RESPONSE TO LOCAL PLANNING AUTHORITY'S APPEAL STATEMENT & SUGGESTED CONDITIONS

APPEAL REFERENCE - APP/Y3805/W/17/3190967

APPEAL AGAINST REFUSAL OF PLANNING APPLICATION: AWDM/0954/17
BY MR CHRIS DOSSETT
SITE: SOUTHWICK NURSERY, 15 ROMAN WAY, SOUTHWICK, BN42 4TN

1.0 INTRODUCTION

1.1 This statement is submitted in response to the Local Planning Authority's statement and suggested conditions relating to the Appeal against the refusal of planning application AWDM/0954/17 by Mr Chris Dossett. The appeal site is Southwick Nursery, 15 Roman Way, Southwick.

1.2 This response addresses the points raised in the LPA's appeal statement and suggested conditions. It is not intended to repeat the Appellant's argument put forward in the statement of case. The Appellant's case that the provision of two new dwellings is a positive use of a brownfield site, that respects the character of the area and would not adversely impact neighbouring residents is maintained.

2.0 RESPONSE TO LPA STATEMENT

Adoption of Adur Local Plan

2.1 The Appellant acknowledges that the Adur Local Plan has been adopted since the submission of the appeal and that the housing strategy therein has been found sound. This does not alter the acceptability of the proposal at Southwick Nursery.

2.2 Policy 3: Housing Provision of the Adur Local Plan, which the LPA highlights, sets out the strategy for delivering 3718 new dwellings (177 per annum) until 2032. This provision falls well short of the objectively assessed need of 6825. The LPA has had to allocate large greenfield sites in the district and has still only identified

sites for 50% of the housing need of the district. It is also clear that the housing provision in Policy 3 is a minimum requirement that should be exceeded where possible to address the clear shortfall of housing sites.

2.3 The policy includes a windfall provision of 416 new homes and it is therefore the Appellant's case that the proposal will comprise a valuable part of the identified housing supply and accords with the Development Plan. Southwick Nursery is an ideal windfall site. It is: within the built-up area; in a sustainable and predominantly residential location; is a brownfield site, of which there is short supply; and on a site agreed as acceptable in principle for new housing.

Garden size of plot 1

2.4 With regard to the garden size of plot 1, the Appellant's case is maintained. The proposed house would not appear cramped and is in keeping with the development pattern of the local area. As in the Appeal Statement of Case it is acknowledged that the rear garden area of 64m2 is less than that required by Development Management Standard no1, 85m2. However, it would still provide more than adequate amenity space for a three-bedroom dwelling of this type.

2.5 The LPA notes that the side garden where 2metres wide should not be counted in the amenity space. Although in part the side garden is 3.5metres wide so this area can be included in the calculations. This garden area to the side of proposed plot 1, where 3.5metres wide, affords another 12m2 of usable amenity space. This means the Standard compliant garden area would be 76m2, and the shortfall against the Standards is slight.

2.6 In the Appeal submission the Appellant referred to an example of a local housing scheme (AWDM/1483/12) where smaller gardens than that required by the Standard were approved. In response the LPA states the Committee Report for that scheme explains why on that occasion the particular amenity space shortfall was considered acceptable. The Committee Report extract included at page 14 of the Appellant's Statement of Case provides that reasoning.

2.7 A large part of the reason is that the approved houses were considered at the smaller end of the spectrum of their house types. Instead of being judged as the three-bedroom semi-detached houses they were, those houses were calculated for amenity space purposes as two-bedroom terraced houses. There was still a

shortfall against this lower standard but the amenity spaces were considered acceptable.

2.8 A further example of a housing development where garden sizes lesser than the Standard have been approved is AWDM/1864/15. This application gained permission in March 2016 at 96 Southview Road to '*Demolish existing two-storey office building and construct 2x two-bedroom, two-storey dwellings with parking to the front.'* This scheme is directly comparable to the appeal scheme as it is two streets away and involves the re-development of brownfield land. The GoogleEarth image below indicates the proximity of the sites.



(GoogleEarth image – Southwick Nursery yellow arrow, approved housing site blue arrow)

2.9 The approved gardens at 96 Southview Road were 58m2 and 61m2 versus the Standard requirement of 65m2. In the Officer Report the LPA states:

Residential amenity – future occupiers

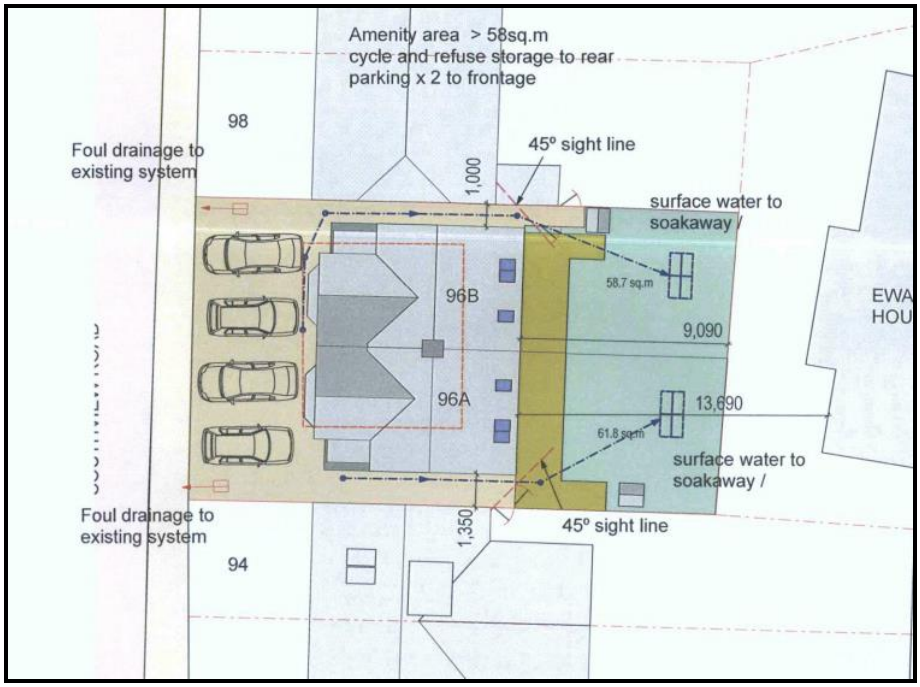
Future occupiers would benefit from a logical layout and room sizes that comply with the Council's adopted standards.

There is a marginal shortfall in garden space, but the garden sizes proposed would still be able to cater for family requirements.

The distance between the flats at the rear and the new building would fall short of the Council's adopted standards. As consequence future occupiers would experience a fair degree of overbearing and their garden would be heavily overlooked with reduced privacy.

However, this is situation future occupiers would knowingly put themselves in (buyer beware). Although readily apparent, the overbearing effect would not be so substantially adverse as to warrant withholding permission.

(Extract from Officer Report AWDM/1864/15)



(Extract from proposed site plan AWDM/1864/15: Circle 21 Architectural Design)

2.10 The Appellant recognises that each planning case is to be determined on its own merits. However, it is clear that in the interests of delivering much needed housing on brownfield sites, which are scarce in the area, application of the Standards is regularly flexible. It is the Appellant's case that the garden of plot 1

would provide sufficient outdoor amenity space for use by future occupiers and would be larger than other existing gardens in the area, such as no25 and no27 Roman Way. It is also the case that the proposed dwellings are at the smaller end of the scale of three-bedroom dwellings. Future occupiers of these dwellings may not require a larger garden that would necessitate more maintenance. The proposal makes best use of the site and provides adequate and usable garden space for the house size at plot 1.

Impact on no25 and no27 Roman Way

2.11 The photograph taken from the rear garden of no25 Roman Way provided by the LPA shows the existing view of the appeal site from the neighbouring garden. Said photograph shows the front half of the existing greenhouse. The proposed house at plot 1 would be set well back from the existing front end of the greenhouse which would be demolished. So that only a small part of the proposed dwelling would be in front of this neighbour's garden. As is clear from the Block Plan extract below, much of the proposed house at plot 1 would be positioned in front of the garages to the rear of this neighbour's garden.



(Block plan extract from drawing MB/06: proposed east and west elevations)

2.12 In addition to the arguments made in the appeal submission regarding the height of the lower porch part against the boundary fence and the hipped roof reducing any bulk, the Appellant contends that the outlook from that neighbour's garden would be improved. The removal of the much longer greenhouse and set back of plot 1 would open up the current view shown in that photograph and reduce any sense of overbearing form on the boundary.

Flooding

2.13 The LPA states that '*the Council's Drainage Engineer has referred to the possibility that the site has suffered from historic surface water flooding which is quite extensive in the area.'* However, the LPA presents no evidence that the site has suffered from flooding. If the site had flooded this would have been identified and referenced by the LPA during the application and appeal submissions.

2.14 In the absence of any evidence of flooding at the site, the Inspector is respectfully urged to give little weight to this point. The Appellant's have owned and managed the Nursery site for over 20 years and have never experienced surface water flooding. Whilst there may have been instances of flooding in the wider area it has not affected this site and thus the proposal should not be hindered by it.

2.15 Furthermore, if allowed the proposal would significantly reduce the potential for surface water flooding. Currently the whole site is laid to hardstanding. Whereas the building of two new dwellings would introduction extensive areas of lawn gardens and trees and hedges to the boundary. These lawns and hedges would naturally soak up surface water to a much greater degree than the existing hardstanding. So whilst the Appellant maintains that a flooding issue does not exist the proposal would reduce the potential for flooding in any case.

Compliance with Policy 15

2.16 The LPA states that the appeal scheme does not meet the criteria of adopted policy 15 but do not expand as to why. The Appellant argues that the proposal respects the architectural style of the area and enhances the character of the site with a layout that is mindful of future occupiers needs. Furthermore, the development would improve the relationship of the site with existing neighbours and not lead to any loss of privacy, daylight or sunlight or outlook from neighbouring dwellings. As such the appeal scheme complies with policy 15.

3.0 SUGGESTED CONDITIONS

3.1 Upon review the Appellant is generally agreeable to the conditions suggested by the LPA. Although does question whether a contamination risk assessment and flood resilience measures are necessary in the absence of any evidence of contaminated land or flooding of the site. The Inspector is requested to consider the need for the imposition of suggested condition 8 and 10 in the event that the appeal is allowed.

Lewis & Co Planning
31st May 2018