Lewis & Co Planning
town planning consultants

Appeal on behalf of **Mr P Craig**

Site at **82 High Street, Shoreham-by-Sea, BN43 5DB**



Appeal Statement

October 2015

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1.0 INTRODUCTION

1.1 This statement is submitted in support of the Section 78 appeal by Mr Craig against the refusal by Adur District council to grant planning permission for the extension and alteration of the existing building at 82 High Street Shoreham-by-Sea. The proposed development would alter the existing shop and associated office and storage space above to provide a smaller retail shop, a studio flat and two one bedroom flats.

1.2 The refused application which is the subject of the appeal was given a reference of AWDM/0625/15 and was refused by the Planning Committee on the 3rd September 2015.

1.3 The local planning authority refused the application for the following reason:

> *01 The proposal, by reason of its height, scale, depth, design and bulk, would result in a substantial and overbearing building which would harm the residential amenities of neighbouring occupiers, causing a loss of light, privacy and outlook and an increased sense of enclosure. The proposal is therefore contrary to saved policies AG1 and AH2 of the Adur District Local Plan, Supplementary Planning Guidance comprising Development Control Standard No.2 "Space Around New Dwellings and Flats" and the relevant paragraphs of the National Planning Policy Framework relating to design and sustainable development.*

1.4 A copy of the decision notice is included with the bundle of appeal documents.

1.5 The application submission as determined by Adur District Council comprised the following documents:

- Planning Statement
- Design and Access Statement including Heritage Statement
- Biodiversity Checklist
- Drawing No: 2014/0011-01 Rev C Title: Existing Plans
- Drawing No: 2014/0011-03 Rev A Title: Existing Elevations
- Drawing No: 2014/0011-02 rev H Title: Proposed Plans
- Drawing No: 2014/0011-04 rev H Title: Proposed Elevations

1.6 This appeal comprises of the above documents, this appeal statement and the Daylight and Sunlight Assessment prepared by Herrington consulting which is submitted under a separate cover.

2.0 THE SITE AND PLANNING HISTORY

2.1 The application site consists of the existing two-storey building with a shop on the ground floor and associated storage and office for the shop on the first floor.



2.2 There is a flat roofed extension built over the former rear garden of the site and a similar flat roofed extension over what is thought to be a side passage on the east side of the building. As a result of these extensions there is no external space around the building.

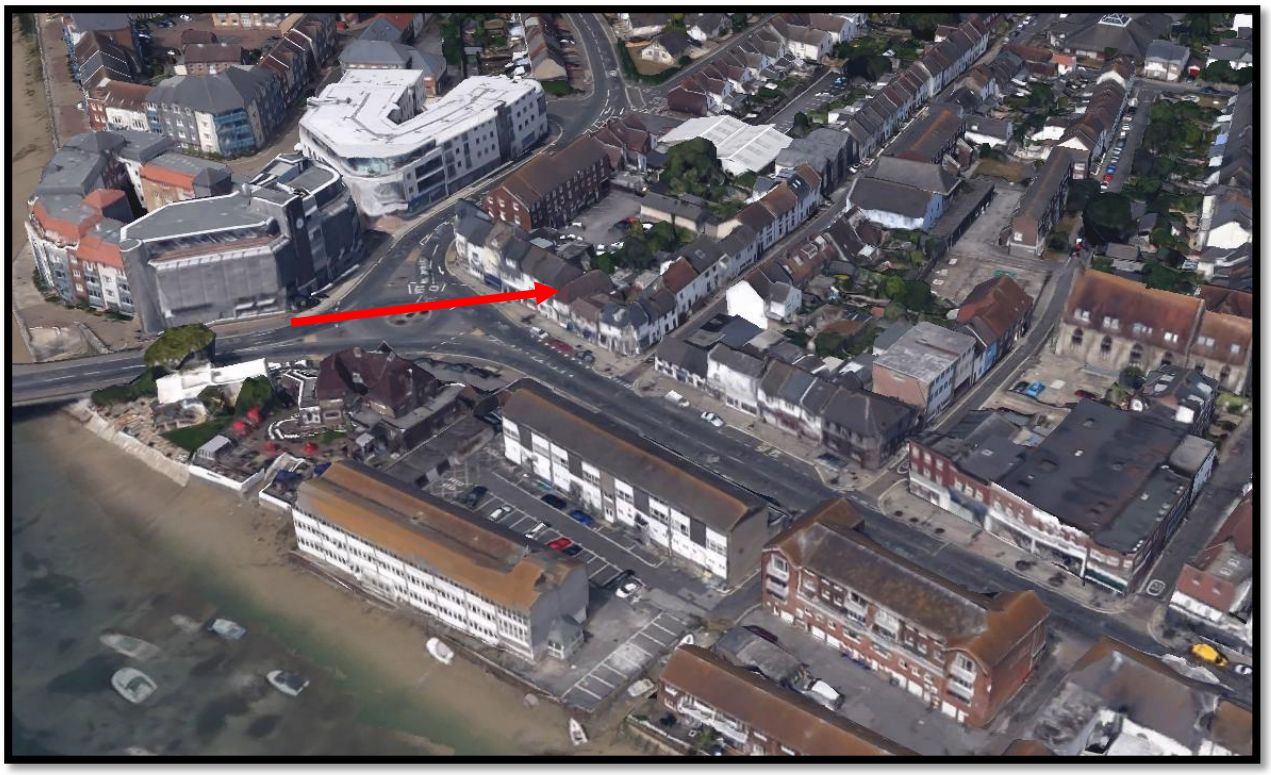
2.3 The building is located on the north side of the High Street in Shoreham-by-Sea. High Street is the main shopping and service location for Adur District and is a sustainable location within easy reach of shops, services and public transport links.

2.4 The High Street has a very mixed architectural appearance with a mix of generally 2-4 storey buildings and A great variety in the range of building ages and styles from Norman to twenty first century. It is the variety in building ages, material, styles and the jumbled juxtaposition of these buildings which gives the high street its character and visual interest.



Above and below: The appeal site in context.





Planning History

2.5 As set out in the delegated report, a previous application to extend and develop the building into a retail shop, 2 studio flats and 2 one-bedroom flats was refused in December 2014 for two reasons:

1. *The proposal, by reason of its height, scale, depth, appearance and bulk, would result in a substantial and dominant building which would be out of character with the form and scale of surrounding development and which would fail to preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore contrary to saved policies AG1, AB4 and AH2 of the Adur District Local Plan, Supplementary Planning Guidance comprising Development Control Standard No.2 "Space Around New Dwellings and Flats" and the relevant paragraphs of the National Planning Policy Framework relating to design and the historic Environment*

2. *The proposal, by reason of its height, scale, depth, appearance and bulk, would result in a substantial and overbearing building which would harm the residential amenities of neighbouring occupiers, causing a loss of light, privacy and outlook and an increased sense of enclosure. The proposal is therefore contrary to saved policies AG1 and AH2 of the Adur District Local Plan, Supplementary Planning Guidance comprising Development Control Standard No.2 "Space Around New Dwellings and Flats" and the relevant paragraphs of the National Planning Policy Framework relating to design and sustainable development.*

2.6 There is no other relevant planning history for the site.

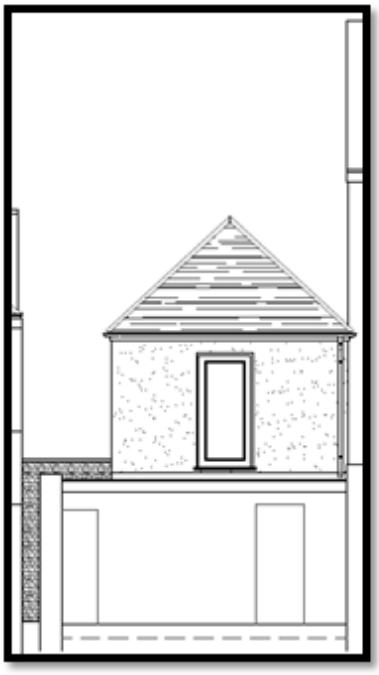
3.0 THE APPEAL SCHEME

3.1 The previously refused application (not the subject of this appeal) proposed a larger extension to the building which would have been both taller and deeper than the development that is the subject of this appeal. This previous scheme was refused permission for the reasons set out in paragraph 2.5 above.

