The Planning Inspectorate

Appeal Decision

Site visit made on 9 June 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29 JUNE 2021

Appeal Ref: APP/Y3805/W/21/3270585
66 Old Fort Road, Shoreham-by-Sea BN43 5HA

- 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 Andrew Pollard against the decision of Adur District Council.
- The application Ref AWDM/1085/20, dated 13 July 2020, was refused by notice dated 9 February 2021.
- The development proposed is demolition of a two-storey house and replacement with a part three storey detached house.

Decision

1. The appeal is allowed and planning permission is granted for demolition of a two storey house and replacement with a part three storey detached house at 66 Old Fort Road, Shoreham-by-Sea BN43 5HA in accordance with the terms of the application, Ref AWDM/1085/20, dated 13 July 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Andrew Pollard against Adur District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is set within a road of residential development which demonstrates an eclectic mix of dwellings. Large detached houses are the dominant type of development, and these vary considerably in respect of scale, design and age, which is an interesting display of the evolution of architectural fashion.

5. The proposal would be unashamedly contemporary in its design, which would reflect the more modern developments within the area. The ground floor would provide the largest footprint with each floor above set in slightly from the front, rear and sides of the storey beneath to give a tiered effect. The range of dwellings in the area includes 1,2 and 3 storey dwellings and whilst the overall height would be of a 3-storey dwelling it would not be out of context within the wider area. The tier design would reduce the bulk of the upper floors and a

separation in excess of one metre would be maintained from the side boundaries. Collectively these factors would ensure that the spaciousness and open character of the area around the built form would be retained, and the building would not be experienced as an overbearing or oppressive form of development.

6. The use of lightweight materials with clean lines and expanses of glass would respond positively to the seaside location and contribute to the diverse range of architecture along the road. The glass would create an element of permeability to the dwelling, which would not only reflect the openness and vast expanse of the adjacent sea, but also reduce the overall perceived mass of the dwellinghouse.

7. I find that the proposal would be a complimentary addition to the area. It would comply with Policy 15 of the Adur Local Plan which requires development to be of a high architectural quality and respect and enhance the character of the site and the prevailing character of the area.

Other Matters

8. I have considered the representations made in relation to the proposal. Whilst the built form would extend closer to the boundaries than the existing dwelling, I consider that the retained level of space around the dwelling, combined with the wider openness of the area, would ensure that the development would not be overbearing. The existing relationship with No 64, which is set towards the highway, would result in a different outlook for occupiers of No 64. However, the design of the dwelling to include a set back at upper level would not create an oppressive development. Privacy glazing would be incorporated in the balconies which would be secured by condition. Obscure glazing would be used in the east and west elevations on the upper floors. I am satisfied that the building has been designed to ensure that it would not be harmful to living conditions of neighbouring occupiers. There are a number of examples of sites along Fort Road being redeveloped, with replacement dwellings varying considerably. The appeal scheme does not set a precedent, each scheme must be assessed on its own merits.

9. Whilst I have carefully considered the representations made, the issues raised do not lead me to reach a different conclusion in respect of the appeal.

Conclusion and Conditions

10. I have found that the proposal would comply with the development plan when taken as a whole, and the appeal should succeed. I have considered the suggested conditions set out in the evidence of both the Council and appellant. I have amended the conditions for clarity and to ensure that they meet the necessary tests.

11. I have specified the plans for certainty. I have specified hours of construction and consider it necessary to ensure that external fixed plant is properly installed to ensure that the proposal does not adversely affect living conditions of neighbouring or future occupiers. I have attached conditions to secure obscure glazing on the first and second floor east and west elevations, restrictions on any additional openings on those elevations, and privacy glazing for balconies. These conditions are necessary to ensure that the proposal does not have a harmful effect on the living conditions of neighbouring occupiers.

12. Due to the location of the appeal site it is necessary to include a condition securing compliance with the Flood Risk Assessment. Electric charging points are necessary to encourage sustainable methods of transport. I have included conditions relating to materials for the dwelling, carport and outdoor kitchen. I consider these necessary to ensure that the materials used sit comfortably within the character of the site and wider area.

13. I have specified that car parking should be provided, and the garage retained for parking of vehicles, to ensure that the site accommodates the level of associated parking and does not have an adverse impact on highway safety in this regard.

14. As this development is for a single dwelling in an area with good highway visibility and accessibility, with a condition secured relating to hours of construction, I do not consider it necessary to secure a construction method statement.

15. For the reasons above and having regard to all other matters raised I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: CONTEXTUAL ELEVATIONS ADC 1268/17 REV A; PROPOSED NORTH ELEVATION ADC 1268/13 REV D; LOCATION & BLOCK PLAN ADC1268/LP REV B; PROPOSED GROUND FLOOR PLAN ADC 1268/09 REV D; PROPOSED FIRST FLOOR PLAN ADC 1268/10 REV D; PROPOSED SECOND FLOOR PLAN ADC 1268/11 REV B; PROPOSED SIDE ELEVATION ADC 1268/14 REV C; PROPOSED WEST ELEVATION ADC 1268/15 REV D; PROPOSED EAST ELEVATION ADC 1268/16 REV E; LANDSCAPING PLAN ADC 1268/18 REV C; EXISTING FLOOR PLANS ADC 1286/01; EXISTING ELEVATIONS ADC 1268/02.

3) No development other than site survey and investigation shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

4) Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times. Monday - Friday 08:00 - 18:00 Hours Saturday 09:00 - 13:00 Hours Sundays and Bank Holidays no work permitted. Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works

5) No development other than site survey and investigation shall take place until a scheme is submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have

regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme.

6) The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: ADC 1268, dated 13 July 2020, by Alistair Dodd Consulting) and the following mitigation measure it details: Finished floor levels shall be set 300mm above existing ground levels (section 5.4). This mitigation measure shall be fully implemented prior to occupation. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

7) No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

8) No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

9) The building hereby permitted shall not be occupied until the window on the upper floors of the east and west elevations have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

10) No additional openings shall be installed on either the east or west elevations.

11) The balconies shall be fitted with privacy screens as detailed in plans Proposed West Elevation – ADC 1268/15 Rev D; Proposed East Elevation – ADC 1268/16 Rev E; Proposed Side Elevation – ADC 1268/14 Rev C. The privacy screens shall be retained in perpetuity.

12) Prior to construction of the carport and outdoor kitchen shown on the approved plans details of the design and construction and finish of these structures shall be submitted to and approved by the Local Planning Authority. Work shall be carried out in accordance with such details unless otherwise approved in writing by the Local Planning Authority

13) The garage hereby permitted shall remain for storage and parking of vehicles only.

END OF CONDITIONS