal property and the proposed extension would reduce the gap between the flank walls of the buildings to 1m. The space would be further reduced at roof level by the overhanging eaves. The proposed extension would be set back from the front of the building; however I consider that this narrow gap combined with the juxtaposition of the tower feature of No 39 and the gable end and roof plane of the proposal would create a cramped and disjointed appearance that would detract from the character and appearance of the street.

7. Whilst the proposed extension would restore the balanced appearance of the building I consider that any benefit arising would be significantly outweighed by the harm to the street scene resulting from the reduction of the space at the north of the building.

Living conditions

8. No 39 has a dental surgery on the ground floor with residential accommodation above. The first and second floor flats have habitable rooms served by main windows facing the street and secondary side windows facing No 37. However those side windows would be in front of the flank wall of the proposal and taking account of the light and outlook from the main windows the proposal would not unacceptably detract from the amenities of the front rooms.

9. Those flats and the dental surgery also have windows centrally located in the flank wall that would look out directly onto the side wall of the proposal. The waiting area served by the surgery window is also lit from rear windows and I consider that the reduced light and outlook arising from the proposal would not justify the refusal of permission. However the side windows in the flats serve a kitchen and a kitchen/diner. The presence of the proposed flank wall 1 metre from the windows would severely limit the outlook from those rooms and the proximity of the wall combined with the overhanging eaves would be likely to have a significantly adverse effect on natural light reaching them. Whilst the affected rooms are not main habitable rooms I consider that the effect of the

proposal on both light and outlook would materially detract from the living conditions within the flats.

10. The proposal would result in the loss of two secondary windows in the gable of the appeal property that serve a bedroom. These are the only north-facing windows within No 37; however the bedroom would retain light and outlook from a rear-facing dormer and the loss of a view to the north does not justify the refusal of permission.

11. I have noted the concern expressed by the occupier of a property in Queen's Place at the rear of the appeal site; however I consider that the proposed extension would be sufficient distance from the Queen's Place dwellings to prevent it from being unacceptably over-dominant and it would not result in a loss of light. The relationship between the proposed upper floor windows and the houses at the rear would be similar to that of existing rear-facing windows and I consider that the privacy of the occupiers of the Queen's Place dwellings would not be materially harmed by the proposal.

Other matters

12. Parking spaces are currently available on the driveway and at the time of my visit a car was parked on the front garden area. I have noted the comments of the occupier of the first and second floors but the Council raises no objection to the proposed car parking arrangements. I consider that in this location, which is close to local shops and services and public transport routes, the absence of a specific provision for off-street parking would not justify the refusal of permission. I saw the differences in ground level at the rear of the site and the drawings do not fully indicate how this would be resolved; however in the light of my conclusions on the main issues I do not need to pursue this matter further.

13. I have considered the range of points made by the occupiers of No 37 but these have not been material to my conclusion that the appeal should be dismissed. In the light of that conclusion I have not commented on each of the matters raised.

Conclusion

14. "Saved" policies AG1 and AH2 of the Adur District Local Plan of April 1996 (LP) indicate that new residential development should be in keeping with and enhance the local environment. Policy AH2 indicates that new residential development should not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of (amongst other things) daylight/sunlight and outlook. The LP predates the National Planning Policy Framework by many years but the objectives of those policies are consistent with one of the core planning principles the Framework which indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. I therefore give those policies substantial weight.

15. The Framework indicates that all housing applications should be considered in the context of the presumption in favour of sustainable development. The appeal site is close to the station, bus routes and local shops and services and in my view the site is in a sustainable location. However in order to be

"sustainable development" as defined by the Framework the proposal must satisfy all three dimensions of sustainability set out within it (economic, social and environmental). Whilst the development is of a modest scale it would make a positive contribution to the building industry in the area and would satisfy the economic dimension. However as a result of the effect of the extension on the character and appearance of the area and its effect on the living conditions of the residential occupiers of No 39 the proposal would not satisfy the social and environmental roles of the planning system.

16. The proposal would make a contribution to the housing stock of the area but I have seen no evidence that convinces me that this contribution would outweigh the harm that I have identified. Taking account of all matters I have concluded that the proposal would be unacceptably harmful to the character and appearance of the area and the living conditions of the residential occupiers of No 39 Buckingham Road as regards light and outlook. I have therefore concluded that the appeal should not succeed.

Clive Tokley

INSPECTOR