The Planning Inspectorate

# Appeal Decision

Site visit made on 15 December 2015

**by Rory Cridland LLB (Hons)**

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

**Decision date: 11 February 2016**

**Appeal Ref: APP/Y3805/W/15/3136186**
**82 High Street, Shoreham-by-Sea, West Sussex BN43 5DB.**

- 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 Mr P Craig against the decision of Adur District Council.
- The application Ref AWDM/0625/15, dated 24 April 2015, was refused by notice dated 3 September 2015.
- The development proposed is the alteration and extension of existing building to provide a retail shop and studio flat on the ground floor and 1no. 1 bedroom flat on the first floor and a 1no. 1 bedroom flat on the second floor.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of neighbouring properties with particular regard to outlook, privacy and light.

## Reasons

3. The appeal site is situated on a busy road within the Shoreham Conservation Area and consists of a commercial unit on the ground floor with offices and a storage area above. To the rear is a modest first floor extension which overlooks the backs of the neighbouring properties. East of the site are Nos 5 & 5a West Street and adjoining the site is No 80 High Street, a commercial unit on the ground floor with residential accommodation above.

4. The proposal would see an additional storey added to the existing building and its width increased such that it would sit directly on the boundary with No 80, closing the current gap between the properties. Its rearward projection would be no greater than that of the existing building and much of the accommodation would be within the roof space, with dormer windows lighting the upper floor rear room. However, whilst as a result the rear most eaves line would be only a little higher than that of the existing structure, the flank walls of the rear projection would increase in height significantly. The building would be not only larger and bulkier, but would also be brought much closer to No.80 and Nos 5 and 5a. This would result in an oppressive sense of enclosure for occupiers of these neighbouring dwellings.

5. While I note that the density of the existing area is such that a sense of enclosure is already prevalent, with the existing outlook already constrained by

the surrounding buildings, this does not justify the harm which would result from further enclosure.

6. I note the concerns of the occupiers of Nos. 5, 5A and 7 West Street in regard to a loss of privacy. However, no windows are proposed in the side elevation and views from the proposed rear windows would only be available towards Nos 5 and 5a at an oblique angle. I do not consider the development would therefore result in any significant loss of privacy for occupiers of these properties.

7. With regard to No 7, the additional windows would give views to the rear garden of the property. However, this area is already significantly overlooked by both the existing building from a first floor glazed door and a number of the surrounding properties. As such, the proposed development would not have a significant impact on the levels of privacy currently enjoyed.

8. I note the concerns regarding a loss of light to neighbouring properties. However, the appellant has provided a daylight and sunlight assessment which considers the impact of the proposed development on the surrounding properties and which has not been challenged by the Council. In the circumstances, I regard it as sufficiently robust to demonstrate that any reduction in light to the surrounding properties would not be so significant that it would justify the refusal of planning permission.

9. Consequently, although I have found no harm in relation to the living conditions of the occupiers of neighbouring properties with regard to privacy and light, I find the proposal would have a significant adverse impact on the living conditions of No.80 High Street and Nos. 5 &5a West Street with regard to outlook. As such it would conflict with policies AG1 and AH2 of the Adur District Local Plan and the Supplementary Planning Guidance Development Control Standard No.2 'Space Around Houses' which, amongst other things, seek to limit the impact of development on the amenity of occupiers of neighbouring properties.

**Other Matters**

10. The appellant asserts that the Council is unable to demonstrate a 5 year supply of housing land. This is not disputed by the Council. Nonetheless, even if no 5 year supply is available, I consider the adverse impact on the living conditions of No.80 High Street and Nos. 5 & 5a West Street would significantly and demonstrably outweigh the relatively small benefit that an additional 3 units of residential accommodation would provide.

11. The proposed development would increase the height of the building and close the existing gap between it and No.80. However, it would remain lower than the neighbouring building to the west maintaining the characteristic irregular roofscape of the High Street. I therefore concur with the view of the Council that the proposed development would preserve the character and appearance of the Shoreham Conservation Area. A lack of harm in this respect does not however weigh positively in favour of the proposal.

## Conclusion

12. For the reasons set out above, and having taken account of all the evidence before me, I conclude that the appeal should be dismissed.

*Rory Cridland*

INSPECTOR