The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2013

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 17 December 2013

Appeal Ref: APP/Y3805/A/13/2203185
25 Riverside, Shoreham-by-Sea, BN43 5RU.

- 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 Justin Clements against the decision of Adur District Council.
- The application Ref AWDM/0841/12 dated 4 March 2013, was refused by notice dated 5 July 2013.
- The development proposed is demolition of existing poor quality 3 bedroom bungalow and garage. Construction of two contemporary, high quality 3 bedroom semi-detached dwellings.

Application for Costs

1. An application for costs was made by Mr Justin Clements against Adur District Council. That application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The first main issue is whether the proposed dwellings would provide satisfactory living conditions for their occupants, with particular regard to daylight and sunlight. The second main issue is the effect of the proposal on the living conditions of the occupants of the adjoining and adjacent properties with particular regard to privacy and visual impact.

Reasons

Proposed living conditions

4. The proposed dwelling immediately alongside 24 Riverside (Unit 1) would have a northerly aspect, supplemented by skylights and small secondary windows in the eastern elevation. In addition, there would be two obscure glazed windows serving the proposed rear utility room. The proposed westernmost dwelling (Unit 2) would be similar although it would also benefit from west and northwest facing windows, adjacent to the junction of Riverside and Weald Dyke.

5. Having regard to the internal layout of the proposed dwellings, together with the size and open aspect of the north and northwest facing windows, the outlook and level of daylight within the main first floor living areas and the north facing bedrooms would be satisfactory. The west facing bedroom in Unit 2 would receive ample daylight and sunlight, although its outlook would be poor. The proposed bin store would be immediately outside the window serving this bedroom, with an access ramp and the pavement beyond. In addition, the ground floor halls would receive limited daylight and sunlight and some of the bathrooms would receive no natural light.

6. There would be no views into the rear gardens from the proposed dwellings and these gardens would be dominated by the adjacent dwellings at 5 & 6 Weald Dyke, which are sited in close proximity, to the south. In addition, the depth of the rear gardens and the separation distances between the proposed dwellings and the existing dwellings at 5 & 6 Weald Dyke would fall below the minimum standards set out in the Council's Development Control Standard 2 – *Space around New Dwellings and Flats* (SPG). However the size and depth of the proposed gardens would reflect that of other gardens in the immediate locality and the properties would benefit from balconies, which provide expansive views over the harbour area.

7. Together these factors highlight the rather cramped and contrived layout of the development, although they would not in themselves amount to a reason for dismissing this Appeal. Overall the living conditions for the occupants of the proposed dwellings would be satisfactory and the shortcomings would be largely compensated for by the open northerly aspect and associated balconies.

8. For these reasons I conclude on this issue that the proposed dwellings would provide satisfactory living conditions for their occupants. In this respect the scheme would comply with policy AH2 of the Adur Local Plan, the Council's Good Practice Guidance Note – *Internal Space Standards for New Homes*, the objectives of the SPG and the National Planning Policy Framework (NPPF). Amongst other things they seek to ensure that new developments provide safe and satisfactory living conditions for their occupants.

Living conditions of existing residents

9. The depth of the rear gardens and the distance between the proposed rear elevations and the dwellings at 5 & 6 Weald Dyke would fall significantly below the minimum distances recommended in the SPG. Whilst the dwellings are single storey at the rear, they are elevated above the ground level and are a full two storeys in height for most of their depth.

10. The proposed dwellings would occupy a significant proportion of the width of the site. The proposed rear elevations would be visually stark with large areas of plain wall and the only visual relief would be the slope of the roof and the skylights. As a result of these factors the proposed dwelling would have a visually enclosing and oppressive impact on the outlook from 5 & 6 Weald Dyke. Although visual impact is not referred to in the Council's decision notice, it has been raised by the residents at 5 & 6 Weald Dyke and is a material consideration in this Appeal.

11. The situation would be exacerbated by the need to have uncharacteristically high rear garden fences to protect the privacy of the occupants of the existing

and proposed dwellings. Even with this high fencing there would be scope for direct inter-looking between the rear entrances to the proposed dwellings and the rear facing bedrooms at Nos.5 & 6. In addition to this actual overlooking the presence of the proposed rear entrances and skylights would result in a perceived sense of over-looking, which would contribute to the loss of privacy and the overbearing impact of the scheme.

12. As with the proposed living conditions, the above factors highlight the cramped and contrived nature of the scheme. The scheme would be un-neighbourly and would seriously harm the living conditions of the occupants of 5 and 6 Weald Dyke, due to its visual impact and loss of privacy.

13. The existence and use of the easternmost rear access would also have scope to cause actual and perceived loss of privacy for the occupants of 24 Riverside. This bungalow has a very small garden adjacent to the eastern rear elevation of Unit 1 and has two bedroom windows facing the Appeal site. To a certain degree this could be addressed through screen fencing and planting. In addition, with the demolition of the existing dwelling which projects further into the rear garden environment, the proposed scheme would not have a materially adverse impact on the outlook from that property. Overall although the Appeal scheme would result in some actual and perceived loss of privacy for the occupants of 24 Riverside, the impact of the scheme would not have a materially adverse impact on the living conditions of the occupiers of that property.

14. In reaching these views account has been taken of the previous and now lapsed approval, for which few details have been provided and which included inaccurate drawings. Consideration has also been given to the previous Appeal decision, where the appointed Inspector found that a similar scheme would not have a visually overbearing impact on the living conditions of any existing residents. However with that scheme the proposed rear elevation was not stark and the dwellings were fully detached. As such the appearance and visual impact of the previous and current schemes are not directly comparable.

15. I conclude on this main issue that the Appeal scheme would have an unacceptably harmful impact on the living conditions of the occupiers of 5 & 6 Weald Dyke. The scheme would therefore conflict with policy AH2 of the Local Plan, the SPG and its objectives and the NPPF. Together they seek to ensure that the living conditions of existing residents are not unacceptably harmed.

Other matters

16. The Appeal site occupies a prominent position adjacent to a highway junction and the proposed dwellings would form a focal point within the street scene. When viewed from the street scene their detailed design and materials would reflect the harbour location of the site and would be visually interesting. As such the scheme would enhance the character and appearance of the street scene. At the same time the scheme would provide two small family homes in an established and accessible residential area.

17. Concern has been expressed that the scheme would result in additional pressure for on-street parking. Whilst the occupation of the scheme would likely increase the demand for on-street parking, having regard to the modest size of the development, the unrestricted nature of on-street parking in the area

and the level of on-site parking provided to serve most dwellings, the proposed development would be unlikely to have a material impact on the availability of on-street parking spaces, or the free flow of traffic in the locality.

18. Whilst these factors weigh in favour of the scheme they do not outweigh the cramped and un-neighbourly nature of the scheme and its harmful impact on the occupants of 5 & 6 Weald Dyke.

Conclusion

19. I conclude that the harm that would be caused by the Appeal scheme, would outweigh the merits and that this harm could not be satisfactorily addressed through the imposition of conditions.

Elizabeth Lawrence

INSPECTOR