Adur District Council

Planning, Regeneration and Wellbeing

The Planning Inspectorate
3/05 Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Ref: AWDM/1511/12
Your Ref: APP/Y3805/A/13/2196386

Date: 7 June 2013

Dear Sir

Appeal by Mrs S Miles

Site at 37 Buckingham Road, Shoreham-by-Sea, BN43 5UA

I write with reference to the above appeal.

You will have already received the Council's Appeal Questionnaire and the Officer's delegated report that sets out the Council's case in detail. It is not therefore proposed to submit a full statement in respect of this appeal. However, I would like to take this opportunity to respond to a few points within the appellants' statement of case.

The Council's reasons for refusal do not make reference to the NPPF but the Council considers that saved local plan policies AG1 and AH2, together with the supplementary planning guidance referred to, are in conformity with the NPPF. Paragraph 64 of the NPPF is clear that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*." Saved local plan policy AG1 is consistent with this advice as it states that development should not detract from the existing local urban environment. Saved policy AH2, which states that the appearance, character and scale of a development should be in keeping with and enhance the existing local environment with "*particular attention being paid to the architectural form, height, materials, density and layout*" is also consistent with the NPPF. Avoiding an adverse impact on residential amenity is also referred to in that policy and the supplementary guidance.

The appellant's agent refers to the proposed development as "mirroring" the extension at No.35 Buckingham Road. However, there is a difference in the size of the extension proposed while the relationship with its neighbour is also different. No. 33 to the south sits off the boundary with No.35 while No.39 to the north sits on the boundary with the appeal site.

There is also a difference in scale between the buildings to either side of Nos 35 and 37 Buckingham Road. To the south of No.35 is a two storey building with hipped roof which has a lower height than No.35. To the north of No.37 is a taller three storey building (No.39) with an almost continuous vertical wall immediately on the boundary. The visual impact of the proposed extension at No.37 would be far more pronounced with a greater sense of closing the existing visual gap between the buildings, resulting in a cramped, overbearing form. Advice in DC Standard No.2 states that a gap of at least 2m is required between the side wall and the boundary in the case of large detached or semi-detached house (over 10m wide or more than two storeys high) and blocks of flats in order to avoid a cramped appearance. While it will be set back from the front of the building by 1.8m, the Council asserts that the extension's proximity to No.39 would have a harmful visual impact.

In the south side elevation of No.39 are four windows serving the kitchens, bedroom and lounge of two flats. While the kitchens, which do not enjoy any other source of natural light, are not habitable rooms as such, they are important rooms within a residential property which can be expected to be used regularly and enjoyed by the occupants, doubling up as a dining room in one instance where there is a table by the window. Light to these rooms would be severely restricted by the proximity of the proposed extension, as would outlook which would be limited as the wall of the extension would be just 1m from the windows. This would also be unacceptably overbearing to the existing residents. The Council requests that the Inspector enters the flats within No.39 as part of the site visit. Arrangements have been made with the owner of No.39 to facilitate this.

The Council is not being inconsistent in implementing its own standards and guidance as suggested by the appellant since there is no record of the extension at No.35, which appears to pre-date the planning system, and certainly pre-dates the Council's current policies and standards.

For the reasons outlined in the officer's report and this letter, the appeal proposal fails to comply with national or local plan policies and the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector decide to allow the appeal and grant permission in this case, it is requested that the conditions at Appendix 1 be imposed.

Yours faithfully

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