The Planning Inspectorate

Appeal Decision

Site visit made on 19 February 2015

by P B Jarvis BSc (Hons) Dip TP MRTPI

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

Decision date: 27 March 2015

Appeal Ref: APP/Y3805/A/14/2225770
Queens Parade, North Road, Lancing BN15 9BA

- 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 Marcus King & Co. against the decision of Adur District Council.
- The application Ref AWDM/1457/13, dated 20 October 2010, was refused by notice dated 19 March 2014.
- The development proposed is an additional storey above an existing two-storey block to provide six self-contained flats.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, whether an acceptable and appropriate residential environment would be provided for existing and future residents, and whether provision has been made to mitigate the transport effects of the development.

Reasons

3. The appeal site lies along the busy main shopping street in Lancing town centre. It is a two-storey building comprising retail and other commercial units on the ground floor with residential accommodation above. It lies in a prominent location on the corner of Culver Road towards the northern end of the shopping area. At the time of my site visit I saw that various street enhancement works were underway and the area was busy and vibrant.

4. The existing flats are accessed via a purpose built enclosed entrance off Culver Road at the southern end of the building. Stairs up to the first floor access an open terrace to the rear of the flats. This terrace is largely communal but some areas fronting the flats have been enclosed to provide semi-private areas to the front of the individual units.

5. Both parties refer to the Lancing Village Vision (2012) which seeks to ensure that Lancing becomes a vibrant village, an exciting seaside destination and a place that provides for the needs of the community. It includes a number of core objectives to achieve the vision including transforming the area into an attractive and distinctive village. The appeal site lies in an area identified as the

'village heart' where a range of businesses and facilities are encouraged as well as residential uses on upper floors. The document has been prepared by the District Council in partnership with the Parish Council and has involved full public consultation with the community and appears to provide a well thought out and positive document to assist in enhancing the appearance and functioning of the area. Whilst it does not appear to have the status of a supplementary planning document, it is a material consideration.

Effect on character and appearance

6. The existing building is somewhat 'dated' and lacks any real presence on this prominent corner. The elevations currently lack articulation and have a strong horizontal emphasis with little visual connection between the lower and upper floors, partly due to the deep canopy which extends over the ground floor shops. The entrance to the flats and communal area to the rear are also somewhat 'tired'. In principle therefore a scheme to upgrade and improve the building and the contribution it makes to the 'village heart' is to be welcomed.

7. In terms of the proposed design, whilst in my view there would be no objection to an additional floor and indeed there are a number of three storey buildings in the immediate vicinity, this needs to be done in a way that does not overwhelm the streetscene and nearby buildings and otherwise enhances the site and its surroundings.

8. In my opinion, the proposal would not achieve this. Whilst the double gable features along the main front elevation would add interest and a vertical component to the elevation, they would appear rather heavy and seem to be unrelated to the proportions of the building at the ground floor level. The existing corner 'block' which visually appears a distinct and separate element of the building appears to recede in comparison whereas on this very prominent corner it would in my view be more appropriate to emphasise its presence to achieve any sense of a 'landmark' feature which the appellant appears to accept is an appropriate treatment for the site.

9. To the rear the elevations appear to mirror the existing first floor element. Whilst this approach could be said to be in keeping with the existing character, it seems to me that this would be a 'lost opportunity' and in terms of the National Planning Policy Framework (the Framework) would fail to make places better for people and establish a strong sense of place.

10. More positively, the proposal includes the enhancement of the rear terrace through the provision of dedicated, enclosed semi-private spaces to the front of each of the flats, with timber decking and planting. This would in my view result in a significant enhancement to both the visual appearance of the development and to the quality of the environment for the existing occupiers.

11. However, overall, I find that the proposal would have a harmful effect on the character and appearance of the area and thus fail to satisfy Policies AG1 and AH2 of the Adur District Local Plan (1996) (LP) which seek to ensure that development within the built up areas does not detract from the existing urban environment and is designed so that its appearance, character and scale creates a pleasant place in which to live and enhances the existing local environment. Whilst the LP is somewhat dated, I consider that in accordance with paragraph 215 of the Framework, these policies remain generally consistent with it and

thus can be given significant weight. However, I agree with the appellant that LP Policy AS1 cited by the Council is not relevant as it relates to proposals for shopping and food and drink purposes.

12. I also find that whilst meeting some of the objectives of the Lancing Village Vision, it would fail to contribute towards the objective of transforming the village heart from an environmental aspect. In addition, I find that the proposed scheme would not achieve the aims of the Framework in contributing positively to making places better for people and to create an attractive and comfortable place to live and work. Neither would it add to the overall quality of the area.

Residential environment

13. In support of local plan policies, the Council has adopted guidance entitled "Space around new dwellings and flats" which sets minimum standards for separation distances, amenity space, parking and landscaping.

14. The proposed units would lack any external amenity space. The above guidance suggests that 20 sq.m. per unit should be provided, which could be communal areas or terraces / balconies. Whilst it may be impractical to provide any communal area such as that available to the existing flats on the first floor, it seems to me that there is no reason why individual balconies or terraces for each unit could not be provided. There is a recreation ground in close proximity to the site, which could be easily accessed by residents. However, this does not provide individual, semi-private amenity space of the sort that is an important element of a residential environment and which contributes to providing a good standard of amenity as sought by local and national policy.

15. The proposal includes storage for bins and recycling within two separate areas, at each end of the building. One would be a separate enclosed area while the other appears to be simply within the stairwell area giving access to the upper floor. The plans indicate that on collection days, the bins would be taken down by a caretaker. Whilst the appellant suggests that the full details of such an arrangement could be agreed pursuant to a condition, no indication of how such a scheme might work in principle is provided. In addition, it is unclear from the plans how in practical terms, the bins could be transferred to the ground floor to the indicated standing position in the rear yard.

16. Whilst the existing residents would be likely to be affected by the proposed development in a number of ways, I note that many of the concerns expressed are not directly related to planning matters or could be dealt with through the imposition of appropriate conditions. The proposal would result in the loss of light to some internal bathrooms served by skylights in the existing roof. However, it is not uncommon for such rooms to be internal and mechanically ventilated and I see no objection in principle to such an arrangement.

17. The proposed new walkway at second floor level could enable some overlooking of the newly enhanced semi-private amenity areas to the flats below, but given that this area is simply to allow access to the individual flats I do not consider that this relationship would be unacceptable.

18. With regard to the effect on the flat which adjoins the northern boundary of the site at first floor level, I note that the proposed new enclosed stairwell would result in a high, blank elevation right on the boundary which would extend in

depth over the existing lower level projecting element of the flat below. It seems to me that the orientation of this element in relation to the windows in the rear facing elevation of this flat could result in overshadowing and loss of outlook. The above guidance refers to the protection of a 45 degree area in relation to affected windows and whilst I do not have detailed information it appears to me that this guidance would not be satisfied.

19. Overall, I consider that for the reasons set out above that the proposed development would not provide a satisfactory environment for the future occupants of the proposed flats and would have a harmful impact on the living conditions of the occupants of existing flats. This would be contrary to LP Policy AH2, which seeks to ensure that development proposals do not have an unneighbourly effect on existing dwellings and incorporates adequate standards in terms of amenity, outlook and privacy.

Mitigation of transport effects

20. The proposal would not make provision for any on site parking. This would be acceptable in principle given the location of the site in the 'village heart' close to a wide range of services and facilities and a choice of modes of public transport. However, the lack of such provision results in the increased use of sustainable modes, which in turn requires mitigation to ensure adequate capacity.

21. The Council has provided information, including "Revised Parking Standards and Transport Contributions Methodology" Supplementary Planning Guidance (2003, updated 2010), which details how such a sustainable transport contribution is calculated and how it is to be spent. This includes schemes to improve local pedestrian and cycle routes and access improvements to the local station. In my view this information demonstrates that the obligation to secure the contribution meets the tests set out in the Community Infrastructure Regulations (2010)(as amended) in terms of being necessary, directly related and fair and reasonably related in scale and kind.

22. The appellant has provided a completed, signed and dated Unilateral Undertaking (UU), which secures payment of the appropriate contribution upon commencement of development. Therefore the necessary mitigation would be secured and there would therefore be no conflict with national and local policy and guidance in this regard. The appellant has disputed the need for the UU by reference to an appeal decision and High Court judgement. However, it appears to me that they relate to different circumstance whereby the necessity for an obligation to prevent persons applying for on-street parking permits was sought in the context of a scheme which involved the loss of off street parking and where conditions of on street parking stress existed.

23. It is of note, however, that the proposal does not make provision for cycle stores which would be an important element in the promotion of sustainable transport and in meeting the Frameworks priority for walking and cycling. I have noted the appellant's suggestion that one of the proposed bin stores could be used for cycle storage. However, whilst this might provide a practical arrangement, there is insufficient information to demonstrate that there is sufficient space to accommodate the necessary elements. In the circumstances this adds to the concerns set out above.

Other matters

24. The existing residents have indicated a number of concerns many of which I have addressed above. Issues with regard to the use of the rear yard go beyond the remit of planning controls except insofar as they directly relate to the proposed scheme and these have been addressed. I note that there are also concerns regarding the accuracy of the plans but in the circumstances I have not found it necessary to deal with these in detail.

25. I acknowledge that the scheme would have a number of benefits, not least in contributing to the supply of much needed smaller housing and bringing additional residents into the village centre to enhance its vibrancy and to support local shops and facilities. However, it is my view that these benefits are not sufficient to outweigh the harm identified above.

Conclusion

26. Overall, for the reasons set out above, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR