The Planning Inspectorate

Appeal Decision

Site visit made on 24 April 2017

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 May 2017

Appeal Ref: APP/Y3805/W/16/3164868
16 Brunswick Road, Shoreham by Sea BN43 5WB

- 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 Adur Bangladeshi Society against the decision of Adur District Council.
- The application Ref AWDM/0542/16, dated 22 March 2016, was refused by notice dated 27 June 2016.
- The development proposed is first floor extension to provide separate meeting hall for the ladies and 1 bedroom flat for caretaker.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposal would have on:
   - the living conditions of the occupiers of dwellings at 6 to 14 (odd numbers) Brunswick Road, with regard to outlook, and
   - the living conditions of the future occupiers of the caretakers' flat, with regard to useable internal space.

Reasons

Nearby occupiers' living conditions

3. The appeal building is situated within the Shoreham-by-Sea town centre. It is behind the backs of a 2-storey terrace including ground floor commercial uses and first floor commercial and residential uses on the east side of Brunswick Road, roughly north of Wesley Church, west of a tall telephone exchange, and it adjoins a green space with a footpath by the police station to roughly north.

4. The Council has granted planning permission for, amongst other things, the change of use of the former use Class B8 single-storey pitched and flat-roofed appeal building to use Class D1 (non-residential institution). The Council has also granted planning permission for a pitched and flat-roofed first floor caretakers' flat at the south end of the building, which is similar to part of the proposal. When I made my visit the flat was being built and there was little left of the former pitched roofs that are shown on the plans.

5. The proposal would extend the pitched-roofed form of the north part of the caretakers' flat for all of the remaining length of the single-storey appeal building to provide additional use Class D1 space. The stairs to the flat would

lead to both uses so there would be some changes to the flat. The additional part of the proposal in the appeal would roughly align with the backs of 10, 12 and 14 Brunswick Road.

6. The appeal site is also within the Shoreham-by-Sea Conservation Area, which is mostly characterised by its historic street layout and relationship to the river. The wide range of building types, historic architectural styles and use of traditional building materials contribute positively to its appearance and to its significance as a historic riverside port. Because of its siting, the appeal building is not very prominent, but it can be seen from some places including the surrounding buildings, the car park on the other side of the telephone exchange and the nearby green space. The Council has not raised specific concerns about the Conservation Area. As the proposal would be in keeping with the form and materials of the approved caretakers' flat, and as it would not be widely visible, the character and the appearance of the Conservation Area as a whole would be preserved, so I agree.

7. The relationship between the additional part of the proposal to the telephone exchange and the commercial uses to the west would be similar to those of the caretakers' flat, which has been found to be acceptable. I agree. However, there are also residential occupiers at 6 to 14 (odd numbers) Brunswick Road, where the ends of the 2-storey rear outshoots of the buildings are fairly close to the west side of the appeal building. The eaves of the proposal would be a little taller than the ridges of the former pitched roofs, and the ridge would be even taller. Due to its siting, scale, orientation and form, and its relationship to those buildings, the proposal would cast a little more shade than at present, but it would not harm the nearby occupiers' living conditions due to loss of sunlight or daylight. The scale and siting of the west-facing windows would protect the nearby occupiers' privacy, and potential noise and disturbance from the use of the upper floor could reasonably be controlled by conditions.

8. Turning to outlook, the backs of 6 and 8 Brunswick Road would be partly enclosed by the approved caretakers' flat and by the taller telephone exchange beyond it. Thus, the outlook from them would be about the same.

9. I viewed the site from the upper floors of 10 and 14 Brunswick Road at my visit. The upper floor at 10 Brunswick Road seems to provide ancillary space for the pharmacy below, so there was little to suggest that it is in residential use.

10. However, the upper floor at 14 Brunswick Road is part of a maisonette, which includes both floors in the rear outshoot and a small garden at the back. The first floor outshoot room was furnished as a bedroom but it could also be used as a living space that would offer some respite from the traffic noise in Brunswick Road. Due to the siting of the former pitched roofs, the outlook from the rear-facing and only window in the first floor outshoot room would have been mainly over the flat roof at the end of the appeal building towards the green space and the car park. As the proposal would extend to the north end of the building and it would be much taller than the flat roof, it would harmfully intrude into the largely open outlook from that first floor window. Also, due to its form, scale and siting, the proposal would harmfully erode the sense of space in the back garden. Thus, the proposal would have an unacceptably oppressive and overbearing impact on the occupiers of the maisonette at 14 Brunswick Road in their home and garden.

11. Therefore, I consider that the proposal would harm the living conditions of the occupiers of the maisonette at 14 Brunswick Road, with regard to outlook. It would be contrary to Policy AH2 of the *Adur District Local Plan* (LP) which aims for proposals to not have an unneighbourly effect on outlook, LP Policy AB4 which seeks a high standard of design in Conservation Areas, and the *National Planning Policy Framework* which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Future occupiers' living conditions

12. The staircase for the caretakers' flat would also be used for the use Class D1 upper floor, so the main L-plan living space in the flat would be narrower than that in the approved flat by the width of the short corridor on the east side of the building. So, there would be a little less floor space than in the approved flat and the kitchen area would not have a window that would face the telephone exchange. Even so, the floor space in the flat would comply with the Council's standard for a 2 person one bedroom dwelling, and there would be ample space in the room to furnish it for the one or 2 occupiers and their visitors. As there would be 2 windows in the main living space that would face roughly south and west, and as internal kitchens areas are not uncommon in flats, the lack of a window in the kitchen area would be acceptable.

13. Thus, I consider that the proposal would not harm the future occupiers' living conditions, with regard to useable internal space. It would satisfy LP Policy AH2 which seeks accordance with the Council's adopted standards and the Framework which aims to always seek to secure high quality design.

Conclusion

14. In reaching my conclusion I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the *Equality Act 2010*, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appeal is made for the development of part of the site as a separate meeting hall for lady Muslim worshippers, and they are persons who share a protected characteristic for the purposes of the PSED.

15. It does not follow from the PSED that the appeal should succeed. I appreciate from the evidence put to me that the Muslim faith requires that religious services for males and females have to be held separately, and that if the appeal were to be dismissed one service may have to be followed by the other. This could have some potential adverse effects including increased car and other journeys, and reduced opportunities for interaction after the services, but it would not prevent services for ladies from being held. I am satisfied that the legitimate policy aims to protect the living conditions of the occupiers of the maisonette at 14 Brunswick Road, with regard to outlook, can only be adequately safeguarded by a refusal of planning permission. I shall therefore dismiss the appeal.

Joanna Reid

INSPECTOR