The Planning Inspectorate

Appeal Decision

Site visit made on 6 January 2014

by D Lamont BSc(Hons) MBA MRTPI MCMI

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

Decision date: 5 February 2014

Appeal Ref: APP/Y3805/A/13/2207923
39 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5RL.

- 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 Jonathan Pressley against the decision of Adur District Council.
- The application Ref AWDM/0864/13, dated 17 July 2013, was refused by notice dated 4 October 2013.
- The development proposed is the erection of 2 no. semi-detached dwellings following the demolition of the existing property.

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 on the living conditions of the occupants of neighbouring properties on The Meadway, with particular regard to outlook, privacy and light.

Reasons

Character and Appearance

3. The area in the vicinity of the appeal site is characterised by a spacious and open pattern of suburban development set within a beach-side context. Low detached dwellings predominate. Some contain accommodation within the roof. Together, the modest scale and form of the buildings and the spaces between them contribute to the area's character and local distinctiveness.

4. The proposed development would replace the existing low-pitched, detached dwelling with a pair of substantial semi-detached homes extending to three floors of accommodation, close to similar development to the west and a low roofscape to the east and north.

5. The scale, mass and form of the proposal would depart from this prevailing pattern of development, introducing a much more dense, urban form of housing which would be at odds with the local distinctiveness I have described. The height and bulk of the building, the reduction in the gap between dwellings

at first floor level on the western boundary and the introduction of two buildings on this restricted plot would result in a development which would be at variance with the spacious character of the area by diminishing open views across and between buildings. Furthermore, the proposal would be perceived by neighbouring residents as a radical alteration from a modest bungalow to a substantial building, and the harm would be compounded by the cumulative effect of the close proximity of the substantial adjacent properties to the west.

6. I acknowledge that the proposal would reflect the taller pairs of semi-detached properties which have recently replaced lower, detached single dwellings on some sites on the north side of Old Fort Road. However, these are exceptions to the more modest properties which make a significant contribution to the character and appearance of this side of the street and the wider neighbourhood. The scale, form, massing and design of the proposal would repeat and compound the cumulative effect of these similar developments and further undermine and detract from the visual amenity the locality.

7. For these reasons, I conclude that the proposal would cause substantial harm to the character and appearance of the area. This would be contrary to Policies AG1 and AH2 of the Adur District Local Plan 1996 which require new residential development to be in keeping with and enhance the existing local environment in terms of, amongst other things, architectural form and layout. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which requires development to contribute positively to making places better for people and reinforce local distinctiveness.

Living Conditions

8. The bulk and massing of the proposed dwellings would be significantly greater than the existing bungalow they would replace. The development would introduce a substantial two-storey element in relatively close proximity to the modest rear gardens of the dwellings to the rear which front The Meadway. Due to its size and siting, the building would be a dominant and intrusive feature which would be harmful to the relatively open aspect from the rear windows and gardens of the neighbouring properties on The Meadway, and particularly No 35. The harm to the occupiers' outlook would be exacerbated by the cumulative impact of the proposed dwellings and the adjacent property to the immediate west of the appeal site.

9. The rear first floor bedroom windows in the proposed building would have restricted opening and incorporate obscured glazing, which would prevent direct overlooking of the properties to the rear. However, the expansive areas of glazing would be likely to impose a sense of overlooking for the occupiers of adjoining properties on The Meadway, and particularly those at No 35 where the distance between the conservatory and the rear of the new building would be below the minimum standard in the Council's guidance[1]. Furthermore, the proposed glazing arrangements would restrict views from the windows for future occupiers of the dwellings to the detriment of their living conditions.

[1] Development Control Standard No.2: 'Space around New Dwellings and Flats' (DCS2).

10. Although the proposal would not result in an unreasonable loss of daylight for adjoining occupiers, it would reduce sunlight to No. 35 The Meadway to some extent, and this adds weight to my concerns.

11. For these reasons, I conclude that the proposal would cause substantial harm to the living conditions of the residents of neighbouring properties on The Meadway. As such, it would conflict with Policies AG1 and AH2 of the Local Plan which, amongst other things, state that new residential development should not be unneighbourly in terms of privacy, daylight/sunlight and outlook. The proposal would also be contrary to one of the Framework's core planning principles which requires a good standard of amenity for all existing and future occupants of land and buildings, and would conflict with DCS2.

Other Matters

12. I acknowledge the proposal's sustainability credentials and the modest contribution it would make to housing stock in the District, and I have also considered the appellant's suggested conditions for landscaping and obscure glazing. However, these factors do not outweigh my conclusions on the main issues in this case. Whilst the Planning Officer supported the proposal, it is the decision of the Council that is before me in the determination this appeal. I have also taken into account other concerns raised locally, including highway safety and drainage. However, they do not add to my reasons for dismissing the appeal.

13. I have also taken into account other concerns raised locally, including access and parking, amenity space and flooding. However, they do not have a bearing on the main issues in this case or add to my reasons for dismissing the appeal. I have also considered the proposal within the context of similar local structures, associated planning permissions and the appeal decision at No 17 Old Fort Road (Ref. APP/Y3805/A/13/2202322). However, from the information before me and the particular circumstances of the site and the subject development, these issues do not outweigh the harm I have identified.

Conclusion

14. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Lamont

INSPECTOR