Appeal Decisions

Hearing held on 8 June 2010
Site visit made on 8 June 2010

by Neil Pope BA (Hons) MRTPI

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

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Decision date:
14 June 2010

Appeal A Ref: APP/Y3805/E/10/2121277
Former St. Mary's Hall, 24-25 East Street, 1 and 1A New Road, Shoreham-by-Sea, West Sussex, BN43 6RA.

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Urban Life (St. Mary's Hall) Ltd against the decision of Adur District Council.
- The application Ref. ADC/0024/09, dated 23 December 2008, was refused by notice dated 28 July 2009.
- The proposed works are the demolition of part of St. Mary's Hall and 1, 1A New Road.

Appeal B Ref: APP/Y3805/A/10/2121275
Former St. Mary's Hall, 24-25 East Street, 1 and 1A New Road, Shoreham-by-Sea, West Sussex, BN43 6RA.

- 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 Urban Life (St. Mary's Hall) Ltd against the decision of Adur District Council.
- The application Ref. ADC/0023/09, dated 23 December 2008, was refused by notice dated 28 July 2009.
- The development proposed is part demolition (retaining corner building No.24) and mixed use development (four storey building) to provide 10 flats (9 two-bedroom and 1 three-bedroom) above ground floor retail space.

Decisions

1. I dismiss appeal A and appeal B.

Procedural Matters

2. I have determined appeal A on the basis of the details shown on Plan 1 below. The Council's decision (appeal B) is based on revised drawings that include Plan 2. The amended description of the scheme has been agreed by the Council and the appellant and is set out above. I have determined appeal B accordingly.

3. Prior to the Hearing the appellant's agent informed me that a planning obligation (under section 106 of the Town and Country Planning Act 1990) was being drawn up to address the Council's concerns over infrastructure and a signed version would be submitted at least ten days before the Hearing. However, it was not until 4 June 2010, that a final draft obligation was submitted. The obligation had not been completed by the close of the Hearing. I informed the parties that I was willing to delay determining these appeals until mid day on 11 June 2010. No completed obligation had been submitted by that final deadline. The 'start date' letter for these appeals (dated 10 February 2010) makes it clear that an Inspector will only delay a decision

where exceptional circumstances arise. There are no exceptional circumstances to justify further delaying my decisions.

4. The appellant's agent also informed me that if appeal B were to fail conservation area consent should be withheld as there would be no suitable scheme for a replacement building on the site. This could result in an unsightly gap within the Shoreham-by-Sea Conservation Area (CA) and harm to the historic environment. The main issues therefore relate to appeal B.

Main issues

5. The three main issues are whether the proposal would: a) preserve or enhance the character or appearance of the CA, including preserving the setting of the grade I listed Church of St. Mary De Haura; b) provide adequate living conditions for incoming residents, having particular regard to amenity space, and avoid harming the living conditions of neighbouring residents, having particular regard to overlooking and outlook and; c) harmfully increase the pressure on infrastructure, having particular regard to transport, education, library facilities and the fire/rescue service.

Reasons

Conservation Area/Setting of the Listed Church

6. The CA covers the historic core of the town and contains the 12th century Church of St. Mary De Haura. The church tower rises above all other buildings within the CA and is prominent in views from outside the area, including from Shoreham beach to the south. Within the CA there are glimpses of the church through the narrow streets and close-knit urban grain. This landmark building is a very attractive and important feature of the town.

7. The CA also contains residential and retail uses and buildings of different sizes and designs. Whilst most of the dwellings are two storey, pitched roofed terraced houses there are also some flats. There is greater variation in the scale and design of buildings within the commercial areas. These include three and four storey properties and some flat roof buildings.

8. The appeal site is situated on the corner of East Street and New Road. It includes a two-storey 19th century building (24 East Street) and a two storey early 20th century building with a tall parapet-walled façade to New Road. The site lies at the junction of three different character areas[1] as defined in the Council's conservation area character appraisal[2] and has been identified as a 'key site' for the preparation of a development brief. The CAA has been subject to public consultation and can be given much weight in these appeals.

9. 24 East Street turns the corner with New Road and was built as a school. It is identified within the CAA as making a positive contribution to the townscape. Nevertheless, this building has been much altered. It includes bland shop fronts and, at upper floor level, a blank roughcast rendered south facing gable. The East Street entrance to church hall alongside does not possess any special architectural qualities and has a rather 'tired' appearance.

[1] 'The Shopping Areas', 'The Church Precinct' and 'Residential Areas within the Historic Core'
[2] Shoreham-by-Sea Conservation Area Character Appraisal and Management Strategy 2008.(CAA)

10. Where the corner of the early 20th century building meets 24 East Street it juts forward towards New Road. It narrows the footway and emphasises the ungainly mass of the church hall. The principal elevation of this building is a rather confused mix of architectural styles and materials. The Council informed me that it makes a *"neutral verging on a negative"* contribution to the CA. I agree with the appellant that this crudely detailed building lacks architectural merit and detracts from the character and appearance of the CA. The disused nature of much of the building also harms the character of the area.

11. The appeal site is identified as one of the 'key opportunity areas' within the Council's master plan[3] for the town. This plan is used by the Council in determining applications and is a background paper to its emerging Core Strategy. It has been subject to a process of public consultation. The appellant and the Council agree that this master plan should be given limited weight in these appeals. Amongst other things, it recognises the importance of protecting the setting of the grade I listed church and suggests a mix of retail, offices and flats for the appeal site. The Council has no objections in principle to the site being redeveloped with a 'Modern'/contemporary designed building, but is concerned over the form, scale and design of the appeal scheme.

12. The proposal would be arranged in three main parts. In recognition of the value attributed to 24 East Street within the CAA, this corner building would be retained and its appearance enhanced by sympathetically altering the proportions of the shop fronts. At upper floor level, the roughcast render would be removed and two modest sized windows would be inserted in the south gable to give greater balance to the building.

13. The second main element would involve removing the rather drab entrance to the church hall along East Street. The proposed three storey replacement would be a modest infill that would continue to be set back from the front walls of Nos.24 and 26 East Street. It would have a simple rectangular plane of white render with central glazed bays on each storey that would relate to the rhythm of the projecting bays in No.26. The parapet line would be higher than No.26 but the set back would provide a pleasing transition between the buildings on either side. The muted appearance of this link and its contemporary design would highlight the architectural qualities of Nos. 24 and 26 and enrich the street scene of East Street. The new flat roof would be recessed so as not to harmfully intrude into the setting of the listed church.

14. The third main element of the scheme would comprise three principal bays along the New Road elevation. These would be finished in a white coloured render and would similar in width to the gable of the retained building. They would be in keeping with the light coloured finishes on other properties in the road and would reflect the sense of rhythm created by historic plot patterns in the CA. The building line would be stepped to give a cascading façade and break up the overall mass of new building. This would also reveal views along the street towards 24 East Street and increase the sense of space and movement around the junction of New Road/East Street. A fourth bay alongside 3 New Road would be set back from the rest of the building and the main elevation of this neighbouring house. It would not be out of scale with

[3] A Strategy for Shoreham Renaissance (2006)

this adjoining property and when compared with the church hall, the proposal would have a lower building profile at this point.

15. Although about 0.25 metres above the roof ridge of 24 East Street and taller than other buildings in New Road, the height of the front parapet along New Road would be in line with No.24. The upper storey would be set back from the roof terrace and the external walls would be a recessive colour to limit its mass. The impression of the overall mass of the scheme would be reduced further by the sizeable areas of new glazing. These would be expressed as bays with louvred screens and would be a contemporary interpretation of the detailing found in traditional sash windows. This coherent and unashamedly modern design would add to the variety of buildings within the CA and would be an interesting and thoughtful addition to the street scene of New Road. The proposed mix of uses would also give greater vibrancy to this part of the CA and enhance its character.

16. The proposal would be seen in some views of the listed church. From the church precinct area, the pitched roof and gable end of 24 East Street would continue to be the dominant feature around the junction of East Street and New Road. The height of the new building, the proposed set-backs (including the upper storey) and surrounding buildings, walls and trees would ensure that the development did not intrude into the setting of this nationally important building. Any rooftop paraphernalia would be a very minor incursion into the roofscape and would not mar the setting of the church. From elsewhere within the CA the new building would not intrude into glimpses of the listed church.

17. I also note the Council's concerns over the impact of the scheme in more distant views. Whilst the development would be seen from the area around the railway station to the north, it would not been viewed alongside the church. Its flat roof would not be a conspicuous feature amongst the various other roof shapes and sizes that would also be evident. This includes the sizeable four storey building with a flat roof that is prominently sited on the corner of the approach road to the railway station. Views from this part of the town are not identified as being important within the CAA.

18. During my visit I also viewed the site from the south, including Shoreham Beach and Norfolk Bridge. Some of the upper parts of the new building, including the roof, would be visible from these areas. However, these are distant views and, when compared to the church hall, the very small increase in height of the building would not be perceptible. Whilst I note the Council's concerns over the 'box-like mass' of the new roof, this would not be so great as to stand out amongst the numerous landscape/townscape elements, such as the river and moored boats, tall waterside buildings (including the four storey Ropetackle Centre with its flat roof and sizeable openings), large flat roofed dormer windows on some buildings and the church. The proposal would neither disrupt views of the church nor harm any other aspect of the CA.

19. I note that English Heritage were content with the scheme and chose not to make representations during the appeals. The County Council's Conservation Officer was asked to comment at application stage and advised that the scheme included a *"discrete roofscape"* and a *"well-handled"* frontage to East Street. The West Sussex Design Surgery also commended the contemporary design approach and commented that this had the potential to add a further

layer of design to the historic nature of the area. This supports the appellant's argument that the proposal would not harm important heritage assets.

20. Those acting on behalf of the appellant have undertaken a detailed assessment of the site and its relationship to the listed church and other important features of the CA. This is consistent with the latest national planning policies for the historic environment[4]. A public meeting was also arranged to explain the design concept and a separate meeting was held with the Shoreham Society.

21. Notwithstanding the above, and the amendments to the scheme that were undertaken before the Council reached its decisions, many residents, the Shoreham Society and the Adur District Conservation Area Advisory Group are concerned over the proposed design. I recognise that these are genuine fears and some feel very strongly that the proposed architectural style would be inappropriate. Whilst I do not set these concerns aside lightly, for the reasons I have set out above, the proposal would not harm heritage assets.

22. I conclude on the first main issue that the proposed development would enhance the character and appearance of the CA and preserve the setting of the grade I listed Church of St. Mary De Haura. In so doing, the scheme would accord with established national[5] and local[6] planning policies that are aimed at protecting the historic environment.

Living Conditions

23. The proposed flats would have adequate internal space and would provide a pleasant outlook for incoming residents. The site would also be well-related to public open spaces in the town and Shoreham Beach. However, with the exception of the top floor flat, none of the other new flats would have any private outside amenity space for residents to relax in or facilities for clothes drying, other than by machine/heater, or space for other incidental activities such as growing outdoor plants. I recognise that not all residents would require such facilities and I note that elsewhere within the town the Council has permitted some flats without any such facilities. Nevertheless, the lack of private external amenity space for 90% of the proposed units would be unlikely to provide adequate living conditions for a significant number of residents.

24. The windows on the New Road elevation of the proposed building would overlook the facing windows in Nos. 2-12 New Road (even Nos. only). However, these neighbouring windows are adjacent to the footway along New Road and are on the opposite side of the street. In town centres, such as this, mutual overlooking across a street is commonplace. The extent of separation between the facing windows and the set-back of the new roof terrace would avoid any serious loss of privacy for these neighbouring residents.

25. There would be oblique views from some of the flat windows towards windows to habitable rooms in a terrace of four dwellings that have been permitted on an adjoining site (Ref. ADC/0458/08). If both developments were built, I agree with the appellant that these oblique views and the impact of the roof terrace would not result in harmful overlooking of this neighbouring terrace.

[4] Planning Policy Statement 5 (PPS5)
[5] PPS5 policies HE7, HE9 and HE10
[6] Policies AB4 and AB11 of the Adur District Local Plan 1996 (LP)

26. Some of the proposed flats would also have windows to habitable rooms overlooking the gardens of this permitted terrace. However, even with louvered windows, etched glass and window restraints, there is likely to be harmful overlooking of the nearest permitted garden from the two flats in the north eastern corner of the appeal scheme. In this regard, I note that there would be some overlooking of this approved garden space from the flats at the rear of 26 East Street. The scheme before me would considerably increase the sense of overlooking and create rather unsatisfactory living conditions for the future occupiers of this end of terrace property. The situation would be materially different to the infrequent glance that could be obtained from the church hall windows if a community use were to resume from the building.

27. I have noted above that the proposal would reduce the profile of the building adjacent to 3 New Road. It would not result in any harmful loss of outlook or overbearing effect for the occupiers of this neighbouring dwelling.

28. I conclude on the second main issue that the proposal would create unattractive living conditions for future occupiers of the permitted end of terrace dwelling immediately to the north of the site.

Infrastructure Provision

29. Some of the residents of the proposed flats could be children of secondary school age. The Council informed me that all secondary schools within the area are operating at or above capacity and there is inadequate classroom provision to accommodate any increase in pupil numbers. If the development were permitted it could increase the pressure on existing educational infrastructure and harm the quality of the local education service. This has not been contested by the appellant.

30. LP policy AG3 states that major development will not normally be permitted unless infrastructure directly related to service it can be made available. The Council has also drawn attention to separate supplementary planning guidance relating to the provision of service infrastructure provision in West Sussex. It has calculated that the proposal would require a financial contribution of £8,018 to safeguard the quality of education in the area. This is accepted by the appellant and this figure appears in the final draft planning obligation. However, as the obligation has not been completed there is no mechanism in place for meeting the educational needs of some incoming residents and avoiding harm to local educational infrastructure.

31. The Council has also informed me that the local library and fire and rescue service have insufficient facilities/capacity to accommodate the likely needs and demands of incoming residents. This deficiency was verified by some residents who attended the Hearing. The Council has calculated that financial contributions of £1,532 and £174 respectively, would be required to avoid harming the quality of these services. This was also uncontested by the appellant and, on balance, the evidence supports the Council's arguments.

32. Notwithstanding the appellant's willingness to pay a separate contribution of £5,360 towards sustainable transport initiatives in the town, the evidence before me on this matter was too vague and tenuous to demonstrate a direct link between the appeal scheme and any harm to important planning interests.

33. I conclude on the third main issue that the proposal would harmfully increase the pressure on educational infrastructure and the local library and fire/rescue services.

Other Matters

34. Whilst LP policy ACS5 is aimed at preventing the loss of community facilities the church hall has not been used for such purposes for some considerable time and other alternative facilities are available nearby. As I have noted above, the site is also identified as a key opportunity site within several Council publications. The proposed loss of the church hall, including the dance floor, would not harm community provision within the town. The development would also entail the re-use of 'brownfield' urban land for housing and would accord with aspects of national planning policies for the provision of housing[7].

35. Some residents were also critical of the proposed retail floorspace and the lack of car parking provision. However, the appellant informed me that there was a demand for new retail space within the town. This type of use is also encouraged in the Council's master plan. The site is well-related to a wide range of services and facilities, including public transport. Cycle parking would be provided as part of the scheme to further encourage travel by means other than the car. Whilst there is no guarantee that incoming residents would not own a car, the scheme would be unlikely to significantly increase the demand for on-street parking. I note that neither the Council nor the Highway Authority objected on parking or road safety grounds.

Overall Conclusion

36. In weighing my findings on the first two main issues and the other matters above, the benefits of the scheme would, on balance, outweigh the harm I have identified regarding living conditions. However, when the harm to educational infrastructure and the other services that I found in respect of the third main issue are also weighed, I find that permission should be withheld.

37. Appeal B should not therefore succeed. As a consequence, there would be no suitable scheme for a replacement building on the site and appeal A should also not succeed. I therefore dismiss both appeals.

Neil Pope

Inspector

[7] Planning Policy Statement 3 'Housing'

APPEARANCES

FOR THE APPELLANT:

Mr P Atkins BA (Hons), Dip TP, MRTPI	Planning Director, DTZ
Dr C Miele MRTPI, IHBC, FRHS, FSA	Partner, Montagu Evans
Mr H Carter RIBA	Director of Architecture, Thinking Space Ltd
Mr P Foster	Appellant company

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Appleton	Head of Planning, Regeneration and Wellbeing
Cllr P Beresford	Chairman of the Planning Committee

INTERESTED PERSONS:

Mr T Vinicombe	The Shoreham Society
Mr R Spence	The Shoreham Society
Mr Harris	The Shoreham Society
Mr T Williams	Local Resident
Mrs J Gordon	Local Resident
Mrs H Duffield	Local Resident
Mrs M Jones	Local Resident
Ms M Charles	Local Resident
Mrs C Daley	Local Resident
Mr T Holter	Local Resident

LIST OF DRAWINGS SUBMITTED AT THE HEARING:

Plan 1	1:200 scale site plan showing extent of buildings to be demolished.
Plan 2	1:200 scale site location plan (drawing No. 0732/A/0040 Rev 05).
Plan 3	Proposed Key View 2 (drawing No. 0732 2.2 dated June 2009).