The Planning Inspectorate

Appeal Decision

Site visit made on 9 November 2010

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 16 December 2010

Appeal Ref: APP/Y3805/A/10/2124426
1 Freshbrook Road, Lancing, West Sussex BN15 8DA

- 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 Mr Paul Meredith against the decision of Adur District Council.
- The application Ref ADC/0437/09, dated 9 November 2009, was refused by notice dated 8 February 2010.
- The development proposed is demolition of an existing building to be replaced with a new development of 6 No. 1 bedroom flats with garaging for 6 No. cars and storage under.

Application for Costs

1. An application for costs was made by Mr Paul Meredith against Adur District Council. This application is the subject of a separate Decision.

Procedural Matter

2. The application was in outline with access, layout and scale to be considered at this stage, with appearance and landscaping to be reserved matters.

3. Outline approval has been given by the Council for the erection of 4 two-bedroom terraced houses, without parking, with access and layout approved, (Ref ADC/0229/10). This is now a fall back scheme and I have assessed this appeal in the light of this approved scheme.

Decision

4. I dismiss the appeal.

Main Issues

5. The main issues are the effect of the proposal i) on the character and appearance of the area, ii) on the living conditions of the adjacent occupiers at 25A Freshbrook Road in terms of any overbearing outlook and sunlight, and iii) on the living conditions of the future occupiers in terms of external amenity space and internal amenity.

Reasons

Character and appearance

6. The proposed block would have an irregular plan shape, with a two storey element to the east and a two and a half storey element to the west. The majority of the windows would be orientated approximately to the north west,

with some to the west. Access would be along an existing track and the ground floor of the proposed block would contain garages and storerooms. Pedestrian access to the flats would be along the rear (south) boundary to a staircase wing in the south east corner of the site.

7. The overall height of the appeal proposal would be similar to the approved scheme, but the building would be wider and due to its irregular plan, it would be more bulky and the irregular shape would necessitate a complicated unattractive roof scape. The massing and bulk would be significantly at odds with the generally simple forms of the terraced and semi-detached dwellings to be found in the area.

8. The site is located at the rear of a terrace of dwellings and the proposed building would only be seen from Freshbrook Road over rear gardens. However, it would be clearly visible from the railway, properties across the railway tracks and from the rear windows of the adjacent terraced properties. Notwithstanding that there is a block of flats in the vicinity, to the east, I consider that the proposed block would stand out as an unattractive bulky building, which would harm the character and appearance of the area.

9. The benefits of removing the existing use would be limited and would not justify the harm caused by the bulk and massing of the proposed block to the character of the area.

10. The Council supports the principle of residential development and the proposal would represent efficient use of land as required by the Government in Planning Policy Statement 3 (PPS 3): *Housing*. However, Para 13 of PPS3 also advises that design which is inappropriate in its context or which fails to take opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

11. I conclude that the proposal would therefore fail to comply with Policy AH2 (a) of the Adur District Local Plan (Local Plan), which requires development to be in keeping with its local environment and to Para 13 in PPS3.

Living Conditions – adjacent occupiers

12. 25A Freshbrook Road is a bungalow to the east of the appeal site, set down at a lower level to the appeal site, with a high timber fence on its boundary. The two storey element of the proposed block would be set 1.5m from the boundary and would extend northwards beyond the rear line of the bungalow for a short distance, continuing at an angle for a further 4.6m.

13. The living/dining room of 25A faces the rear garden and there is a patio immediately outside the windows. Notwithstanding that the proposed block would crank away from the boundary, it would create an oppressive and overbearing aspect from the principle living room of the bungalow. There would be increased overshadowing of the garden and of the patio at 25A in the afternoon in summer and this would add to the oppressive effect of the proposal on this occupier. I have taken into account the approved scheme, where the end house would not project beyond the line of 25A.

14. I conclude that the appeal proposal would harm the living conditions of the occupiers of 25A Freshbrook Road. This would be contrary to Policy AH2 (c) of the Local Plan, which requires that residential development should not have an unneighbourly effect on existing dwellings.

15. Overlooking has been raised by the residents in the terraced properties to the south. The windows in the proposed elevations facing these properties would be high level and could be obscure glazed, which could be controlled by condition. The windows in the proposed west facing elevation would overlook the ends of rear gardens, but at an oblique angle, so there would not be a significant loss of privacy to these properties.

Living conditions – future occupiers

16. The application is in outline and the internal plans are therefore "indicative", but the site is tightly constrained and the proposed internal layouts are a fair indication of what is likely to be the final layout. The Council is concerned that the internal amenity of the proposed flats is too restricted and that this would provide an unsatisfactory standard of accommodation for future occupiers.

17. The Council adopted A Good Practice Guidance Note: *Internal Space Standards for New Homes* on 26 January 2010, prior to the application being determined. The Council intends this to be an interim measure until a policy is adopted in the Core Strategy, after which it intends to publish a Supplementary Planning Document. However, I have not been advised whether the Good Practice Guide has been subject to public consultation and I am therefore unable to give it weight in assessing this appeal.

18. Whilst numerical measurements, particularly the width of rooms, are a useful guide to the quality of internal amenity, other factors such as the convenience of the layout and provision for storage are also important. Although the flats would have, in some cases, room widths close to a practical minimum, their layout would be reasonable and they would have ground floor bin and cycle storage and garages. The appellant also states that each flat has been designed to meet the minimum Housing Association standard. I therefore conclude that the internal layouts would not be so restricted that they would harm the living conditions of the future occupiers.

19. The external areas would be dominated by parking and turning, and the soft landscaping spaces would be restricted to the three corners of the site and a tapering strip along the access road. There is a difference between communal amenity space and landscaping space. The two spaces to the west and south of the proposed block would be small and irregular in shape and would not be practical for use as amenity space.

20. The space at the north east corner is larger, but would have a sound screen and bund wall next to the railway line, a high fence to the east and high blank walls to the south. This space would not be attractive for sitting out or be large enough for informal outdoor activities and there would limited space for larger scale planting, to help soften the areas of hard surfacing, fences and walls around it.

21. I conclude that there would be a significant lack of attractive external space where the occupants could be out in the open. This is all the more critical in this scheme because the flats would be small and four of them would have little sunlight reaching them. I consider that the well being and living conditions of the future occupiers would be harmed.

22. The proposal would therefore fail to comply with Policy AH2 (d) of the Adur District Local Plan, which aims to provide adequate standards of residential

amenity for new dwellings and to PPS 3, which in Para 16, lists the provision of amenity space as part of the design quality of a scheme.

Other Matters

23. Highway safety is also of concern to local residents. There has been no objection from the Highway Authority and although the access is on a corner, there would be acceptable visibility in both directions. Each flat would have dedicated parking as well as secure storage for cycles and the use of the existing on street parking for visitors to the proposed flats would not cause significant harm to the safety of highway users.

Conclusions

24. The provision of small affordable flats would suit local needs and be an efficient use of the land, but this would not outweigh the harm caused to the character and appearance of the area, the harm caused to the well being and living conditions of the future occupiers due to the lack of amenity space on the site, and the harm caused to the living conditions of the adjacent occupier at 25A Freshbrook Road.

25. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR