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Date: 13 April 2022
Service: Development Management
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Our Reference: AWDM/1324/21
Your Reference: APP/Y3805/W/21/3287021

Dear Terry Scott

Town and Country Planning Act 1990

Appeal by Chris Ford and Paul Allen

Site Address: Oxen Court, Oxen Avenue, Shoreham-By-Sea, BN43 5AS

I write with reference to the above planning appeal.

It is considered that the original Officer's Report, forwarded earlier, contains an adequate summary of the Council's case and the LPA will not therefore be submitting a full statement on this occasion. However, I would like to make some additional points in response to the appellant's Statement and Design Statement.

First, with regard to Housing Land Supply and Delivery the Government released the results of the latest Housing Delivery Test in January 2022 which covers the period from 2018/19 - 2020/21. Adur District Council scored **77%** and, as a consequence, an Action Plan will be prepared, and in calculating the five year housing land supply, a 20% buffer must be added. However, the presumption in favour of sustainable development no longer applies and the tilted balance also no longer needs to be applied to this case.

A brief statement on this can be found on the Council's website at the link below:

https://www.adur-worthing.gov.uk/planning-policy/joint-aw/hdt-action-plan/

The appellant's statement refers to upward extensions being permitted development and that, subject to a technicality, the current proposal would be PD and this should therefore be a material consideration. However, the site lies within 3km of the perimeter of an aerodrome (Shoreham Airport) and cannot be permitted development in any circumstance. It should therefore be treated and assessed as any proposal for new development would be.

The Design Statement refers to the Council being inconsistent in its decision making. However, recent decisions against upward extensions of flats have been supported at appeal (see APP/Y3805/W/20/3262318 Swanborough Court, New Road, Shoreham-by-Sea BN43 6RZ and APP/Y3805/W/21/3278230 Penhill Court, Penhill Road, Lancing BN15 8HE). Reference is made in the latter appeal decision to Paragraph 120(e) of the NPPF which states that policies and decisions should:

"support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be ***consistent with the prevailing height and form of neighbouring properties and the overall street scene****, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers."*

In this case, despite what the appellant's architect has stated in his Design Statement, the prevailing height and form of neighbouring properties is two storey and the proposed increase in height sought here would not be consistent with that in the overall street scene and would fail to meet that requirement of paragraph 120(e).

While no tilted balance needs to be engaged here, it is clear that the harm in relation to the character and appearance of the local area, and the living conditions of the occupants of adjacent properties, would significantly and demonstrably outweigh the modest benefits of the scheme.

The Inspector is therefore respectfully requested to dismiss the appeal.

Yours sincerely

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