The Planning Inspectorate

# Appeal Decision

Site visit made on 28 February 2017

**by Grahame Gould BA MPhil MRTPI**

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

**Decision date: 28th March 2017**

**Appeal Ref: APP/Y3805/W/16/3161545**
**4 and 6 Old Shoreham Road, Lancing, West Sussex BN15 0QT**

- 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 L Claxton of CLC Properties against the decision of Adur District Council.
- The application Ref AWDM/0829/14, dated 12 June 2014, was refused by notice dated 11 August 2016.
- The development proposed is demolition of existing house at 4 Old Shoreham Road and erection of 2 semi-detached houses and 2 single garages to the rear. Closure of existing site access from the A27 roundabout and creation of a new access road from Old Shoreham Road and associated vehicle parking and landscaping.

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The address of the site given on the application form refers to 4 and 6 Old Shoreham Road (Nos 4 and 6) and I have therefore referred to both of these properties, rather than just No 4, in the banner heading above.

3. The application as originally submitted sought permission for the demolition of No 4 and the construction of a pair of semi-detached houses and two chalet bungalows. However, prior to the application's determination the chalet bungalows proposed for the rear of the site were removed from the scheme. The description of development used on the Council's decision notice reflects the amendment made to the application and the appellant has confirmed that it is agreeable to that description being used. I have therefore referred to the amended description of the development in the banner heading above.

## Main Issues

4. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of the occupiers of the neighbouring properties.

## Reasons

*Background*

5. The development would involve the demolition of No 4, a recently fire damaged house occupying an extensive plot, and its replacement with a pair semi-detached houses. The development would also involve the construction

of a side access (drive), which would provide access to two garages sited behind the houses. The drive would be around 60 metres long and 4.8 metres wide and would provide turning facilities to enable vehicles, including refuse freighters, to enter and exit the development in a forward direction. The drive would pass between the northernmost of the new houses (house 1) and No 6, a detached house. In order to connect the development with the public highway the drive would be extended so as to link into the slip road fronting the neighbouring houses in Old Shoreham Road. Old Shoreham Road's main carriageway at this point is dualled and forms part of the A27. As part of the development No 4's existing vehicular access, which is within the Lancing Manor roundabout (the roundabout) would be closed.

6. This site has been the subject of an extensive planning history with a number of applications being submitted and refused planning permission. Those earlier applications were for more intensive developments and would have utilised an access arrangement similar to the drive now proposed. The appealed application was amended to a scheme for two houses because of flood risk concerns relating to the rear half of the site. Further to the application's amendment Highways England lifted its holding direction and it advised the Council that it was agreeable to a conditional planning permission being granted for a development of two dwellings.

7. While the appealed application was originally reported for approval to the Council's planning committee, members of the committee deferred making a decision on 26 June 2016 to enable an assessment of the need for the drive to be made. Highways England and West Sussex County Council advised the Council that from their perspectives they considered it would be technically feasible for a development of two dwellings to be accessed directly via the roundabout, although Highways England indicated that in order to comply with the relevant design guidance the necessary works would be likely to be expensive[1]. The Council's refuse and recycling manager has advised that it would be possible for refuse freighters to service the development from the adjoining service road and/or Grinstead Lane.

*Character and Appearance*

8. To accommodate the drive the houses have been sited so that there would be little or no space between them and the site's boundary with 1 Grinstead Lane (No 1) and both of the new houses would have comparatively small gardens because of the drive's land take. The drive, given its dimensions, would occupy a significant part of the site and neither of the highway authorities nor the waste collection authority now consider there to be a technical need for the drive. The provision of the drive, on the basis of the available evidence, would appear to be an over engineered access arrangement for a development of two houses. I consider the drive's formation would unnecessarily compromise the development's layout and appearance, resulting in a very tight siting relationship with No 1 and the provision of an expanse of hard surfacing, equivalent to a narrow road, that would be visible within the streetscene.

9. I recognise that Nos 4 and 6 currently share a tight siting relationship, however, the redevelopment of No 4's plot provides an opportunity to reduce the tightness of that relationship, which would enhance the streetscene.

[1] As recorded in the representations section of the Council's committee report of 8 August 2016

While the scale, height and architecture of the houses would all be compatible with the development's surroundings, I consider that the drive's provision would result in this development having an unnecessarily compromised appearance, with the existing tightness of the siting relationship between Nos 4 and 6 being swapped for an equally tight relationship between No 1 and the new houses. I note that the appellant considers that some scaling back of the turning arrangements would be possible, however, I consider that any such alterations would only marginally improve the development's appearance within the streetscene.

10. I appreciate that it might be preferable in highway management terms for the use of the existing access within the roundabout to cease, however, the Council has stated that neither of the highway authorities consider that to be essential for a two dwelling scheme, with Highways England having indicated that there is potentially a design solution, notwithstanding the volume of traffic using this junction. I consider there to be no inconsistency between the highway authorities' comments in respect of the current and earlier schemes, given that the current proposal would only involve one additional dwelling, while the earlier schemes, given their intensity, had the potential to generate more vehicular activity necessitating a different access arrangement.

11. I recognise that the site has a poor appearance following the fire damage No 4 has sustained. However, I consider that appearance does not justify permitting a permanent development that would be of a poor appearance because of the inclusion of what would be an over-engineered drive that would, for the most part, only serve some garages, given that refuse freighters could service the site from the public highway. I therefore consider that the available evidence has not demonstrated that it would be impossible to design a scheme for two houses, with safe accessing arrangements, without the drive having to be included or that any such alternative arrangement would make the development unviable. I also consider that the available evidence has not demonstrated that without the drive it would be impossible to provide on-site car parking, ie garages and/or hardstandings, at an appropriate level.

12. I appreciate that altering the layout of the development has implications for how the land to the rear of the appellant's landholding might be accessed. However, I am required to consider the development that is subject to the appealed application and cannot take account of any possible implications that there might be for any intentions the appellant has for the rest of the landholding. That is because those intentions are not the subject of a planning permission.

13. For the reasons given above I conclude that the development would be harmful to the character and appearance of the area. There would therefore be conflict with saved Policy AH2 of the Adur District Local Plan of 1996 (the Local Plan) because the appearance of this infill development would not enhance the existing local environment having regard to the scheme's layout and the amount of hard surfacing that would be provided. There would also be conflict with Policy 15 of the Council's emerging replacement Local Plan 2016[2] in that development would not enhance the character of the site,

[2] The Submission Adur Local Plan 2016

however, that conflict is not determinative because the emerging Local Plan currently has no statutory status.

*Living Conditions*

14. The concern that the Council has with respect to the development's effect on the living conditions of the occupiers of the neighbouring properties is vaguely expressed in the reason for refusal, the committee report and the Council's appeal statement. I therefore presume that the Council's concern relates to the use of the drive generating noise and disturbance for the occupiers of Nos 1 and 6 and 2 to 6 Manor Way, collectively the neighbouring properties.

15. Given that the drive would provide access to two domestic garages and could occasionally be used by refuse freighters, I consider that the scale of the vehicular and pedestrian activity arsing from the drive's use would not disturb the occupiers of the neighbouring properties. I therefore conclude that this development would not be harmful to the living conditions of the occupiers of the neighbouring properties. In this regard I find there would be no conflict with Policy AH2 of the Local Plan because there would be no unneighbourly effect. Similarly, while not being determinative, there would be no conflict with Policy 15 of the emerging Local Plan because there would be no unacceptable impact on the occupation of the adjacent properties.

**Other Matters**

16. The development would result in a net increase of one dwelling in the supply of housing and there would therefore be some very modest social and economic benefits arising from this scheme. The appellant contends that the Council cannot currently demonstrate the availability of a five year supply of deliverable housing sites (HLS). Even if I were to conclude that there is a shortfall in the HLS of the scale suggested by the appellant and that the relevant policies for the supply of housing should be considered as not being up-to-date, I consider that the adverse impacts of granting permission that I have identified would significantly and demonstrably outweigh the development's benefits. I therefore find that this scheme cannot be considered to be a sustainable form of development for the purposes of the National Planning Policy Framework and that the harm that I have identified could not be overcome by my imposition of reasonable planning conditions.

**Conclusions**

17. While I have found that the development would not be harmful to the living conditions of the occupiers of the neighbouring properties, there would be unacceptable harm to the character and appearance of the area. I therefore conclude that the appeal should be dismissed.

*Grahame Gould*

INSPECTOR