TOWN AND COUNTRY PLANNING ACT 1990

Site at 82-88 Underdown Road, Southwick, BN42 4HL

Appeal by Woodcock Holdings Limited

Planning Inspectorate reference: APP/Y3805/A/12/2174337/NWF

LPA reference: AWDM/0096/12

WRITTEN REPRESENTATIONS OF LOCAL PLANNING AUTHORITY

1. The Site and its Location

1.1 The appeal site comprises two detached bungalows (No. 82 and No.88), dating from the late 1940s, on the east side of Underdown Road, both of which have long rear gardens containing a number of outbuildings. The total plot depth for both bungalows is 61m and their combined width is 25.8m, giving a total site area of approximately 0.16ha.

1.2 To the north of the site, is an existing terrace of two-storey houses while to the south is a detached two-storey house. Further along the road and directly opposite the site are more terraces of two-storey houses. Most date from the late 19th century.

1.3 At the rear, there is a line of tall conifers with a car repair garage building and open storage area behind. The conifers are to be removed as part of this proposal. To the north east, the rear part of the north side boundary is adjoined by the side of a terrace of more modern 1960s houses in Southview Close with their associated garage compound. Adjoining the remainder of the north side boundary is the house at No.90 Underdown Road and its rear garden. To the south, No.80 Underdown Road abuts the site on its southern side. Its rear garden is currently screened by a line of tall conifers within the appeal site which are to be removed.

2. Planning History

2.1 The current appeal proposal is an amended submission following the refusal of a previous application in February 2011 for a larger scheme of 9 flats and 4 houses (ADC/0439/10). That application was dismissed on appeal in October 2011 (APP/Y3805/A/11/2152039).

3. The Appeal Proposal

3.1 Full planning permission is sought for the demolition of the 2 bungalows and outbuildings and the erection of a terrace of 4 three-bedroom two-storey houses (plus rooms in the roof) at the front of the site, facing the road, and a terrace of 4 two-bedroom two-storey houses at the rear, backing onto the rear boundary. External materials are stated as being painted render, stock brick and slate roof tiles.

3.2 The front terrace will be served by 4 off-street parking spaces directly in front of each house. Access to the rear of the site will be from a new access roadway along the southern side of the site. It will lead to a central parking area for 7 cars. Cycle storage facilities are also shown as being provided.

3.3 The application was refused by Members of the Planning Committee for the following reasons:

1. The proposed rear terrace of 4 houses constitutes the undesirable intensification of residential development of a scale, density and design which would be out of keeping and incompatible with existing development in the locality and which would be detrimental to the residential environment, contrary to the policies of the Adur District Local Plan (AG1, AH2) and the National Planning Policy Framework.

2. The proposal would constitute an unsatisfactory form of backland development which, together with the proposed parking area, would be intrusive, overbearing and unneighbourly and would adversely affect the privacy and quiet enjoyment of neighbouring properties, contrary to the policies of the Adur District Local Plan (AH2) and the National Planning Policy Framework.

4 Planning Policy

4.1 The adopted Development Plan for the area comprises the Adur District Local Plan (1993-2006). The Adur District Local Plan 1993-2006 was adopted in 1996, following a Public Inquiry. A number of policies have been 'saved' until adoption of a new Adur Local Plan, including those relevant to this appeal, namely AG1 and AH2.

4.2 Policy AH2 states that new residential development by way of infilling or redevelopment will be acceptable in the built-up area, subject to a number of criteria. These include ensuring that the appearance, character and scale of development enhances the existing local environment with particular attention paid to form, height, density and layout; and it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

4.3 The National Planning Policy Framework (NPPF) states that in the case of policies adopted prior to 2004, “due weight should be given to relevant polices in existing plans according to their degree of consistency with (the NPPF).”

4.4 It is the Council’s contention that the relevant policies are consistent with the NPPF and should be afforded significant weight.

4.5 The NPPF seeks to achieve sustainable development, defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Proposals that accord with the development plan should be approved without delay. By implication, proposals that do not accord with the development plan, such as this, should be refused. Even it could be argued that the Adur Local Plan policies are out-of-date, permission should still be refused as the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (para 14).

4.6 Para 53 of the NPPF explicitly states that LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. It will be demonstrated in this statement that the appeal proposal does precisely represent inappropriate development of residential gardens which causes harm to the local area.

4.7 With regard to housing land supply, LPAs are advised that they make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Such allowance should not include residential gardens, as is the case here. In any event, the Council’s 5 year housing land supply assessment 2011-2016 (Appendix 1) demonstrates that, compared against the South East Plan, a five year supply of deliverable housing sites can be demonstrated with a surplus of 224 dwellings. The Annual Monitoring Report (Appendix 2) also shows that the District has sufficient capacity within the built up area to deliver the required number of new homes until around 2018, after which any shortfall will need to be addressed through new land allocations in the forthcoming Local Plan. Housebuilding in the District over the early years of the South East Plan is above the annual average (page 22 of the report). There is therefore no overriding need to allow new housing development at all costs, particularly housing which will cause harm to the local area.

5 Material Considerations

5.1 The main considerations in the determination of this appeal are the impact of the development on the character of the area and on the residential amenities of neighbouring residents.

5.2 The appeal scheme has two elements; a front terrace of four houses, which respects the character and form of existing development in Underdown Road and which was generally considered to be acceptable in principle by Members of the Planning Committee, and the rear terrace which represents an overdevelopment of the site.

5.3 The character of this area is mixed with housing development to the north at a higher density (46-75 dph) but with a distinct change in character on the appeal site and the

properties to the south (Nos 68-88) which have a density of only 21dph, characterised by long rear gardens of about 40m length. It is this character to which the appeal site most directly relates, with the higher density development to the north in Underdown Road and Southview Close forming a distinct 'stop' at the appeal site boundary, adding further emphasis to the change in character as one moves south.

5.4 The site currently contains two bungalows which do appear out of character in their scale and form when compared with the majority of dwellings in Underdown Road which are largely terraced, detached and semi-detached two-storey houses. Their redevelopment with a similar scale of building would therefore be considered acceptable in principle. However, to also construct houses within the rear garden, introducing inappropriate backland development, would be an over-intensive use of the site and would be out of keeping with the character of the area.

5.5 The rear terrace and associated parking area would introduce far greater activity at the rear of existing dwellings, with vehicles manoeuvring and parking close to the rear of neighbouring dwellings and with little space provided for a sufficient landscape buffer to mitigate any adverse impacts. Indeed, the parking space on the southern boundary is closer to the garden of 80 Underdown Road than on the previous scheme. The access road to the rear terrace also runs along the boundary with No.80, adding further disturbance to those residents. At the last appeal, the Inspector noted that "the parking would be closer to the boundary with No.90 with some associated risk of noise and disturbance. This adds to the other harm." (para 15). The same argument can be applied to the current appeal scheme in respect of the harm to No.80 and No.90.

5.6 The height and width of the rear terrace, filling much of the width of the plot, together with the hardstanding for the car parking, would urbanise this large double garden area and completely change the character of this part of Underdown Road. The rear terrace would be only 6m from the nearest corner of the terrace in Southview Close and would have an intrusive and overbearing impact for those existing occupiers. The forward position of the proposed terrace in relation to Southview Close further highlights the inappropriate nature of the development, adversely affecting the amenities of residents in Southview Close and bringing development closer to the rear of dwellings in Underdown Road. It would not respect the pattern and spacing of development in the locality and its intrusive nature would affect the privacy and quiet enjoyment of existing dwellings.

5.7 The shadow study provided by the appellants at the time of the application indicates the sun path in mid April and mid August but does not demonstrate the extent of any light loss in mid December when the sun is at its lowest. It has not been demonstrated categorically therefore that there will not be any harmful loss of light to the nearest dwelling in Southview Close.

5.8 The houses are lower than the previously refused scheme but the design has been compromised in order to achieve this lower height, with the introduction of an awkward flat roof area in the central section of the roof. This approach is also proposed for the front terrace but those buildings are to be taller and their roofs will not be as visible from street level. The design of the rear terrace roof highlights the difficulty of comfortably providing houses on this backland site.

6 Conclusion

6.1 The Inspector is respectfully requested to dismiss the appeal for the reasons referred to in this statement. However, without prejudice to the Council's case, if the appeal is allowed the Council requests that the conditions attached as Appendix 3 be imposed.

6.2 In the event that the appeal is allowed, the appellants submitted a draft S106 Unilateral Obligation with their application which has not been progressed. While not forming a reason for refusal, the Council would expect a residential development of this scale to contribute towards sustainable transport improvements as set out in the West Sussex County Council Statement, submitted separately. The requirement for such contributions is set out in the County's Supplementary Planning Guidance adopted in 2003 and is a material consideration of substantial weight when determining planning applications and appeals.