The Planning Inspectorate

Appeal Decision

Site visit made on 15 December 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 January 2021

Appeal Ref: APP/Y3805/W/20/3253462
Land west of 51 to 63 Southview Road, Southwick BN42 4TS

- 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 Paul Calland of SD Holdings Ltd against the decision of Adur District Council.
- The application AWDM/1119/19, dated 10 July 2019, was refused by notice dated 10 December 2019.
- The development proposed is demolition of 53 and 55 Southview Road and construction of 4 no. 3 bedroom terrace and 4 no. bedroom semi-detached dwellings and 2 no. 4 bedroom detached dwellings with new vehicular access from Southview Road and associated parking and amenity areas.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the address and description adopted by the Council as a more accurate address and summary of the proposed development than that included on the application form.

3. The appellant has submitted further information on flooding and revised the drainage strategy. In the light of this information the Council accepts that a satisfactory drainage strategy and maintenance plan can be achieved, subject to conditions. Southern Water has not commented on the revised information, but the Council's Drainage Engineer notes that the rate of discharge to the public surface water sewer meets Southern Water's requirements. On that basis, I do not need to consider the flooding issue any further.

4. The appellant has also submitted revised access arrangements. The Highway Authority is now satisfied that, subject to conditions, a safe and suitable access can be achieved to the appeal site. I therefore do not need to consider the highway issue any further either.

Main Issues

5. The main issues are the effect of the development on:

    - The character and appearance of the area
    - The living conditions of future occupants with regard to size of the garden areas

- The effect on retained trees
- The living conditions of neighbouring occupants with regard to dominance, loss of light, and noise and disturbance from the proposed access.

Reasons

Character and appearance

6. Southview Road is characterised by mainly semi-detached pairs of houses with double height bay windows, some under projecting gables. Dispersed between the semi-detached pairs are occasional detached houses or bungalows, and within the semi-detached pairs there are a variety of different designs. Irrespective of their individual designs, buildings exhibit marked similarities in front building lines, and the heights of the two storey elements, to give a strong rhythm in views of buildings along the road.

7. I am concerned that the proposed replacement house on plot 10 would be set further back than the front elevation of the flanking buildings and its ridge would be higher than that of the ridgelines of other two storey buildings fronting the road. Although those design features would only depart to a small extent from the predominant building line and ridge heights along Southview Road, because of the strong regularity of these features I consider they would be noticeable and discordant when viewed against the established street scene.

8. The main part of the development would be visible from Southview Road along the access drive and in glimpsed views between the buildings. Those views would not, in principle, be harmful as within the built up area views of buildings to the rear of others are common. However, the front forecourts of all the proposed houses would be taken up with car parking, leaving almost no space for landscaping or planting of any kind. In some of the plots, particularly the mid terraced units, access to the houses would also be restricted by the forecourt parking, which further serves to emphasise the lack of space available in front of the buildings.

9. The appellant points out that forecourt parking is common in Southview Road. That is indeed the case in many houses although by no means all. Planting in those properties which have retained a front garden, and in some cases those which have forecourt parking but have retained some front garden, helps to provide greenery and visual relief to the street scene. Part of Southview Road also benefits from street trees, which provide further greenery.

10. That would not be the case with the proposed development. The space in front of the houses would be dominated by hard surfacing consisting of the driveway, turning head and parking spaces with none of the relieving features noted above. Retention of the horse chestnut tree and the grassed area around it would provide some visual relief but it would be isolated towards the back of the site and therefore only partially soften what would otherwise be a hard and uninviting space.

11. The Council criticises the design of the houses. With the exception of the points I have already made about the position and height of the house on plot 10, I do not share that view. The building forms are relatively simple with pitched tiled roofs, brick walls and projecting gable features on the front elevation providing visual interest. The building on plot 10 would have a double height

bay window under a gabled roof that would reflect similar features on the houses in Southview Road. Given the variety of building designs in the area, I consider variation in design and detailing can be accommodated without appearing at odds with the wider area. I consider the design and appearance of the buildings to be satisfactory.

12. My attention has been drawn to Somerly Gardens as an example of bad design because of its density and lack of landscaping. I viewed this development on my site visit, and while I note the lack of landscaping within it, I understand that it replaced an industrial building which had previously occupied much of the site. The circumstances surrounding this development are therefore very different to that relating to the appeal site, and I place limited weight on it as a comparable scheme.

13. I conclude that although some aspects of the scheme are acceptable, the position and height of the house on plot 10, the car dominated forecourts in front of the houses, and the lack of room for landscaping in what would otherwise be a hard surfaced environment relieved only by the retained horse chestnut tree, would collectively harm the character and appearance of the area. The development would therefore conflict with policy 15 of the Adur Local Plan, which requires new development to respect and enhance the character of the site and the prevailing character of the area.

Living conditions of future occupants

14. Policy 15 of the Adur Local Plan requires, amongst other criteria, that new development should include a layout and design which take account of the potential users of the site. Supplementary planning guidance in 'Development Management Standard No.1 – Space around New Dwellings and Flats' defines minimum standards for spacing between buildings and garden sizes in residential development. While the supplementary planning guidance is an interpretation of policy rather than having the force of policy itself, it does provide further detail and helps in providing a consistency of approach in matters of design. In this case with an undeveloped site and no extenuating circumstances I would expect the layout and design of the proposed development to accord with the guidance unless there is good reason not to do so.

15. The supplementary planning guidance suggests rear gardens should be a minimum of 11m in length and have minimum areas of 65sqm for the terraced houses, 85sqm for the semi-detached houses and 100sqm for the detached houses. As noted in the Council's statement, six of the houses do not achieve the minimum garden length (plots 3, 4 ,6, 7, 8, and 9) and at least four of the houses do not achieve the minimum garden sizes (plots 2, 3, 6 and 7). Based on the submitted drawings other gardens are close to and may also be below the recommended standard.

16. There is a discrepancy between the layout plan and the highway options plan, the latter including a communal bin store at the rear of plot 10. If the bin store were to be included in the scheme it would reduce the length and size of the rear garden to plot 10 to below the minimum standards set out in the guidance note[1].

[1] Development Management Standard No.1, paragraph 3.6.

17. The appellant has argued that the minimum garden length of 11m derives from a minimum back-to-back privacy distance of 22m and is therefore not a critical dimension in defining the suitability of rear garden space. While the 11m minimum distance may in part derive from the need to ensure privacy, it also provides a necessary depth to any garden area to ensure its usability for the range of outdoor domestic activities associated with a residential house. The supplementary planning guidance acknowledges that in some cases a plot may have a shallower rear garden than the minimum of 11m, but it should be compensated for by a greater width of at least 11m. None of the proposed plots achieve that alternative dimension.

18. All the houses have the capability to be occupied by families, and therefore it is all the more important that their useable garden space is of an adequate size to accommodate at least modest outdoor domestic activities. The layout and design of the development fails to achieve that objective.

19. I therefore conclude that as a result of the lack of adequate garden space, the proposal would harm the living conditions of future residents and thereby conflict with policy 15 of the Adur Local Plan.

Effect on retained trees

20. A protected horse chestnut tree stands towards the rear of the site. While some crown reduction would be required to avoid conflict between the tree and plot 8, from the assessment[2] carried out on behalf of the appellant I am satisfied that the reduction proposed would be modest and would enable the tree to retain its shape and amenity value. It appears that the tree has previously had a crown reduction. It is not unusual in an urban setting for trees to require periodic maintenance and I consider that would be a reasonable approach in this case. While a small part of plot 8 would come within the root protection area of the horse chestnut tree, I note that neither the appellant's arborist nor the Council raise concern on that point.

21. The tree would cause some overshadowing to plot 8. However, as a single tree, albeit multi-stemmed, that overshadowing would be limited in extent with adequate daylight, and sunlight during most parts of the day, reaching the rear garden. I do not consider that degree of overshadowing would be harmful.

22. The remaining trees to be retained are of lesser size and are mostly confined to the boundaries of the site. With suitable maintenance they could be retained without causing conflict with the proposed development. Those trees which are shown to be removed are of limited public amenity value and their loss would not cause material harm to public views of the site.

23. I conclude that the development would not have a harmful effect on the trees to be retained on the site, including the protected horse chestnut tree, and would therefore comply with policies 15 and 30 of the Adur Local Plan, in so far as they relate to the protection of trees that make a positive contribution to the street scene.

Living conditions of neighbouring occupants

24. The Council has criticised the separation of the flank elevation of the building on plot 1 from the rear elevations of 59 and 61 Southview Road. However, the

[2] Arboricultural Survey and Planning Integration Report, Quaife Woodlands AR/3877/jq, 21 June 2019.

separation distances of over 14m between the two storey elements, and 11m between the flank of plot 1 and the single storey element on the rear of the neighbouring properties I interpret as meeting the advice in the supplementary planning guidance[3]. I therefore consider this separation to be adequate.

25. A new drive would run along the side boundary with the bungalow at 51 Southview Road. The boundary is a rendered brick wall at the front, with a timber fence at the rear. The bungalow has an enclosed porch on the flank elevation and a window, and I noted on my site visit that the window was obscured glazed. The drive would introduce vehicle movements along the side boundary, but as the proposed estate would be relatively small the amount of vehicle movements would be limited and consequently disturbance from those movements would also be limited. I note there are similar access drives already off Southview Road, for example that between 43 and 45 Southview Road and the access to Somerly Gardens, which have closer relationships with the neighbouring properties than that proposed in the appeal scheme. Having regard to all those factors I consider the presence of the drive along the side boundary with 51 Southview Road would not be so noisy as to be unacceptably harmful.

26. The development of a small estate of houses within the site would clearly change the outlook from the rear of surrounding houses and I appreciate that may not be welcomed by their occupants. However, I am not persuaded that would be unacceptably harmful or cause undue loss of privacy or appear dominant in views from the buildings or rear gardens. Distances between buildings would meet the minimum standards set out in the Council's supplementary planning guidance. The houses on plots 5 and 9 would stand close to the neighbouring gardens, but these gardens are of some length and I do not consider that they would be unduly overshadowed or dominated by the presence of the buildings.

27. Windows in the proposed houses would look out over surrounding garden areas. Surveillance of garden areas from surrounding houses is not unusual in an urban area and while the degree of inter-visibility would increase, I do not consider it would be so oppressive so as to be harmful to the general enjoyment of neighbouring garden land.

28. The rear portion of the house on plot 10 would stand closer to the outrigger on 59 Southview Road than the existing outrigger on the building to be demolished. However, it would also be shorter than the existing building, which has a single storey lean-to at the rear. Balancing these factors together, I consider that the side facing openings in the outrigger of the neighbouring building would not be significantly additionally overshadowed by the proposed house.

29. I conclude that the living conditions of the occupants of neighbouring dwellings would not be unacceptably harmed by dominance, loss of light, or noise and disturbance from the proposed access and as such would comply with policy 15 of the Adur Local Plan in so far as that policy resists development that would have an unacceptable impact on adjacent properties.

[3] Development Management Standard No.1, paragraph 2.5.

Other Matters

30. The appellant disputes that the Council is able to show a five year housing land supply, in particular because some of the larger housing sites included in the Council's strategic housing land availability assessment have only just started to be implemented or have yet to gain planning permission. The Council has responded with more detailed information in its appeal statement, indicating that strategic sites at New Monks Farm and Free Wharf (part of the Shoreham Harbour regeneration scheme) are on course for delivery, and other sites at Kingston Wharf, Ropetackle North and Albion Street are expected to come on stream during the next five years. As a result of these and other developments, the Council indicates that it is currently able to demonstrate a 5.2 years' supply of housing land.

31. The Council's housing delivery test results for 2017-2019 is 56%. This exceeds the transitional requirement of 45% as set out in Appendix 1 of the National Planning Policy Framework. I have not been provided with updated figures including 2020.

32. While I note the appellant's concerns about the delivery of specific sites, the Council has provided evidence to demonstrate that projected housing land supply over the next five years will meet the housing target set out in the Adur Local Plan. This supply is made up of many different sites, not just those referred to by the appellant. The Covid 19 situation may have some impact on the rate of delivery but whether that is the case is unlikely to become clear for some time yet. In the absence of any detailed rebuttal of the evidence before me I consider that the Council is able to demonstrate a five year housing land supply. Consequently, the housing policies in the Local Plan are considered to be up to date and therefore the 'tilted balance' contained within paragraph 11 of the National Planning Policy Framework is not triggered in this case.

33. The appellant has also pointed out that the Local Plan does not aim to meet objectively assessed housing need and argues that should justify the development irrespective of whether the Council can demonstrate a five year housing land supply. The reason the Local Plan does not meet the objectively assessed housing need is because of significant constraints on development in the District. The housing target in the Local Plan represents a sustainable balance between accommodating housing growth and meeting other planning objectives. The Plan was adopted as recently as 2017 following examination at which this position was tested and found to be sound. I therefore do not consider the inability to meet all of the objectively assessed housing need amounts to an argument in favour of the scheme.

34. Notwithstanding my findings on housing land supply and objectively assessed housing need, I do recognise that the provision of additional housing is a benefit in an area where there is a strong demand for new residential development. The site is not included in the current strategic housing land availability assessment but that would not preclude it being considered for development in principle given that the site is located in a sustainable position within the existing built up area and close to services. The proposal also complies with other policies in the Plan relating to ecology and biodiversity, but these are not the most important matters for determination of this appeal.

Planning Balance

35. I have found that the proposed development would not cause harm to those trees to be retained on the site, including the protected horse chestnut tree, nor would it cause harm to the living conditions of neighbouring occupants. In so far as these issues cause no harm, they are neutral considerations in my decision.

36. The net increase of six dwellings (the existing pair of semi-detached houses at 53 and 55 Southview Road being occupied as four flats) would be a modest benefit to housing supply in the area and weighs in favour of the scheme.

37. Although certain aspects of the scheme, such as design, I found to be acceptable in terms of their effect on the character and appearance of the area, other aspects such as the height and position of the building on plot 10 and the dominance of hard surfacing and parking within the site were found to be harmful. In addition, the lack of adequate garden space for the majority of houses in the scheme would harm the living conditions of future occupants.

38. When all these matters are taken together, I consider that the identified harm outweighs the modest benefit of the scheme. The development would therefore conflict with the policies in the Adur Local Plan when viewed as a whole. There are no material considerations which indicate that the appeal should be determined otherwise than in accordance with the Plan. It follows that the appeal must fail.

Conclusion

39. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR