The Planning Inspectorate

Appeal Decision

Site visit made on 13 February 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/Y3805/D/22/3312370
3 Coastguard Cottages, Old Fort Road, Shoreham-by-sea, West Sussex BN43 5HR

- 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 Ms Sharon Prior against the decision of Adur District Council.
- The application Ref AWDM/1243/22, dated 20 July 2022, was refused by notice dated 17 October 2022.
- The development proposed is Creation of front porch and balcony to match existing, first floor extension and re-build of single storey rear extension.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
   - the character and appearance of the surrounding area, and
   - the living conditions of the occupiers of 1 The Burrells, regarding sunlight and daylight, and outlook.

Reasons

Character and appearance

3. The appeal site is situated in a mainly residential area, where, close by, the houses, chalet dwellings and bungalows in a range of styles are set back from the streets by gardens and drives. The appeal dwelling is situated on the north west corner by a mainly grassed roundabout, where Old Fort Road, which runs roughly parallel to the beach, is met by The Burrells. The openness in the front gardens in both roads contributes positively to their street scenes, and to the spacious suburban character in the locality.

4. The mostly single storey appeal dwelling is attached to the dwellings at 1 The Burrells to roughly north and 2 Coastguard Cottages to roughly west, and it includes a low pitched hipped roofed 2-storey part in its south east corner. Due to its corner siting and the ground floor extension at the back, the appeal dwelling has a small back yard, and gardens at the front facing south and east.

5. The proposal includes a first floor side extension to the foremost part of the building and alterations to the roof. The height, form and siting of the extension would harmonise with the adjoining dwellings, and the street scenes in Old Fort Road and The Burrells.

6. However, whilst most front gardens in The Burrells and Old Fort Road are edged by boundary treatment including low walls and low fences with openings for drives, the proposal includes a tall fence close to the east facing roadside boundary and by the side boundary with 1 The Burrells. Due to its height, solid form and prominent siting, the fence would be harmfully dominant and incongruous. Because the fence would be unacceptably intrusive in most nearby views from both roads, the roundabout and the beach, it would harm the street scenes in The Burrells and Old Fort Road, and it would unacceptably erode the spaciousness that contributes positively to the sense of place.

7. The planting shown on the plan would not overcome the harm that the fence would cause. As the French doors to the kitchen area might not be acceptable to the appellant if the fence were to be omitted, it would not be reasonable to impose the appellant's suggested condition. The tall fence at 96 is on the opposite side of Old Fort Road, where the dwellings are further back, and it is set well away from the pavement. The other fences and/or walls to street facing gardens including at 116, 141 and 127 Old Fort Road and 2 and 17 The Burrells are mostly low by the pavement, so they provide little support for this damaging proposal.

8. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to Policy 15 of the Adur Local Plan 2017 (LP) which aims for development to respect and enhance the character of the site, and the prevailing character of the area, and the National Planning Policy Framework (Framework) which seeks well-designed places.

Living conditions

9. The west side of the upper floor extension would broadly line up with the back wall of the dwelling at 1 The Burrells, and its back would be well separated from the roughly south facing side wall of 1 The Burrells by the single storey parts of both dwellings between them. As there is tall boundary treatment between the adjoining dwellings at the back, and the first floor windows in the south wall of 1 The Burrells light a toilet and a landing and stairs, which are not habitable rooms, the effect of the extension on the outlook and natural light received in the dwelling at 1 The Burrells would be acceptable. Moreover, due to their orientation and the relationships between them, the proposed extension would not harmfully overshadow or reduce the daylight received in the back garden of 1 The Burrells, and it would not be so overbearing or so oppressive that it would harm the neighbouring occupiers' outlook from their back garden.

10. As the proposed north facing rooflight would light a loft with headroom that would be too low to form a habitable room, the privacy of the occupiers of 1 The Burrells would be protected. The effect of the proposal on proposed solar panels at 1 The Burrells was not a concern of the Council in its reasons for refusal. I see no reason to disagree.

11. Thus, I consider that the proposal would not harm the living conditions of the occupiers of 1 The Burrells, regarding sunlight and daylight, and outlook. It would satisfy LP Policy 15 which aims for development to not have an unacceptable impact on adjacent dwellings, and the Framework which seeks a high standard of amenity for existing and future users.

Conclusion

12. Whilst the proposal would not harm the neighbouring occupiers' living conditions, the harm that it would cause to the character and appearance of the area is a compelling objection to the scheme.

13. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.

14. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR