The Planning Inspectorate

Appeal Decision

Site visits made on 23 July 2012

by R Barrett BSc(Hons) MSc, Dip Hist Cons, Dip UD, MRTPI, IHBC

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

Decision date: 4 September 2012

Appeal Ref: APP/Y3805/A/12/2171757
147 Brighton Road, Lancing, West Sussex

- 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 M Colfer against the decision of Adur District Council.
- The application Ref AWDM/0847/11, registered with Adur District Council on 25 October 2011, was refused by notice dated 19 December 2011.
- The development proposed is a three storey block of nine flats.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (The Framework) was published during the course of this appeal. The parties were given the opportunity for further comment following its publication. No comments were made within the prescribed timetable.

3. The Adur District Local Plan (LP) was adopted in 1996 and policies relevant to this appeal were saved in 2007. The policy context is therefore relatively up to date. In addition, I find that none of the development plan policies or guidance, relevant to this appeal, appear to be at odds with The Framework. Therefore, whilst The Framework policies have been considered they do not, in light of the facts of this case, alter my overall conclusion.

4. The appeal proposal is an outline application, which considered access, layout and scale of the proposal. Matters regarding appearance and landscaping are reserved for future consideration. I am determining the appeal on this basis.

Main issues

5. The main issues are the effect of the proposal:

    - on the character and appearance of locality,

    - on the living conditions of the existing occupiers of the pair of bungalows sited immediately to the rear of the appeal site, with regard to overlooking into the gardens,

    - on the living conditions of future occupiers of the proposed residential units with regard to outlook, the adequacy and efficiency of the room layout, and the garden space,

- and on highway safety.

Reasons

Character and Appearance

6. The appeal site includes a detached two storey house facing onto Brighton Road. Blocks of flats, generally three storeys in height, surround the appeal site on either side and to the rear. Cecil Road to the rear includes a number of bungalows. The character and appearance of development fronting onto this part of Brighton Road is generally two storey houses and larger and higher flatted development, the latter often set within wide and relatively spacious plots.

7. The appeal proposal would result in a three storey block of flats which would almost fill the appeal site and would result in limited space to the sides and rear of the proposed block. The built form, with its three storey height, its width, which would extend to within a metre of both side boundaries, together with the proposed hard landscaped front garden which would accommodate car parking, cycle parking and bin storage, would result in an overdevelopment of the site and a cramped form of development. This would look out of place with the more spacious development in this locality.

8. In addition, a three storey building on this relatively narrow plot would have awkward proportions. It would fail to satisfactorily relate to development on either side of the appeal site, which is of much greater scale and width. It would be very close to its neighbours, which reduce to two storeys near to the appeal site, and its three storey height extending very close to them would provide an unsatisfactory transition in the street.

9. For these reasons I consider that the proposal would cause significant harm to the character and appearance of the locality and would fail to further the aims of LP saved Policies AG1 and AH2, which together promote high standards of design in new development.

10. In coming to this conclusion, I have taken into account the size and scale of blocks of flats in the near vicinity of the appeal site. However, these fit more comfortably within their sites and have a satisfactory relationship with the street. In addition, the appellant suggests that these developments have an adverse impact on the appeal site. However, this appeal is judged on its own merits.

Living Conditions

11. The proposal would be close to the boundary with the pair of bungalows immediately to the rear of the appeal site. Windows to habitable rooms in the rear elevation of the appeal proposal, at first and second floor level, would result in overlooking into the gardens to these properties. These gardens are relatively small and whilst overlooked at present, from surrounding development at Swinburne Court, Rotary House and Beachville Court, this is at longer range and generally at an oblique angle. For these reasons, the proposal would give rise to an unacceptable level of overlooking into these gardens.

12. The proposal would be very close to neighbouring developments, which have mainly blank side elevations. Some proposed windows, which are the sole windows to habitable rooms, would overlook these elevations. This would

provide a cramped and oppressive outlook for future occupiers and substandard living conditions for this reason.