3.2 Following this refusal the appellant has reduced and redesigned the scheme substantially to seek to overcome the Council's stated reasons for refusal. This re-design has resulted in the appeal scheme that is before the Inspector.

3.3 From the Council's delegated report and decision notice it is clear that the Council considers the appeal proposal to be acceptable in terms of its design and visual impact on the surrounding locality and the Conservation Area.

3.4 The appeal scheme has been further reduced during the course of its consideration by the council and the final appeal scheme is significantly smaller than the original proposal. This is demonstrated in the drawing extracts below.



Existing

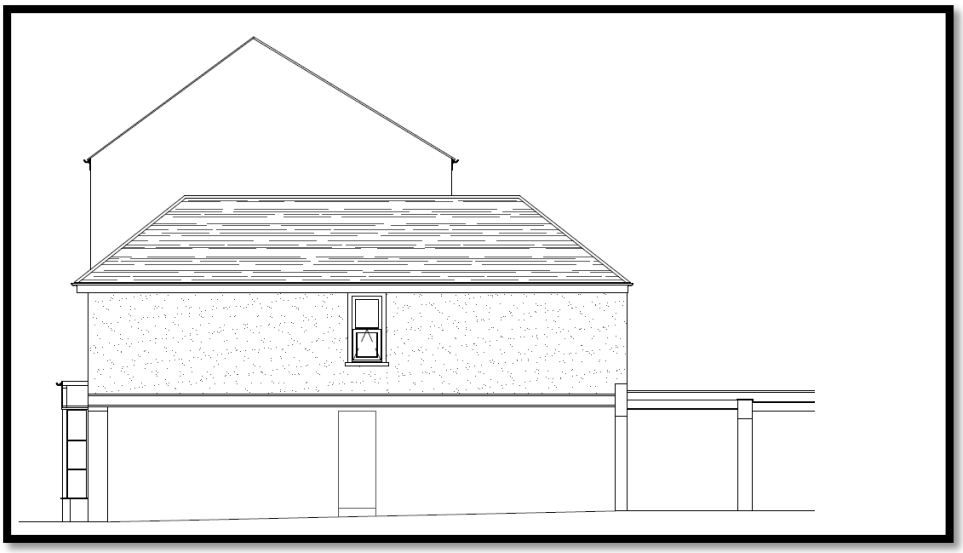


As Submitted

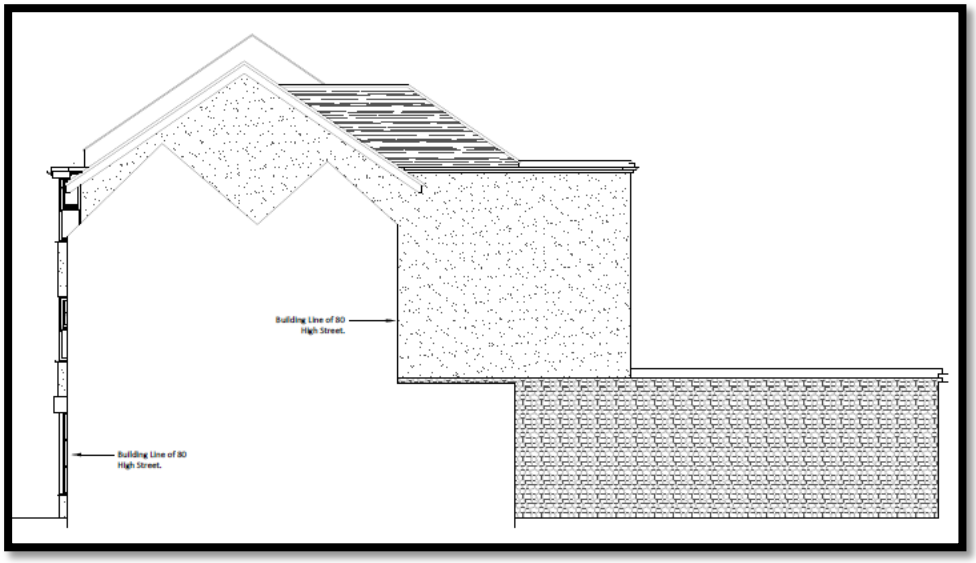


Reduced Scheme (appeal scheme)

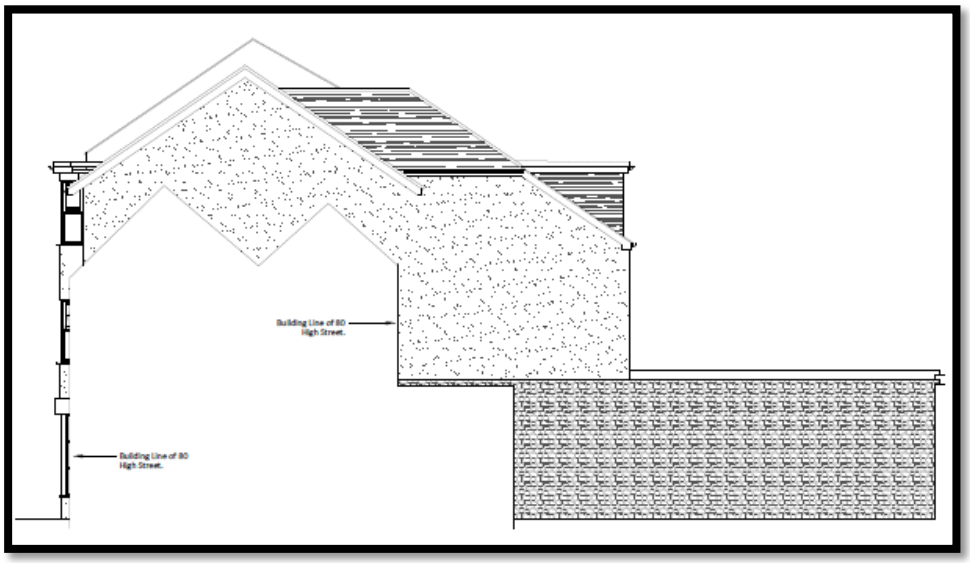
3.5 The elevational extracts above show how the scheme was reduced at the rear by negotiation with the Council. This reduction in the depth and bulk at second floor level is achieved by lowering the eaves to the rear so that the second floor of the rear is now two dormers within the roof rather than a full storey. This significant reduction in bulk and its impact on the east elevation are shown below.



Above: East Elevation as Existing



Above: East Elevation as submitted



Above: Revised East Elevation as determined

4.0 Planning considerations

4.1 The Officer's report confirms that the appeal scheme is acceptable in terms of its principle, visual impact on the locality and the Conservation Area, the standard of accommodation and amenity that would be provided to future occupiers and impact on highways, traffic and parking.

4.2 The Council's stated reason for refusal confirms that **the only reason for refusal** of planning permission is the anticipated impact on properties in West Street (to the east of the appeal site) and the occupiers of the flat above 80 High Street (adjacent to the appeal site).

4.3 The impact on the neighbours is unacceptable to the Council in terms of loss of light, privacy and outlook and an increased sense of enclosure. These issues are considered below.

Loss of light

4.4 In order to support this appeal, the appellant has commissioned sunlight and daylight assessment of the proposed scheme. This assessment was carried out by an appropriately qualified person and is included in the bundle of appeal documents.

4.5 The report concludes that the impact of the appeal development on the existing windows in surrounding buildings is acceptable when compared to the BRE Sunlight and Daylight guidance, local planning policy and national guidance. There will be no unreasonable loss of daylight, loss of sunlight or overshadowing to adjacent buildings.

Loss of privacy.

4.6 The appeal site is in the heart of the historic town centre where the buildings are close together and there is significant mutual overlooking between properties. The appeal scheme's rear windows would give rise to only very oblique lines of sight to existing habitable room windows in dwellings and these windows are already overlooked to varying degrees by their existing neighbours.

4.7 The officer's report does not identify any particular windows that would be most affected by loss of privacy and it is the appellants' case that, notwithstanding the councils reason for refusal, there will be no loss of privacy caused by the proposed first and second floor windows.

4.8 The proposed scheme would not overlook any existing private rear gardens which are not already significantly overlooked already by existing buildings. The closest garden to the scheme is that of 5 West Street. This rear garden is overlooked by the existing windows in surrounding houses and flats particularly the south facing window in the flank elevation of number 7 West Street and the two north facing windows in the first

floor flat at 80 High Street. The proposed window positions in the appeal development would only allow very limited views of this garden.

Loss of outlook and sense of enclosure.

4.9 As stated above the appeal site is in a dense urban location. Within this context the rear windows of the surrounding houses and flats have an outlook that is constrained by existing buildings to varying degrees.

4.10 The appeal scheme (as reduced) projects no further rearward than the existing building and is only slightly higher at second floor level than the existing roof. While it is accepted by the appellant that the proposed scheme will be visible from surrounding buildings, it is not considered that the reduced scheme would result in an unacceptable loss of outlook to neighbours, nor would it give rise to an unreasonable sense of enclosure to the occupiers of existing buildings.

Other relevant planning considerations

Housing Land supply and the presumption in favour of sustainable development

4.11 It is common ground between the appellant and the Council that the Local Planning Authority is unable to demonstrate a five year supply of housing land to meet the full objectively assessed need.

4.12 On this basis the presumption in favour of sustainable development which is set out in the NPPF is the appropriate starting point for considering residential development proposals. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Sustainable benefits

Economic Role

4.13 The development of the site will provide economic activity in the construction phase, particularly in the construction industry and related secondary industries. It is estimated that the appeal building would take 12 months to build and provide the equivalent of 30 full time jobs.

4.14 The National Planning Policy Framework provides specific and active support for proposals that result in economic development (see paragraphs 17 and 19 of the Framework).

Social Role

4.15 The proposed development would contribute towards the provision of new housing and would provide smaller homes for singles, couples and small families.

4.16 The homes would have excellent access to the local shops and services and transport links in the High Street. The finished apartments are confirmed by the council to meet their internal floor space requirements and to be acceptable without private gardens in this town centre location. This high quality housing will help meet the social needs of the district at a time where there is a significant shortfall in housing delivery and no identified supply to meet the recognised demand.

Environmental Role

4.17 The development will have a beneficial impact on the surrounding environment by removing the dead frontage from this part of the street and replacing it with active residential frontage in a well designed building.

4.18 The proposed building will be built to a high level of energy efficiency which exceed building regulations and will be a significant improvement on current building's energy efficiency.

Summary of sustainable benefits of the appeal scheme

4.19 There are considerable benefits associated with the sustainable development:

- The contribution of 3 new residential units on a brown field site against a backdrop of a severe housing shortage, including much needed smaller homes;
- The redevelopment of the site will provide economic activity and create jobs in construction and the associated supply chain
- The scheme is considered by the council to be acceptable in terms of is deign, materials and visual impact on the appearance of the locality and the Conservation Area.
- The proposed building will be constructed to meet the latest energy efficiency and carbon reduction requirements of building regulations. By comparison, the existing building is cold, damp and in efficient by reason of being of old and poor construction.

4.20 The Local Planning Authority's stated reason to refuse planning consent does not identify any genuine adverse impacts of the development which would *significantly* and *demonstrably* outweigh the benefits referred to above.

7 Conclusions

7.1 This appeal relates to proposals by Mr Paul Craig to redevelop an existing shop building to provide a shop and three small flats.

7.2 The application site is not listed or locally listed but is within a conservation area where the special character is recognised in the Council's CA Character Study as being a result of the mix of architectural styles, house types and materials. The proposed development would contribute to this special character.

7.3 The proposed building would provide an acceptable standard of residential units.

7.4 The proposed development would not unreasonably harm the daylight, sunlight or outlook from existing surrounding dwellings. The proposed development would not cause an unreasonable loss of privacy or sense of enclosure to existing surrounding dwellings.

7.6 The presumption in favour of sustainable development should be applied to the proposals and because the Local Planning Authority cannot provide a 5 year deliverable housing supply the local policies relied upon are out-of-date and should be afforded limited weight. As such, paragraph 14 in the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of providing new homes. No such adverse impacts exist.

7.7 In the absence of any significant harm from the development, there are no adverse impacts which significantly and demonstrably outweigh the presumption in favour of this sustainable development. Moreover, the development meets the requirements of all relevant planning policies at the national and local levels. On this basis, we request that the appeal is allowed and consent granted accordingly.

Lewis & Co Planning
October 2015