Appeal Decision

Hearing held on 4 November 2009
Site visit made on 4 November 2009

by David Tester CChem MRSC C.WEM FCIWEM

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

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Decision date:
11 November 2009

Appeal Ref: APP/Y3805/A/09/2109215
Brethrens Meeting Hall, fronting private road east of First Avenue, Lancing BN15 9QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by M J Properties Ltd against the decision of Adur District Council.
- The application Ref ADC/0095/09 dated 10/03/09, was refused by notice dated 24/06/09.
- The development proposed is the demolition of the Meeting Hall and erection of 2 semi-detached bungalows and 1 detached chalet bungalow.

Decision

1. I dismiss the appeal.

Procedural

2. The application is in outline, with appearance and landscaping as reserved matters.

3. There was an amendment to the application plans before the Council made its decision and, although partly illustrative, I have taken these plans as indicative of the future intentions for this site and have based my decision on them.

Main issues

4. The main issues in this case are the effect of the proposal on the character and appearance of the area and its impact on the living conditions of the occupants and neighbouring occupiers, with particular respect to any overbearing impact, noise and disturbance, loss of light, and amenity space.

Reasons

Character and appearance

5. The appeal site is a disused meeting hall surrounded by the rear gardens of mostly modern, detached and semi-detached houses and bungalows in this residential part of Lancing. It is accessed by a long, very narrow lane from First Avenue, which is used to access rear garaging for houses on the neighbouring roads. A previous scheme to build 5 houses on the site was dismissed on appeal (APP/Y3805/A/08/2063799) and this proposal seeks to resolve the over-development issues raised in that case by reducing the number and type of dwellings to 1 detached chalet bungalow and 2 semi-detached bungalows.

6. The proposal would have a similar density to the dwellings on Orchard Way nearby and would meet the density guidance in Planning Policy Statement 3: Housing (PPS3). The reduced ridge height of the development would ensure a low profile that would complement the height of the neighbouring bungalows in Orchard Way. The appearance of the dwellings and hard and soft landscaping are reserved matters and so would remain within the control of the Council. The rear gardens would be smaller than the average for the area, but this would not be apparent in the street scene. I conclude therefore that the proposal would not have an unacceptable impact on the character and appearance of the area.

Living conditions

7. The irregular shape of the site, the need to reserve turning space for service vehicles, and the proximity of the surrounding housing dictates the number and style of dwellings that can be accommodated. Policy AH2 of the Adur District Local Plan (1996) sets out criteria to assess new infill development such as this, including those to ensure that it is in keeping with, and enhances, the local environment and protects residential amenity. The Council's standards in this respect are set out in Development Control Standard No.2 – Space around new dwellings and flats (DC2), which has been adopted by the Council as supplementary planning guidance following public consultation, and to which I attach significant weight.

8. The side elevation of the northern-most semi-detached bungalow would face the boundary fence of No.32A Grinstead Lane, with the rear patio doors and ground-floor windows of this newly-built chalet bungalow less than 6m away. The DC2 standard for corner plots, where rear windows face blank walls of a single-storey building, is 11m. In this case, there would not be a blank wall, but a door and windows facing No.32A, with a double length car parking space and the fence in between. The area outside the patio doors of 32A is also used as a sitting out area for that dwelling and I believe that the new building would appear overbearing to the occupants, so close to their patio doors, windows and sitting out area, and that they would consequently have a poor outlook.

9. In addition, there may be some loss of sunlight into the rear garden, windows and patio doors in the wintertime when the sun is low in the sky due to the height of the roof ridge of the new bungalows. However, I consider that the low roof profile would prevent this in itself being unacceptable, but it would add to the overall oppressive effect and poor outlook.

10. The comings and goings of the occupants of the new dwelling and their vehicles would also be likely to cause disturbance to these neighbours. The same would apply to the parking area for the southern-most bungalow, which would be next to the rear garden of No.16 Orchard Way and only about 12m from that dwelling. The visitors parking area for the chalet bungalow would also be next to rear gardens and would be likely to cause disturbance to the occupiers of No 14 Orchard Way, and the number of parking spaces is in excess of the Council's parking standards and should have been avoided in the design.

11. The rear gardens of the new pair of bungalows would be much smaller than the Council's standards, being only an average of about 6m and 8.5m in depth, respectively, against an average depth locally of 17m and the minimum

standard in DC2 of 11m, and only about 50sq metres and 62sq metres in area against the DC2 minimum standard of 85sq metres. PPS3 says that amenity standards should not be applied too rigidly, but I believe that in this instance the proximity of the northern-most bungalow to the rear of No.32A, together with the small garden, would result in an un-neighbourly development because the usual domestic family activities in either garden would be likely to cause disturbance to the neighbours. The proposal would thus be contrary to criteria (c), (d) and (f) of Local Plan policy AH2 and to the standards in DC2.

12. The rear garden of the chalet bungalow would also only be 6.3m long and its area only 68sq metres, but in this case the dwelling would be 19m from the rear of the closest houses and so less likely to result in disturbance. Whilst this is also below the 22m DC2 standard it is greater than the distance from the existing Meeting Hall and there would be no loss of privacy because the facing windows would all be on the ground-floor and there is an intervening boundary fence.

13. I agree it seems unfair that the approval of No.32A Grinstead Lane with such a short rear garden has constrained the re-development of this site, but there was no facing building to the rear of that dwelling when planning permission was granted and further amenity space is provided at the front of that house.

14. Overall I find that, whilst the proposed development would not adversely affect the character and appearance of the area, it would represent and un-neighbourly development and result in unacceptable living conditions to the occupiers and to the neighbouring residents.

15. The appellant has pointed to several other infill developments nearby, where it is believed the Council has behaved inconsistently, but I have no detailed information about these schemes that would allow me to compare, and in any case I must treat each case on its individual merits. In the appeal decision (APP/Y3805/A/02/1093361) for 6 flats at Wembley Gardens, the main issue was one of highway safety and I note that the required amenity space in DC2 was only 20sq metres per flat.

16. Several interested persons have referred me to the poor access to the site, and I acknowledge that it is very restricted and that further development may lead to traffic and safety issues, but the site does have 14 parking spaces for its approved use as a community hall.

David Tester

INSPECTOR