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LAND SOUTH OF 4 WILMOT ROAD, SHOREHAM BY SEA, BN43 6BN.

Application AWDM/1089/24

This is an appeal against refusal of planning for a new detached bungalow.

Reasons given for refusal:

The proposed development, in terms of its form, scale and siting, would represent overdevelopment, with substandard amenity space for the new and existing dwellings. It would therefore be detrimental to the future and existing occupiers and would set a precedent for further development, the cumulative effect of which would be harmful to the character and appearance of the area. The proposal is therefore contrary to Policies 15 and 22 of the Adur Local Plan, 'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats' and the NPPF.

Previous appeal:

The Planning Officers' report outlines the reasons for refusal in respect of the previous appeal; however, the majority of those reasons have been overcome by the re-siting and rearranging of the layout of this new proposal.

We do note that the inspector suggested that it would be incongruous in the suburban surroundings, but this did not stop Adur Council giving themselves approval for a bungalow in a similar situation.

Representations:

4 objections from 4, 4A, 6 Wilmot Road and 74 Hammy Lane.

1. The design put the building flush with my garden fence, access and maintenance would be required. Loss of light.
2. Overlooking from roof lights.
3. Overdevelopment, crowd the space and encroach.
4. Limited parking space
5. Loss of view and out look
6. Impact use of garden
7. Devalue property
8. Highway access and parking
9. Noise
10. Proposal worse than original scheme
11. Text from delegated report and appeal decision used to justify refusal here.

12. The proposal addressed some overlooking issues however the core issue is that the constrained site is unsuitable for the construction of a home.
13. A further representation from owner/occupier of 74 Hammy Lane expressing concern with regards to WSP comments if this application is approved there must be assurance that the proposed recommendations will be adhered to by the applicant.

Replies

1. The building is not on the boundary line and there will be adequate room for maintenance of the garden fence.

1a. There is no loss of light, see plan.

2. There will be no view into the building of significance owing to the position of the roof lights. Also it will not be possible to look in because of the total internal reflection of the glass.
3. The property and amenity space comply with the local and national standards. The area of garden required is 50m². The property has 120m². The required internal floor area is 61m², this property has 62m².
4. The Highways & LA are happy with the parking space.
5. There is no loss of view or outlook from the ground floor or garden of the existing houses. The existing garages restrict the view, except for the sky. From the first floor there will be substantially the same view of the garage compound and houses on the far side.
6. We see no reason why this proposal should impact the use of the gardens to 4/4a Wilmot Road at all; there will be no overlooking or other problem. There is no loss of sunshine.
7. The value will be unaffected and may be enhanced having a bungalow instead of the existing garage.
8. The Highways are happy about the proposal
9. There is no reason why there should be any more than normal noise, the new position of the building will reflect any noise away from the existing houses.
10. We disagree that the proposal is worse than the previous application. Indeed it has been redesigned to eliminate the concerns from neighbours.
11. The property complies with the m² requirements both internally and externally. It is also very similar in size to the property 2 Wembley Avenue which has been previously approved by Adur and Worthing council. AWDM/0829/22. Appendix A
12. The proposal is for a domestic property on domestic land. It complies with house standards and is no worse a situation, and probably better, than Adur have given approval for their own developments. Application no AWDM/1434/21. Appendix B

Planning Assessment

Principle

We note particularly para 5:-

As such, the presumption in favour of sustainable development, set out in the National Planning Framework, applies. This states that permission should be granted unless one or both of two given criteria are met. Criterion (ii) states that 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.
The impacts are assessed below.

Paragraph 7 states:-

It is acknowledged that the reorientation of the building does allow for the direct overlooking to be removed. The fence screens the boundary to the north and openings are only on the south and west side. Therefore the properties in Wilmot Road will not overlook directly towards the new dwelling. Yes the proposal is still deemed unacceptable for the other reasons set out.

However, whilst they say that "*the proposal is still deemed unacceptable for the other reasons set out*." They have not in fact given any reasons. In particular they have not shown anywhere that it would cause harm to the character and appearance of the surrounding area.

Visual amenity and character of the locality.

As has been stated, the building has been reduced in height. It is taller than the garage behind, but there is no reason why those garages should be a benchmark. The fact that the houses in the area are generally two-storey did not stop the local authority from giving themselves permission to build bungalows. Also a mixture of properties should be a good thing not a problem.

The local authority are happy to give the recently approved property, 2 Wembley Avenue Lancing permission despite it not being like any of the surrounding properties in type or height.

The new dwelling would comply with all the space standards both inside and out.

The situation with the existing houses in Wilmot Road is of no importance, as this will not change whatever the outcome of this appeal.

There are currently further houses in Wilmot Road and other roads which back onto garages and thus this is not a change.

Residential amenity:

The outlook from the gardens/ground floor will be no different than any of the numerous properties in the area which back onto garages. The space standards comply with national LA requirements.

The 11m depth requirement is to stop houses being to close one another, a garage is another matter.

I note the application AWDM/1434 (extract attached) Application by Adur DC to build on the site of a garage compound exactly like that behind 4 Wilmot road.

Adur Council approved for themselves a development on the garage site to the east end of Wilmot Road. The back gardens are in three cases only 7.9m, thus it cannot be a requirement to stick to the 11m. Also the area of numbers 3&4 is only 37m² rather than the 50m² suggested by their own standards. Number 5 has 64m2 and thus it is nowhere near the 120m² provided in this application.

I note that the rear garden depths only apply to two-storey houses according to the space around new dwellings (Development Management Standard No.1) not in respect of bungalows. See sections 2.9 and 3.2 Appendix C.

Also the council have approved the application for 2 Wembley Avenue despite this being less than 11m from the back of Nos 63-67 Crabtree Lane, also it is two-storey.

Re the gardens to 4/4A being sub-standard, this does not affect the application because the situation will not change whatever happens as mentioned above.

Having decided they don't want this property the LPA are scrambling around to find any excuse, whilst there is not one.

Consultations

Environmental health:

There is nothing of concern.

Highway Matters

As noted the Highways Authority are not concerned.

Since the previous appeal an assessment of the access, use of the garage area has been undertaken and it is clear that there are no safety issues.

Southern Water

No objections

Adur and Worthing Council: Private sector Housing

No objections

Technical Services

No objections

Conclusion

Despite trying hard to find two reasons why the NPF should not be implemented the LA have failed and thus permission should be granted.

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