The Planning Inspectorate

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Your Ref:

Our Ref:
T/APP/Y3805/A/95/260773/P8

Date:
19 APR 1996

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR V WOOD
APPLICATION NO: L/61/95/TP

1. I have been appointed by the Secretary of State for the Environment to determine this appeal, which is against the decision of Adur District Council to refuse planning permission for the conversion of existing single storey structure into 2 storey residence at Meadow Lane, Lancing. I have considered the written representations made by you and by the Council, and those from Lancing Parish Council, Railtrack Plc and interested persons made at the application stage. As you know, I inspected the site on 2 April 1996.

2. The appeal building is a flat roofed store (now disused) at the end of a garage court with access via a private way off the main shopping street. It adjoins the railway line, and the bridge above for the A2025 is just a short distance away. The site is triangular, with very little space between the building and its boundaries, except for the tapering rear garden. The scheme retains the footprint of the building, some 6m x 6.6m, and adds a pitched roof with living space in it. The main bedroom facing a school playing field would be served by dormer windows, and the other bedroom and a bathroom would have velux windows. The ground floor fenestration would be changed to include a rear patio door giving the main living space an outlook down the garden.

3. Local policy encourages the best use of land within the built up area, and accepts that sites adjoining the railway will have to be developed to meet the identified new housing need. Such schemes will require careful design to ensure adequate living conditions, and among other policy criteria is the need for accesses not to reduce highway safety or worsen traffic conditions. From what I have read and seen, I consider that the main issue are whether or not the prospective occupiers would have unacceptable living conditions, with particular reference to privacy and disturbance, and the likely effect on highway safety at the junction of the access way (Meadow Lane) and North Road.

4. Looking first at privacy, I believe that the occupiers would feel that they could do little outside at the back of the house or in the small garden without being under close scrutiny. This would be from the railway or as pedestrians pass over the bridge, but this is not uncommon for dwellings in the locality. Moreover, some secluded space could be achieved at the front, although limited by the parking space and hemmed in by the walls of garages, and most of the living space would not be overlooked.

5. Turning now to disturbance, the 2 track railway carries main line trains, and local ones stopping at the nearby station. The technical advice is that noise levels from passing trains put the site into noise exposure category B of Planning Policy Guidance Note 24. This means that disturbance inside the house could be mitigated to an acceptable level by imposing a condition for noise protection measures. I see no reason to question this, as the track is lower than the site level and separated from it by a verge, and fenestration would be limited on this side. The Council have mentioned vibration as well, but they have not quantified the likely extent, and the passing trains I saw caused no problems.

6. Both these aspects may well make the living conditions less than ideal. However, the drawbacks would be obvious to prospective occupiers, and I believe that the inadequacies would not be so extreme that they cannot be left to the developer and the market.

7. Finally, there is the issue of highway safety. The Council's concern is mainly about the problem for pedestrians when traffic emerges from Meadow Lane. This access is bounded by the walls of buildings, and northwards there is no splay. However, vehicles should emerge on the southern side, where there is a splay, and will have to be moving very slowly to enter the traffic stream. The footway here is relatively wide, and I saw little reason why emerging traffic should take pedestrians by surprise. Meadow Lane already serves some 17 dwellings and the rear of shopping parades; no figures have been produced to show that this has caused hazards at this point, and I doubt that the traffic generated by this small dwelling would unduly increase movements. Nor would it add significantly either to interruptions to the free flow of traffic along North Road or to any congestion difficulties in the lane.

8. In these circumstances, I am allowing the appeal, and this brings me to the question of conditions. I have already mentioned the need for a condition for noise protection measures. I agree that external materials should be approved to avoid any discordant features on the prominent house. To meet the local standards for car parking and avoid congestion along Meadow Lane, a scheme should be submitted showing the location and layout of parking space. An area is shown on the plan, but the Council should be satisfied that this can be manoeuvred into and is located where it is likely to be used. Finally, I am not convinced that permitted development rights should be removed for extensions; this would not meet the strict tests in Circular 11/95 as in this isolated location only the occupiers would be affected by any minor reduction in the limited space round the house.

9. The nearest neighbour is concerned about overlooking, but I believe there would be no undue effect on privacy. Only the dormer windows would give any outlook in this direction, and this would be an oblique view only and limited to the side of the end of terrace house. The same neighbour mentions some difficulty over the blocking of the entrance to the site by a garage door. This is not a planning consideration, but clearly prospective

occupiers will need to be sure about being able to use the only access, which is a limited gap between 2 garages. I have taken into account all the other matters in the representations, but find nothing to outweigh the factors which have led me to my decision.

10. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion of existing single storey structure into 2 storey residence at Meadow Lane, Lancing in accordance with the terms of the above application (No L/61/95/TP) dated 27 June 1995 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. the development hereby permitted shall not begin until a scheme for protecting the dwelling from noise from the railway has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the dwelling is occupied;

3. the development hereby permitted shall not begin before details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority; development shall be carried out in accordance with the approved details;

4. the dwelling hereby permitted shall not be occupied until space for vehicle parking has been laid out within the site in accordance with a scheme submitted to and approved in writing by the local planning authority; this space shall not thereafter be used for any purpose other than the parking of vehicles.

11. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

[redacted]

JOHN F HAYWARD BA Solicitor
Inspector