n.j.a town planning Ltd

Applications & Appeals Services

STATEMENT OF CASE

in respect of

1 Hamble Road, Sompting,
West Sussex
BN15 0ES



APPELLANTS: MR & MRS JENNER

LPA Ref: AWDM/0674/16

October 2016

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NJA/1	***Supplementary Planning Guidance: Development Control Standard No.2 'Space Around New Dwellings and Flats'***

1.0 INTRODUCTION

1.1 This appeal is against the refusal of planning permission by Adur District Council, as Local Planning Authority, in relation to a planning application proposing "Demolition of existing conservatory to south west side and existing conservatory and extension to rear. construction of 1 x 2 bed dwelling attached to existing dwelling, including single-storey rear extension to existing dwelling." at 1 Hamble Road, Sompting , Lancing, West Sussex, BN15 0ES. NJA Town Planning Ltd has been instructed by Mr & Mrs Jenner to appeal against this refusal of planning permission by the Council.

2.0 APPEAL SITE AND SURROUNDING AREA

2.1 The aerial photograph below gives an impression of the type of development in the locality. The dwellings are generally grouped together as terraces of three or four units. The estate dates from the 1970s and as is typical of that time incorporates a small arcade of shops with residential units above. These stand just to the north-east of the appeal site.

Google extract of 1 Hamble Road showing relationship between existing house and the appeal site.

1 Hamble Road, Sompting, Lancing, West Sussex, BN15 0ES



1 Hamble Road, Sompting, Lancing, West Sussex, BN15 0ES



View towards rear of shops on land adjacent. The appeal site can be seen where the bush is in the right hand photograph.




View of shops and appeal site. Note how the site is enclosed.




Appeal site from opposite side of the road and rear. Note how in the right hand photograph the house in the distance which lies at the other end of this particular group is close to the road.




Closer view of rear and side of appeal site. The conservatory to be removed can just be seen. The photograph to the left shows more clearly how the dwelling at the other end of the group is located close to the pavement edge and road.




View looking east across the frontage of terrace.




View looking east and appeal host dwelling front elevation.




3.0 RELEVANT PLANNING HISTORY

3.1 There is no relevant previous planning applications which relate to the appeal site.

3.2 The appeal application (reference AWDM/0674/16) was submitted to the Council seeking planning permission for "Demolition of existing conservatory to south west side and existing conservatory and extension to rear. construction of 1 x 2 bed dwelling attached to existing dwelling, including single-storey rear extension to existing dwelling."

3.3 The application was refused under delegated powers on 07 July 2016, for the following reason:

1. The proposed dwelling, by reason of its relatively narrow width and close proximity to the pavement edge, will result in a cramped form of development which would be out of character with the existing terrace and harmful to the character of the area. It would therefore be contrary to saved policies AG1 and AH2 of the Adur District Local Plan, Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space Around New Dwellings and Flats' and the relevant paragraphs of the National Planning Policy Framework relating to good design.

4.0 PROPOSED DEVELOPMENT

4.1 The proposed new dwelling measures some 4.7 metres in width with a ground floor depth of 9.8 metres. At first floor level the depth is 1.4 metres less, however this is still 1.3m deeper than No.1 at first floor level. This additional 1.3metres at first floor level has a hipped roof which extends back into the main roof.

4.2 To facilitate the new dwelling and the new rear extension at No.1 two existing sub-standard structures to the side and rear of No.1 as existing are to be removed. No.1 as extended will have the same depth at ground floor as the proposed new dwelling (9.8m)

4.3 The boundary wall will still largely follow the existing alignment. The existing parking space will be retained.

5.0 ANALYSIS OF THE COUNCIL'S DELEGATED REPORT

5.1 Before considering the compliance of the appeal scheme with relevant planning policy, it is necessary to examine the Council's delegated report to understand the key planning issues and why the application was refused. The following extracts in bold type are from the Officer's delegated report and the Appellant responds to each issue raised.

Assessment

Planning Assessment Principle

The proposal comprises the construction of new housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the site and its surroundings.

5.2 The appellant's acknowledges the above statement by the Council and in particular the recognition that this proposal is acceptable in principle. Whilst, they believe the proposal is acceptable in its own right they would wish for the Inspector to be aware that the Council is unable to provide an up to date 5 year supply of housing. Indeed the Council reported in 2015 that it could only provide 2.4 years worth of deliverable sites. Therefore should the Inspector conclude that the consideration of the issues pertaining to this proposal are more finely balanced than the appellant's believe then the appellant's would ask that the Inspector gives substantial weight in the decision making process to the lack of the necessary supply of housing. Whilst, the proposal is only for one unit, each unit, particularly one suitable for a young family, can make a real contribution to the housing needs of the area.

Visual amenity

The proposed dwelling will be narrower than the others in the terrace (4.3m wide compared with 6.6m for the existing dwellings) and will be built tight to the pavement. The current terrace maintains a reasonable gap to the pavement which contributes to the open character of the street scene. To construct a dwelling in this location, of narrower width and close proximity to the pavement edge will result in a cramped form of development which would be harmful to the character of the area and would not reinforce local distinctiveness.

5.3 The proposed block plan shows that the proposed dwelling is at least 1m back from the adjacent footpath at its nearest point. The terrace is actually on an angle to the footpath so that the distance between the footpath and the new dwelling increases in a westerly direction.

5.4 It is interesting to note that the Council believes that the current distance between the footpath and the gable wall of the existing house 'contributes to the open character of the area'. The reality is this area is enclosed by a high boundary wall and fence with a small tree. This area is a side garden which has more affinity with the enclosed rear gardens than the open plan front gardens. It is the open plan front gardens and how they relate with the surrounding terrace blocks which are largely responsible for the character of the area, not any enclosed side gardens. The fact that the proposed dwelling has a narrower width doesn't detract from the appearance of the terrace block as a whole as it still contributes to the overall mass in a complementary manner. Indeed the extension of the terrace block in question only helps to reinforce the original concept. There are other examples where variations of the basic theme can be found. For example to the north of the shopping arcade there is a dwelling which has been set back slightly from its neighbours. It still works visually. Elsewhere other blocks have been placed tightly to access roads or footpaths to provide a sense of enclosure.

5.5 The appellant's acknowledge that the new dwelling is not the same as its neighbours. However, that's not the issue, the issue is whether the design causes unacceptable harm. The appellant's contend that it does not. In fact by replacing the unremarkable side garden with a solid building the end result is a visually better situation. The space in front of No.1 and its neighbours is visually strengthened when looking from the east through the eradication of the visual leakage down the side of No.1 towards the functional shopping arcade. The wider street scene is also improved.

The first floor rear extension would also be out of character with the form of the terrace and its visual impact will be exacerbated by its proximity to the street. The front window size and design does not match the rest of the terrace.

The proposal is therefore considered to result in visual harm to the detriment of the character of the street scene.

5.6 The Council doesn't say how the first floor rear extension would be out of character only that it would be. However, its depth at first floor level is negligible. It wouldn't be visually noticeable from the east, only from the west where the new hipped roof would provide a degree of visual interest on the end the terrace. The different fenestration is appropriate for the proposal. The Council doesn't expand upon why it must match that of No.1 given that the proposal has its own design but remains complementary to No.1.

Residential amenity

The proposed dwelling would not cause a loss of light or outlook for the existing dwelling or to any other dwellings in the vicinity. The proposal would reduce the garden area available to the existing dwelling to 33sqm which would fall below the minimum standard of 65sqm for a 3 bed terraced dwelling. The proposed new dwelling would have a slightly larger garden area which would satisfy the requirement for a 2 bed terraced dwelling.

5.7 It is important to acknowledge that the proposal to create an extension at the rear of No.1 is a completely separate element of the application. The extension occupies nearly 18 sq. metres. This extension is in lieu of the existing substandard structure. It is usual for amenity space standard to make some allowance for what would normally be permitted development. Therefore the 33 sq metres is effectively the space left after the erection of 'notional' permitted development. In reality the size of amenity area left for No.1 is not dissimilar to what is available for other mid-terrace units in the area.

5.8 The SPG document from which the standards are derived is undated (see NJA-1) but is in excess of 10 years old and importantly has not been prepared having regard to the NPPF. No evidence is available as to how the space standards were derived. Therefore it should be afforded limited weight as a material consideration which is not part of the Development Plan.

The proposed extension to the existing dwelling at 2.7m deep would comply with the Council's Standard for rear extensions and would not cause undue harm to the attached dwelling to the east.

5.9 The appellant's welcome the council's conclusions above. Based on the above it is more difficult to understand the Council's objections to the size of the remaining garden area which of course is influenced by the proposed extension.

Parking and Access

No parking is proposed for the existing dwelling with the existing parking space to be given to the new dwelling. WSCC Highways have commented that "The dropped kerb would need to be extended to create an official vehicle crossover (VCO) to facilitate the manoeuvring of vehicles to and from the site without over running the verge. The plans provided do not indicate the location of this parking space or how it is accessed. The applicant should provide an amended plan demonstrating the parking arrangements." They also comment that "The WSCC Car Parking Demand Calculator would envision that up to three spaces could be provided for both the existing and proposed dwelling. On the basis that the one space is to be provided this would result in a shortfall of two spaces. From an inspection of local mapping there appears to be on street car parking available in the vicinity. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking."

A parking survey should therefore be submitted to demonstrate that there is adequate space available on-street to meet this shortfall. This has not been provided but it is not considered that the impact of the development on-street parking would be sufficient to cause harm to amenity or highway safety.

5.10 The appellant's welcome and concur with the Council's conclusions regarding the impact of the proposal on parking. The Inspector will note during the site visit that there is ample on-street parking and there are several garage blocks provided within the overall development which provide additional parking.

6.0 PLANNING POLICY COMPLIANCE

6.1 National planning policy is set out in the National Planning Policy Framework (published 27 March 2012). Local planning policy is set out in the Development Plan, in this case comprising the saved policies of the Adur District Local Plan and the Pre-Submission District Plan.

6.2 The Council's delegated report identifies Local Plan Policies AG1 and AH2 of the Pre-Submission District Plan as being relevant to the application, along with the NPPF.

National Planning Policy Framework

6.3 The NPPF states at paragraph 6 that *'the purpose of the planning system is to contribute to the achievement of sustainable development.'* Paragraph 9 states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. This will include improving the conditions in which people live, work, travel and take leisure. It is considered that the appeal proposal meets these requirements.

6.4 Chapter 7 of the NPPF relates to design issues. Paragraph 56 states that *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* Paragraph 58 states *inter alia* that new developments should add to the overall quality of the area, create attractive and comfortable places to live, optimise the potential of a site to accommodate development, and be visually attractive. It is considered that the appeal proposal meets all of these requirements.

6.5 Paragraph 14 stresses that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;

- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.9

For decision-taking this means:[10]

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.[9]

6.6 The appellant's believe that the proposals are sustainable and do not conflict with any of the objectives listed above.

6.7 Paragraph 17 identifies a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*

- *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*

- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*

- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*

- *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*

- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*

- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*

- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*

- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*

- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*

6.8 The appellant's are again of the view that this proposal does not conflict with these core principles

Adur District Local Plan

POLICY AG1

The built-up area boundary is shown upon the Proposals Map which distinguishes between the countryside and coastal beaches in the District and the principal existing or potential built-up area.

6.9 Clearly in this case the location of the appeal site is well within the defined limits of the built up area and this part of the policy is supportive of the proposal under consideration.

Within the boundary, development will normally be permitted, subject to other policies in this Local Plan and to it not detracting from the existing local urban environment.

6.10 In considering this element of the policy there is firstly a linkage to policy AH2 through the reference to 'other policies in the Local Plan'. Logically therefore if there is shown to be no conflict with policy AH2, then there cannot be any conflict with this part of the policy as no other policies are quoted. Secondly, the second part of the policy requires that any development doesn't detract from the local environment. This is a rather vague phrase which could be open to a lot of differing interpretations. From the appellant's perspective the proposal does not cause any harm and is an opportunity to provide an additional home in an area in much need of new homes, in a form which is essentially an extension of the existing built form. Yes, it is slightly narrower and to a slightly different design but neither of these points detract from the overall proposition which does not harm the character of the locality.

Outside the boundary, development will only be permitted in exceptional circumstances and subject to policies elsewhere in this Local Plan. There will be an even stronger presumption against development in certain particularly sensitive areas of countryside as specified in Policies AC2, AC3 and AC4.

6.11 This criterion is not applicable to this proposal.

POLICY AH2

New residential development by way of infilling or redevelopment will be acceptable in the built-up area, providing the site is not allocated for any other purpose in this Local Plan. Any proposal will be expected to be designed so that:-

(a) its appearance, character and scale create a pleasant place in which to live and is in keeping with and enhances the existing local environment with particular attention being paid to the architectural form, height, materials, density and layout of both buildings and associated structures and hard surfaced areas;

6.12 As has been stated on several occasions above the proposal is complementary to the existing built form which seeking to replicate the

1970's design exactly. It is important to recognise that the appeal site is an enclosed side garden which does little to make a positive contribution to the character of the area.

(b) it respects the existing natural features of the site, including land form and trees;

6.13 The existing small tree within the side garden is not being retained but it is not considered worthy of retention or protection.

(c) it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;

6.14 This part of the policy is concerned with impact on existing dwellings rather than standards. The Council has raised an objection to the proposal on the basis that the proposal would cause harm to existing dwellings by reason of the loss of open space only. It is the appellant's view that the proposals will not cause any adverse impact upon existing dwellings in that the amount of amenity left is more than appropriate and compares reasonably well with other mid terrace dwellings and therefore there is no conflict with this criterion.

(d) it incorporates adequate standards of residential amenity for the new dwelling(s) in terms of open amenity space, daylight/sunlight, outlook, and privacy;

6.15 This part of the policy is concerned with new dwellings only. The Council has not raised any objection to the proposal on the basis that the proposal would cause harm to any new dwellings by reason of the amount of open space available. It is also the appellant's view that there is no conflict with this criterion.

(e) access arrangements to the public highway and on-site parking arrangements are acceptable under Policy AT12, and

6.16 The Council in their assessment has concluded that the proposals would not materially cause any highway safety or amenity issues. The appellant's would support this analysis on the basis that there is considerable off-street and on-street parking available in the area.

(f) it accords with the standards adopted by the District Planning Authority.

6.17 This criterion is potentially very broad in its coverage. In respect of this proposal the only standard specifically at issue is that relating to the amount of open space. The appellant's position regarding that issue is set out above.

7.0 CONCLUSIONS

7.1 In many Council areas opportunities are being taken to create much needed housing through the addition of single dwellings in established housing states where surplus land exists. In this case the surplus land in question is a side garden to an existing property. The side garden has relatively little merit and could be said to detract from the immediate group of buildings to which it is linked. The proposal to add a single dwelling helps to reinforce the existing group of dwellings which surround a small area of open plan front gardens. In design terms it is slightly narrower and has different fenestration than its neighbours but this doesn't by itself cause any harm. In amenity space terms the Council doesn't object to the size of the amenity space for the new dwelling, but does raise objects to that which is left for the existing dwelling, although no objection is raised to the rear extension which is bigger than the existing rear extension. However, the space available is entirely appropriate for a mid terrace dwelling in this area. The appellants believe this proposal is entirely acceptable when judge against all of the relevant consideration and the Inspector is respectfully asked to allow this appeal.