13. In addition, some of the flats would have limited living space, taking into account furniture, circulation space and storage requirements. In particular, the size and layout of the main living/kitchen space to the one bedroom flats would be restricted. In addition, the two bedroom flats at first and second floor, nearest to Beachville Court, would also provide a confined living/kitchen area. I make this judgement mindful of the proposed small balconies to some units, which would be located to the front of the proposal. The entrances to the proposed two bedroom flats to the rear of the proposal, on all floors, would be restricted with limited storage space. Together, these matters would provide a cramped and oppressive living environment for the future occupiers of these proposed units.

14. In addition, the proposed communal garden area would be very restricted. It would provide very limited space for planting, sitting out and general enjoyment of outdoor activities. Notwithstanding the proximity of Beach Green opposite, this shortfall in garden space would provide seriously substandard living conditions for future occupiers. I note that the appellant suggests that the proposed garden space would accord with surrounding development, but I have noted that the space around these developments, Beachville Court, Rotary House and Swinburne Court, is considerably larger, some units have private balconies and some ground floor units have private outdoor space.

15. I conclude that, for these reasons, the appeal proposal would unacceptably affect the living conditions of the existing occupiers of the pair of bungalows, located immediately to the rear of the appeal site, by reason of overlooking into the private gardens. In addition, it would provide unacceptable living conditions for future occupiers of the proposed residential units by reason of substandard garden space, the adequacy and the efficiency of the room layout and an oppressive outlook. In this way the proposal would fail to accord with LP saved Policies AG1 and AH2, Development Control Standard No.2: *Space Around Buildings and Flats* which together promote acceptable living conditions for existing and future occupiers. It also fails to further the aims of the Adur District Council Good Practice Guidance Note: *Internal Space Standards for New Homes* (2010), which is adopted by the Council and has been the subject of stakeholder consultation. To this I accord substantial weight.

Highway Safety

16. The proposed use of the appeal site would be more intensive than the existing use and would be likely to lead to an increase in traffic movements to and from the appeal site, and an increased demand for car parking and car movements within it. The car parking provision would fail to accord with West Sussex County Council standards. This may lead to cars being squeezed onto the appeal site, and additional associated car movements. This could result in vehicles standing in the road waiting to enter the appeal site, which would interrupt the free flow of traffic and cause a collision hazard.

17. In addition, the lack of on-site car parking is likely to lead to increased demand for parking on the highway. As there are on-street parking restrictions in place in the vicinity of the appeal site, this is likely to cause inconvenience for future occupiers of the proposed residential units and increase the demand for the

limited number of on-street car parking spaces available, which may cause inconvenience to existing occupiers in the locality.

18. Furthermore, it is not demonstrated that the proposed car parking would provide adequate manoeuvring space within the site for cars to move in and out of the spaces and turn to exit in a forward gear. This would be a particular concern for larger and other vehicles using the appeal site when it is at full capacity. It may result in cars reversing onto Brighton Road, which would present a significant hazard for highway users.

19. I have taken into account that the appeal site would be located in a sustainable location, close to public transport and local services and the appellant's suggestion that the reduced car parking provision would accord with the Council's sustainability agenda. However, these matters do not overcome the requirement for adequate and safe on-site parking provision in accordance with Council standards.

20. In addition, the proposed access would have restricted visibility adjacent to Beachview Court. A wall and soft landscaping would obstruct views of the highway for future users of the car park when exiting the appeal site. This would also present a hazard for road users and would reduce highway safety.

21. I conclude that the proposed car parking and access arrangements would be likely to lead to a significant hazard for future and existing highway users and would fail to accord with the Revised West Sussex Parking Standards and Transport Contributions Methodology (2010) and advice set out in Section 4 of The Framework. These, together, promote highway safety in new development.

Other Matters

22. At the heart of the Framework is a presumption in favour of sustainable development. This is reflected in the core principles set out in its Paragraph 17 and throughout its various Sections. I acknowledge that the proposal would provide additional units of accommodation, which may meet a local need for one and two bedroom flats, in a sustainable location, close to public transport and other facilities. In addition, I am aware that the appellant suggests that appropriate materials would be used in a contemporary design and that existing landscaping would be retained. However, whilst those considerations would be benefits of the scheme, they are not sufficient, in this case, to outweigh the significant harm I have identified to the character and appearance of the locality, to highway safety and to the unacceptable living conditions of future occupants of the residential units and existing occupiers of the pair of bungalows sited immediately to the rear of the appeal site which would result.

Conclusion

23. For these reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR