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Appellant's Comments on Adur District Council's Statement & Third Party Correspondence

Appeal Reference: APP/Y3805/W/21/3270585

66 Old Fort Road, Shoreham-By-Sea, BN43 5HA

Prepared for

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1. INTRODUCTION

1.1. Comments are provided on behalf of the Appellant, Andrew Pollard, in response to Adur District Council's (ADC) Statement and Third Party Correspondence received on 21 May 2021.

1.2. The Appellant's case remains unchanged as a result of ADC's Statement and Third Party Correspondence.

1.3. Set out below, is a summary of ADC's Statement and the Appellant's response to key points raised. In addition, a summary and brief response to Third Party Correspondence is set out below.

2. SUMMARY OF ADUR DISTRICT COUNCIL'S STATEMENT

2.1. ADC have submitted their Statement in two parts comprising 'LPA Statement-Conditions-Committee Report' and LPA Statement.

2.2. 'LPA Statement-Conditions-Committee Report' details the Planning Officer's professional view of the proposed scheme and sets out a recommendation to approve the scheme subject to conditions.

2.3. With respect to the LPA Statement, ADC note other developments permitted on Old Fort Road where a dwelling has been replaced with new development. ADC's position is each planning application must be considered on its own merits and new dwellings permitted elsewhere do not set a precedent for all forms of enlarged development.

2.4. ADC consider the proposed increase in footprint and enlargement of the scale and bulk of the building is 'excessive'. It is the Council's position the increased front projections are overly deep with bulk continuing at first and second floor level.

2.5. Noting the tiering effect, ADC consider there would be 'too much bulk and scale at the upper levels'. ADC state the tiered effect does not give rise to a reduction in bulk and scale as the building increases in height, and the set-ins are not substantial enough. This is considered harmful and inconsistent with other development.

2.6. ADC consider the increased scale results in reduced spacing between the building and neighbouring buildings and would result in a cramped form of development.

2.7. With respect to the roof, ADC state the width of the proposed roof is much increased and is detrimental in terms of character and appearance. It is their view this would represent overdevelopment when viewed from both the front and rear.

2.8. ADC consider the amount of rear glazing and wide balconies will add to the scale of development with the bulk at first and second floor combined. ADC consider the scale and massing of the development will be apparent with the excessive amount of glazing.

2.9. Overall, ADC consider the proposed plans represent an overly large development which, despite large scale redevelopment within this locality, should not be supported as it is considered the proposed development is inconsistent with the surrounding built form.

3. RESPONSE TO ADUR DISTRICT COUNCIL'S STATEMENT

3.1. The Appellant agrees with the professional view of the Planning Officer as set out in the 'LPA Statement-Conditions-Committee Report' and submits the application should have been approved.

3.2. With respect to the LPA Statement, the Appellant fully accepts that each case must be determined on its own merits, irrespective of decisions taken elsewhere. However, it is also entirely incumbent upon the decision-maker to make consistent decisions and apply Development Plan Policy in a fair and consistent manner.

3.3. Given the LPA's reason for refusal relates to the proposed scale and massing, which are considered would be out of keeping and detrimental to the character and appearance of the surrounding area, it is considered reasonable to draw attention to local planning approvals to advise the Inspector of what the LPA have previously found to be acceptable in Old Fort Road.

3.4. With respect to the Council's position that the proposed scale and bulk of the building would be excessive, as set out in the Appellant's Statement of Case & Grounds of Appeal, the proposal, in light of comments received from the Planning Officer, was revised and amended plans submitted on 07 December 2020.

3.5. Revised plans detailed revision to the front projection on the west side; a further set in of the first floor away from the property frontage; an increased set in (1.3m) from the side boundaries; and 1.8 metre high privacy screens to the rear balconies.

3.6. The amended plans were considered acceptable by the Planning Officer. On this basis, the Committee Report confirmed the Officer's professional view that "*the building takes a similar form to other buildings within Old Fort Road clearly inspired by similar development whilst not directly replicating any other building*." Furthermore, the Committee Report confirmed the Officer's professional view that "*despite the bulk and scale of the building being increased the development will not be overly harmful to the street scene and is similar to other development within Old Fort Road. There are many other examples of similar front projections and three storey development."*

3.7. In light of the Officer's position and given the number of comparable detached dwellings in the local area, it is the appellant's position the proposal presents an acceptable form of development. The scheme would positively meet the requirements of Policy 15. It is of good design and has taken account of its immediate context, including nearby contemporary designed 3 storey dwellings. Its proportion, form and height are tiered to ensure the proposal is not seen as an overly bulky addition in the street scene.

3.8. With respect to spacing, ADC consider the scheme would reduce spacing between the building and the neighbouring buildings and result in a cramped form of development. It is submitted, due to the siting and distances between the appeal site and neighbouring properties, the proposal would not have an unacceptable impact on adjacent properties, including any unacceptable loss of privacy, daylight/sunlight, outlook or amenity.

