The Planning Inspectorate

Appeal Decision

Site visit made on 1 July 2024

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

an Inspector appointed by the Secretary of State

Decision date: 08 July 2024

Appeal Ref: APP/Y3805/W/23/3330594
4 Wilmot Road, Shoreham-by-sea, West Sussex BN43 6BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr R Rigg against the decision of Adur District Council.
- The application Ref is AWDM/0245/23.
- The development proposed is new bungalow.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.

Reasons

3. The appeal site is situated within a mainly residential area on the roughly south side of Wilmot Road. Whilst there are bungalows on the roughly west side of Hammy Lane, the area is mainly characterised by 2 storey semidetached and terraced dwellings, some of which have rooms in their roofs, which are set back from the roads in front gardens and/or drives. Most nearby dwellings have reasonably deep back gardens, and whilst some adjoin other back gardens, others adjoin the nearby low-key garage court. So, the form and siting of the dwellings and the openness in their back gardens contribute positively to the local suburban character, and to the sense of place.

4. The site includes land beyond the ends of the back gardens of the 2 storey plus attic dwellings at 4 and 4a Wilmot Road, which are much shallower than most others close by. The far end of the back garden at 6 Wilmot Road lies roughly east, the back of a low pitched roofed garage block lies roughly south, and the shared vehicular and pedestrian access strip between Wilmot Road and the adjoining garage court lies roughly west.

5. The low profile garage at the site would make way for the proposed hipped roofed single storey 2 bedroom 3 person dwelling, which would be sited by the site's south and east boundaries. The dwelling and its car parking spaces would be reached from the access strip and its garden would lie roughly north.

6. As the proposal would be taller and bulkier than the nearby garages, it would erode the important openness beyond the backs of the nearby dwellings, and its scale would conflict with the mainly 2 storey dwellings close by. Because the proposal would be sited close to the garage court, it would be poorly related to

any nearby dwelling and the nearby streets, so its siting would contrast starkly with the established development pattern. As the access strip is shared with vehicles and partly hemmed in by boundary treatments and outbuildings, the proposal would fail to provide safe and inclusive pedestrian access to the dwelling. As most of the glazing in the proposal would face roughly north, the outlook from the poorly sunlit dwelling, which would include the tall fence and the backs of the nearby dwellings close by, would be harmfully oppressive.

7. Some degree of mutual overlooking into private gardens would reasonably be expected in a suburban area such as this. Even so, as the occupiers at 4 and 4a Wilmot Road would be able to see into the proposal's living/dining/kitchen and master bedroom and much of its garden from the first and second floor windows in the backs of their homes, the poor levels of privacy would be at odds with the future occupiers' reasonable expectations in the local area. Moreover, because the dwelling would be unacceptably squeezed in on its modest plot, the proposal would be incongruous in its suburban surroundings.

8. The proposal could be occupied by a family, but due to the proportions of its private outdoor space and the overshadowing effects of the dwelling and the boundary treatments, there would be little useable sunlit space where the occupiers could, say, sit or dine outside, dry washing, and tend some plants, or for play equipment, a shed, and so on. Also, due to the proposal's relationships with the access strip and the garage court, the noise and disturbance arising from the likely activity in the garages and in these mainly hard surfaced areas would be likely, in time, to diminish the proposal's occupiers' wellbeing.

9. The proposed dwelling at Wembley Avenue would have a wide and open outlook from its amply sunlit street facing frontage, it would respect the nearby development pattern, and the proportions of its grounds would provide useable outdoor space. The well-designed dwellings at Wilds Row sustain the important openness at the back of the existing dwellings, respect the local development pattern, and harmonise with their surroundings. Some Wilds Row back gardens are compact but they are useable, and those dwellings are also set back in verdant front gardens. As the dwellings at 93, 95, 97 and 99 Buci Crescent and at 65 and 67 Crabtree Lane appear to be flats, their circumstances differ from those of the proposal before me. So, these other developments provide little support for this unacceptable proposal. Replacing the proposal's ceilings with roof linings and roof lights would let some sunlight into the dwelling, but that would not overcome its damaging effect on the sense of place.

10. Therefore, I consider that the proposed development 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 seeks high quality design and respect for context, LP Policy 22 which seeks compliance with the guidance in the Council's Development Management Standard No. 1 Space Around New Dwellings and Flats, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed and beautiful buildings and places, sympathy for local character, and a high standard of amenity for future users.

Other matter

11. An interested party's comments imply that the Council cannot demonstrate a 5 year supply of deliverable land for housing. So, Framework paragraph 11 d) could be relevant. The benefits of the scheme would include a welcome new home. However, as the harm that the proposal would cause to the character

and appearance of the surrounding area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

12. 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.

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

J Reid

INSPECTOR