Appeal Decision

Site visit made on 23 October 2009

by E C Grace DipTP FRTPI FBEng PPIAAS

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
5 November 2009

Appeal Ref: APP/Y3805/A/09/2107819
59 Penhill Road, Lancing, West Sussex BN15 8HB

- 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 Protodale Plc against the decision of Adur District Council.
- The application Ref ADC/0175/09, dated 25/4/09, was refused by notice dated 24/6/09.
- The development proposed is: single storey office building with store over.

Decision

1. I allow the appeal, and grant planning permission for a single storey office building with store over at 59 Penhill Road, Lancing, in accordance with the terms of the application, Ref ADC/0175/09, dated 25/4/09, and the plans submitted with it, subject to the following conditions:

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

   2) The premises shall be used for office use only and for no other purpose, including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

   3) The use shall not take place other than between the hours of: -

   08.00 – 18.00 Mondays – Fridays; 08.00 – 13.00 Saturdays; nor at any time on Sundays or Public Holidays.

   4) No materials, finished or unfinished products, crates, packing materials, nor any other item shall be stored, stacked or displayed in the open on the site, or displayed in the front window.

   5) The building shall not be occupied until the area within the site depicted on drawing No 08039/100B for a car to be parked and storage of waste, together with the open area to the rear of the building, has been laid out, drained, surfaced and landscaped in accordance with details which shall be submitted to and approved in writing by the local planning authority. Those areas shall thereafter retained for the prescribed uses in accordance with the approved details.

Main issue

2. The main issue in this case is whether the proposed development would harm the appearance of the street scene.

Reasons

3. The site measures 3.35m wide by 27m deep and was the access drive to a former backland warehouse that is now in course of redevelopment with 5 x 1 bedroom dwellings served by access from the east. It is abutted by residential development of differing designs - to the west by a terrace of houses (51-57) and to the east by a pair of Edwardian houses (61-63) now converted to flats.

4. It is evident that the Council's professional officers regarded the proposal as being in accordance with "saved" Adur District Local Plan Policy AE15 which promotes development of small buildings for business use within the built-up area and thus, recommended it for conditional approval. However, members resolved to refuse permission on the sole ground of harm to the street scene.

5. Although this land is no longer required for access to the site at the rear, I saw there is a gate from the rear garden at No. 61 leading onto it, together with a passageway running behind Nos 51 - 57. There are also air bricks and a flue vent in the flank wall of No. 61 leading directly onto the alley and further vent from No. 57. The adjudication upon any legal rights of access or easements that may exist is outside my purview.

6. The proposed building would stand about 1.2m from the conservatory at No. 57 which adjoins the boundary and the owner expressed concern about the impact upon it. However, sunlight is already blinkered by existing buildings and the proposal would remove the noise and disturbance associated with vehicles passing close to the conservatory in connection with the former use of the land.

7. The area contains a mix of housing and commercial uses and the Council indicate they are not opposed to the office use in principle. Although it is a narrow site and would form a link between the adjoining houses either side, its lower height, shallow pitch and set back ridgeline with a subservient roof light would retain the physical and visual separation at the upper level and avoid the creation of a terraced appearance. Although the site is narrow and cramped, the design of the building is of a scale and visual appearance appropriate to its position, while the use of rendered walls under a clay tiled roof and white UPVC windows would be in keeping with the locality. To my mind, it would be no more visually incongruous with the neighbouring buildings or intrusive in the street scene than a large garage.

8. I have given consideration to the six conditions advanced by the Council. I am in general agreement with the need and reasonableness for all but the last which relates to air extraction units and external machinery, which I regard as more appropriately covered by Building Regulations if such are to be installed. With regard to the fifth condition I have added a requirement to submit details for approval of the treatment of the open area to the rear and included mention of landscaping to reflect the stated intent in the Design and Access Statement submitted with the application. I have made other minor amendments to the wording where I considered it appropriate in the interest of clarity.

9. For the reasons given above I conclude that the appeal should be allowed and permission granted subject to conditions.

Edward Grace
Inspector