3.9. As set out in the Appellant's Statement of Case and Grounds of Appeal, ADC have previously considered distances of 1m to neighbouring boundaries acceptable[1]. Taking a consistent approach to the proposed boundary distances, the appellant submits that 1.3m is wholly acceptable and provides greater distance than that found previously acceptable at the neighbouring property.

3.10. In light of existing arrangements and the siting of dwellings within the larger plots on the southern side of Old Fort Road, it is submitted the proposed spacing of 1.3m on the eastern side is wholly acceptable. This position was re-affirmed in the Committee Report which confirmed:

> *"The building will extend to the eastern side above where the existing garage currently is increasing the bulk of the building here. Yet a set in from the side boundary of 1.35 metres will be retained. This will allow for spacing between the new building and the adjacent properties. The 'tiered' design also allows for increased spacing either side as the development increases in height. It is considered that this space is sufficient to avoid a visually cramped form of development when viewed from the street."*

3.11. In terms of the height of the proposal and in response to ADC's comments on the roof, to confirm the height of the existing unit, to the ridge, is 7.9m and with the chimney measuring 8.65m. The proposed unit would comprise a flat roof design. The height of the proposed unit would extend to 8.5m, resulting in an increased height of 0.6 metres.

3.12. As stated in ADC's Statement, there is much variation in building height and roof forms in the street scene. The surrounding units comprise a range of 1, 2 and 3 storey properties and there is considerable height difference evident in the immediate area.

3.13. As set out in the Appellant's Statement of Case, permission granted locally at 98 Old Fort Road has allowed height in excess of that proposed. Indeed, as part of the determination of this application in regards to the proposed flat roof which extends to a height of 9.1m, the Officer's Report acknowledges it would be 0.35m higher than 100 Old Fort Road and considerably taller than No.96 to the west, which is approximately only 6.5m tall. Notwithstanding the height difference, it was concluded "*there are a number of substantial properties along this road, particularly on the foreshore where plot sizes and the lack of neighbours immediately to the front or rear enable larger extensions and dwellings to be built than would be allowed in a more standard street scene."*

3.14. For the benefit of the Inspector, the varied street scene is illustrated in the visual presentation submitted with the Appellant's Statement of Case.

3.15. Given this variation in roof form and in height locally, coupled with ADC's position on other schemes, it is submitted the proposed approach is entirely acceptable in terms of form and height.

3.16. With respect to glazing, it is submitted the proposed scheme positively responds to its seaside location. It proposes lightweight materials with clean lines with large expanses of glass to the rear. It

[1] No. 64 Old Fort Road - Application Reference: AWDM/1001/14

is submitted the glazing to the rear, as well as the tiered approach, will reduce the perceived scale and massing of the unit when viewed from Shoreham beach.

3.17. It is respectfully submitted ADC have raised unreasonable objection to the proposed scheme, which is inconsistent with other approvals in the appeal site's immediate context. ADC have previously considered the remodelling/replacement of homes with increased scale and massing to be acceptable along Old Fort Road.

3.18. It is respectfully requested that the Inspector takes these previous permissions into account which include schemes which are larger and taller than the appeal scheme. With these in mind, the Inspector is respectfully invited to conclude that the increased height and scale of the replacement dwelling would not adversely impact the immediate local context, given the variety that exists in the visually eclectic and diverse street scene.

4. THIRD PARTY CORRESPONDENCE

4.1. Correspondence has been received from:

- **John Thompson:** Representation confirms there is no objection to replacing the existing building, however, the proposed overdevelopment/size of footprint is of concern.
- **Yvette Jeal:** Representation reiterates objection to original and revised plans and stands by previous representations made.

4.2. No further comments are made in respect of the proposed height, bulk, scale and massing, above comments made in response to ADC's Statement.

5. CONCLUSION

5.1. Comments are provided on behalf of the Appellant, Andrew Pollard, in response to ADC's Statement and Third Party Correspondence.

5.2. The appeal scheme proposes a three storey detached dwelling with a striking appearance, contemporary form and use of interesting materials. It would be a flat roof design, with the ground floor having the largest footprint which would reduce in scale to the top floor to provide a tiered approach, similar to other properties in the area.

5.3. The area is varied in character and includes a mix of building scales, height, massing, built form, and materials. There is no one character that dominates. It is this variation which adds to the character and interest of the street scene.

5.4. Within this mix, the appeal's proposal presents an acceptable form of development. It reflects the existing character of the area in terms of building height, size, form, scale, site coverage, set back and boundary treatment. It is submitted the appeal scheme does not propose development that jars with, or is at odds with, the prevailing character of the area.

5.5. The scheme is in conformity with national and local policy. It represents a sustainable form of development, is of good design, and will positively add to the eclectic street scene of the area.

5.6. In light of such, it is respectfully requested the Planning Inspectorate has due regard to the environmental, social and economic benefits the scheme presents and dutifully allows the Appeal.

5.7. The Appellant would respectfully ask, should the appeal be allowed, pre-commencement conditions are limited.