The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2015

by L Gibbons BA (Hons) MRTPI

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

Decision date: 28 August 2015

Appeal Ref: APP/Y3805/W/15/3018530
87 Old Fort Road, Shoreham-by-Sea, West Sussex 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 Alan Dickson against the decision of Adur District Council.
- The application Ref AWDM/1030/14, dated 21 July 2014, was refused by notice dated 29 January 2015.
- The development proposed is the demolition of the existing chalet bungalow and construction of 2 no. link detached two storey houses.

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the planning application process, the appellant submitted revised drawings showing changes to the design of the roof and rear bedroom windows of the proposed dwellings. The Council took these into account in coming to their decision and so shall I.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of the occupiers of Nos 25 and 27 East Meadway in respect of outlook.

Reasons

Character and appearance

4. The appeal site is located within in a residential area and the Council indicate that the principle of development is acceptable. The wider area in which the appeal site is located contains a mix of bungalows, chalet bungalows and two storey houses as well as blocks of flats. However, the dwellings immediately adjacent to the east and west of the appeal site are modest sized bungalows. The low eaves heights and their modest proportions is a strong attribute along this part of Old Fort Road, which creates a sense of openness and spaciousness and appears reflective of the history of the development of Shoreham Beach.

5. The proposed development would replace the existing chalet bungalow with a pair of two storey link detached houses. Although the existing building has been extended in the form of large front and rear dormers, it retains the low eaves height character of the other bungalows and whilst bigger than some it is

not significantly so. By contrast, the proposed dwellings would be much taller and would have a greater mass and bulk in comparison to the other buildings along this north part of Old Fort Road. As a result it would be highly prominent in the streetscene and would draw the eye towards the appeal proposal. They would appear significantly out of context with the much smaller proportions of the bungalows. The incorporation of the sloping roof on each house would not be sufficient to mitigate this effect.

6. I accept that along Old Fort Road there are a number of two storey dwellings many with a contemporary design, some of these are currently under construction. The proposed dwellings would be of a similar size and scale to those. I also note that the area surrounding No 39 Old Fort Road has been altered and that fewer than half of the original bungalows remain in the area. I have had regard to the planning history at No 89 Old Fort Road. However, none of these examples are sufficient to justify the proposal before me.

7. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would be in conflict with saved Policies AG1 and AH2 of the Adur District Local Plan (LP) 1996, which amongst other things seek new development which does not detract from and is in keeping with and enhances the existing local environment. It would be contrary to the National Planning Policy Framework (the Framework) in respect of the need for high quality design.

Living conditions

8. The proposed dwellings would be located under 7 metres from the boundary with Nos 25 and 27 East Meadway which are north of the appeal site. I have been referred to the Council's Space around New Dwellings and Flats Development Control Standard No 2 (SN2). This provides guidance on acceptable distances between buildings and the proposal would fall just short of the distances for two storey dwellings. There are some trees on the boundary within the gardens of Nos 25 and 27 although the trees on the boundary with No 25 are slightly denser higher up. However, due to the lack of foliage towards the bottom of the trees there are clear views over the very low roof of the garage of No 87 from the garden at No 27.

9. I consider the increase in height, bulk and massing of the proposed development in fairly close proximity to the boundaries would result in the new dwellings being highly visible to the occupiers of Nos 25 and 27 East Meadway. The houses would be dominant features which would be viewed as intrusive and overbearing to the occupiers, particularly when within their gardens. The easternmost dwelling of the scheme would be seen along the majority of the boundary of No 27, this is in contrast to the existing situation where only a small proportion of the existing dwelling can be seen in direct views looking south.

10. I understand that the foliage of the trees has recently been cut back. However, there is no guarantee that this would grow back. In any event, the gaps between the tree trunks mean that this would not provide sufficient screening from the proposed dwellings. I also accept that the existing dwelling has a large rear dormer, however this is set back from the main elevation of the building and as a result it is not highly prominent when seen from the rear.

11. It is possible to see the rear gardens of Nos 25 and 27 from the existing dormer windows which serve a hallway and bedroom. The amendments to the drawings show the proposed rear windows on the first floor bedrooms as being high level and narrow. I accept that this would reduce the possibility of overlooking from these rooms towards Nos 25 and 27 and would be a benefit in this respect. However, this would also result in a restriction of the views outwards from the only windows serving these rooms. I note that these would not be the main bedrooms; nevertheless this would provide a poor quality environment for the future occupiers of the proposed dwellings.

12. I have been referred to Nos 75-79 Old Fort Road which are currently under construction, as being less than 10 metres from the boundary of the adjoining properties to the rear. However, I have not been provided with details and as such I cannot be certain that the circumstances are similar to those before me. In any event, I have determined the appeal on its own merits.

13. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of the occupiers of Nos 25 and 27 East Meadway in respect of outlook. It would be in conflict with saved Policy AH2 of the LP, which amongst other things seeks new development which does not result in unacceptable loss of outlook. It would be contrary to the SN2.

Other matters

14. I note the reference that the appellant makes to the policies of the LP being out of date and the Council acknowledges that it is unable to demonstrate a five year supply of housing land. In respect of the presumption in favour of sustainable development, the proposal would make a very small contribution to the supply of housing through an additional dwelling. The proposal would provide temporary jobs during the construction phase and new residents would make use of local shops and services. In this way the proposed development supports an economic and to a limited extent a social role in achieving sustainable development.

15. I understand that the proposal would enable the existing occupants of No 87 to stay on the same site and that the existing building is becoming increasingly difficult to maintain. The development would be acceptable in terms of flood risk and I note the proposals for sustainable construction techniques and use of materials. Nevertheless, the benefits would be significantly and demonstrably outweighed by the adverse effects on the character and appearance of the area and on the living conditions of the occupiers of Nos 25 and 27 East Meadway.

16. The Council does not object to the proposal in respect of the effect on the living conditions of the occupiers of Nos 85 and 89 Old Fort Road and based on observations on my site visit, I see no reason to disagree with this matter. However, this does not outweigh the harm I have found.

17. I understand that a Unilateral Undertaking has been agreed in relation to transport contributions, I have not been provided with a copy of this. However, as I am dismissing the appeal for other reasons, this issue is not decisive.

18. I acknowledge the concerns which the appellant puts forward about the way in which the Council dealt with the planning application in relation to the Council's officer reports. However, I must deal with the proposal before me.

Conclusion

19. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR