APPEAL BY:
Miss Charlotte Munn

AGAINST ADUR DISTRICT COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

Construction of 3 bedroom two storey detached chalet bungalow in the rear garden with associated parking, storage and access (existing attached garage to be demolished)

AT
88 Crabtree Lane, Lancing, West Sussex, BN15 9PN

Adur District Council's Reference: AWDM/1953/19

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

October 2020

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Miss Charlotte Munn, in support of the appeal lodged against the refusal of planning application reference AWDM/1953/19.

1.2 The application was dated 19th December 2019 and sought planning permission for the '*Construction of 3 bedroom two storey detached chalet bungalow in the rear garden with associated parking, storage and access (existing attached garage to be demolished)*' at no. 88 Crabtree Lane in Lancing. The application was refused under delegated authority on 2nd April 2020 for the following reasons:

1. *The proposed dwelling, by reason of its size and siting, would constitute an unacceptable form of backland development, out of character with and harmful to the character and appearance of the locality. The proposal is therefore contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.*

1. *The proposed development would introduce vehicular activity, parking and turning area to a rear garden, resulting in harmful noise, disturbance and fumes to the detriment of the quiet residential enjoyment of adjoining occupiers. The proposal is therefore contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.*

1.3 This grounds of appeal will address the central concerns raised within the council's reasons for refusal, notably:

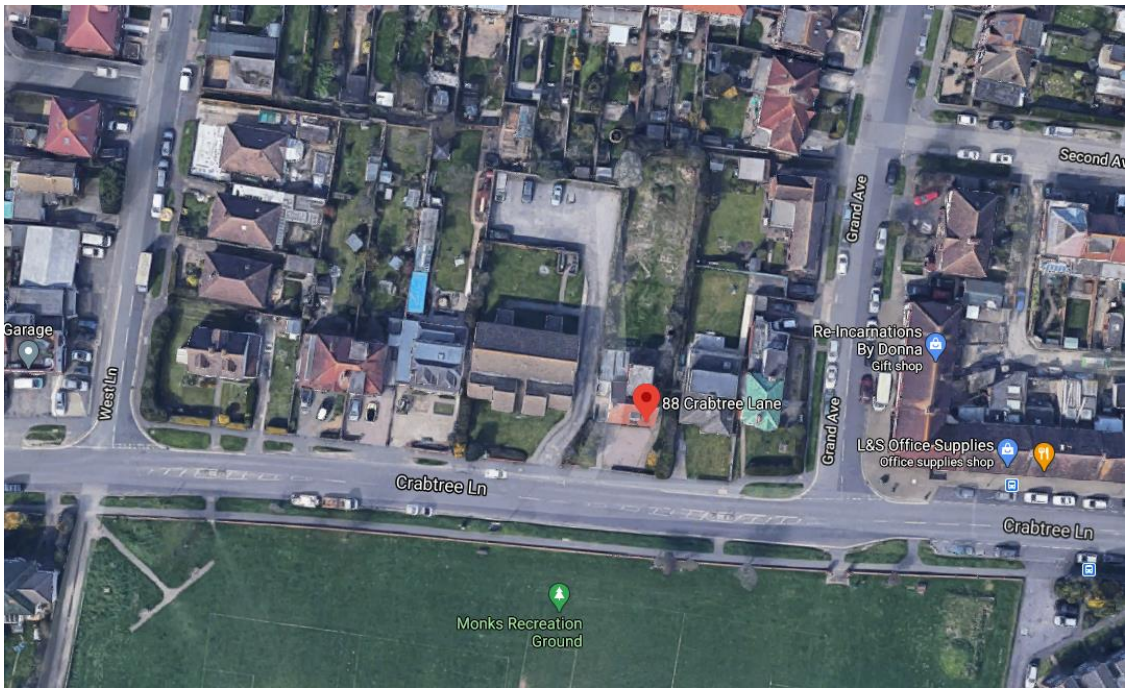
- Whether the proposal would by reason of its size and siting, constitute an unacceptable form of backland development that would be out of character and harmful to the appearance of the locality, and;
- Whether the proposed development would introduce vehicular activity, parking and turning area to a rear garden, resulting in harmful noise, disturbance and fumes to the detriment of the residential enjoyment of adjoining occupiers.

1.4 During the course of the application, amended plans were submitted in an attempt to work with the Council to overcome the objections that were expressed by neighbours. However, as these did not overcome the council's concerns, the appellant considered that the appeal process was an appropriate course of action.

1.5 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

2.0 THE SITE

2.1 The appeal site is located to the northern side of the Crabtree Lane and is situated within a predominantly residential area. The site is not within a conservation area or within the curtilage of a listed building.



Aerial view of the appeal site and surrounding area

2.2 The appeal site comprises a detached bungalow, with a two-storey rear extension which is set within long spacious garden. To the west is a two-storey flatted development known as The Hollies and to the east is a detached bungalow.



No. 88 Crabtree Lane

3.0 THE PROPOSED DEVELOPMENT

3.1 The appeal proposal sought planning permission for the '*Construction of 3 bedroom two storey detached chalet bungalow in the rear garden with associated parking, storage and access (existing attached garage to be demolished)*' at no. 88 Crabtree Lane.

3.2 The existing plot of no. 88 measures 800m^2 which would be subdivided to create a new plot to the rear of 390m^2 and the existing garage would be demolished in order to allow a 2.7m wide access to the western side of the existing dwelling.

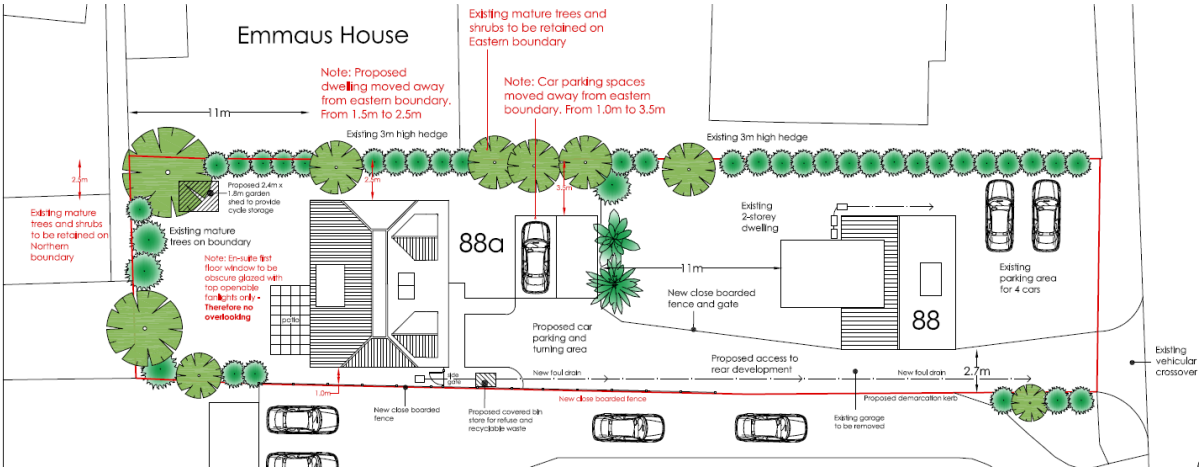
3.3 The chalet style bungalow would be 10.6m wide x 8.4m deep x 6.6m high and would be set in 2.5m from the eastern boundary, 1m from the western boundary and 11m from the northern rear boundary of the site with a separation distance of 21m between the host property and the proposed dwelling.

3.4 The dwelling would incorporate a barn hipped roof with 2 x front dormers and 1 x rear dormer creating a new dwelling with a GIA of 123m^2, 70m^2 to the ground floor and 53m^2 to the first floor.

3.5 The accommodation would comprise an entrance hallway, WC, cupboard, living room, bedroom, kitchen/dining room and utility room to the ground floor with two bedrooms, one en-suite and a family bathroom to the first floor.

3.6 External materials proposed include a render finish to the ground floor with larch cladding to the first floor side elevations and dormer fronts and, cement roof slates to the roof and dormer cheeks.

3.7 Two car parking spaces are proposed with turning area to the front of the proposed dwelling and a storage shed within the rear garden for cycles.



Proposed layout

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers to policy 15 of the Adur Local Plan and the National Planning Policy Framework.

4.2 The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

4.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

4.5 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Delivering a sufficient supply of homes

4.6 Paragraph 59 explains that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Achieving well-designed places

4.7 Section 12 of the NPPF refers to design, with paragraph 124 describing how the Government attaches great importance to the design of the built environment, stating that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*."

4.8 Paragraph 127 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;*

and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.9 Paragraph 130 states:

"where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".

The Adur Local Plan

4.10 The Adur Local Plan is a new plan which provides a strategy for development in Adur up to 2032. Policy 15 was referred to in the given reasons for refusal.

Policy 15: Quality of the Built Environment and Public Realm

4.11 Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should:

- Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;
- Include a layout and design which take account of the potential users of the site;
- Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment;
- Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;
- Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;
- Have safe access to the highway network, and not result in harm to highway safety;
- Have acceptable parking arrangements (in terms of amount and layout);
- Take into account the need for waste reduction and recycling, both during the construction phase and over the lifetime of the development;
- Incorporate public art in major developments where appropriate.

5.0 THE APPELLANT'S CASE

Introduction

5.1 The appellant's case will focus on the central concerns of the reasons for refusal, notably:

a) Whether the proposal would by reason of its size and siting, constitute an unacceptable form of backland development that would be out of character and harmful to the appearance of the locality, and;

b) Whether the proposed development would introduce vehicular activity, parking and turning area to a rear garden, resulting in harmful noise, disturbance and fumes to the detriment of the residential enjoyment of adjoining occupiers.

5.2 The main considerations in the determination of this appeal are:

- Principle of the development
- Visual amenity
- Residential amenity
- Quality of accommodation
- Parking and access

Principle of the development

5.3 In accordance with the aims of the National Planning Policy Framework, the council is committed to the supply of new dwellings and sets out ways in which this can be achieved.

5.4 Section 11 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.5 The LPA have previously failed to demonstrate a five year supply of deliverable housing sites, however, they consider that the Local Plan trajectory demonstrates that, when measured against the Local Plan delivery target this shortfall can be addressed in the five-year period 2019-2024.

5.6 As the council include windfall development within their calculations the appellant considers that the provision of one additional dwelling will make a small but positive contribution to the housing needs of the borough.

5.7 Furthermore, policy 20 (Housing Mix and Quality) states that family sized housing units should be provided through infill developments and such dwellings should mainly provide 2-3 bedrooms and as a result the 3-bedroom dwelling proposed would meet an identified need.

5.8 Consequently, the proposed residential development within this sustainable location should be considered acceptable in land use terms and therefore, the following paragraphs will demonstrate that council's reasons for refusal are unsound.

Visual amenity

5.9 Paragraph 124 of the NPPF states that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*"

5.10 Local Plan policy 15 (Quality of the Built Environment and Public Realm) states development should be of a high architectural quality and enhance the local environment by way of its appearance and character.

5.11 The preamble to policy 15 acknowledges that private residential gardens are excluded from the definition of previously developed land, however, paragraph 4.6 states that this does not mean that applications for redevelopment will not be considered and where the site lies within the built up area, development may be appropriate with each case being determined on its own individual merits.

5.12 Hence, given the location of the site and the housing benefits arising from the scheme the proposed development should be considered favourably when taking into account the size of the plot, the impact on neighbouring dwellings, biodiversity, density and the character of the area.

5.13 However, as the council concluded in their first reason for refusal that the proposed dwelling, by reason of its size and siting, would constitute an unacceptable form of backland development, out of character with and harmful to the character and appearance of the locality the following paragraphs will seek to demonstrate that this assessment is flawed.

5.14 When assessing the visual character of the area, the frontage of Crabtree Lane, facing the large open area of the recreation ground, would have the greatest impact on the visual character of the area. As such, the proposed dwelling, which would be discreetly located, would have an extremely limited impact on the visual character, specifically when taking into account the variety of types and styles of properties which have a significant variation in scales, including the adjacent block of flats - The Hollies - which is by far the most dominant development on this frontage.

5.15 Property types and styles vary greatly in the area, with a mix of detached, semi-detached, terraced and flatted developments of one and two storeys. Whilst there is a varied mix of property types and styles within the area, there is evidence of chalet style bungalows similar to that proposed at the appeal site within the streetscene of Crabtree Lane (as demonstrated below) and, consequently, the proposed dwelling which would be discretely located would assimilate in the locality without compromising its character.



No. 94 Crabtree Lane



Proposed dwelling

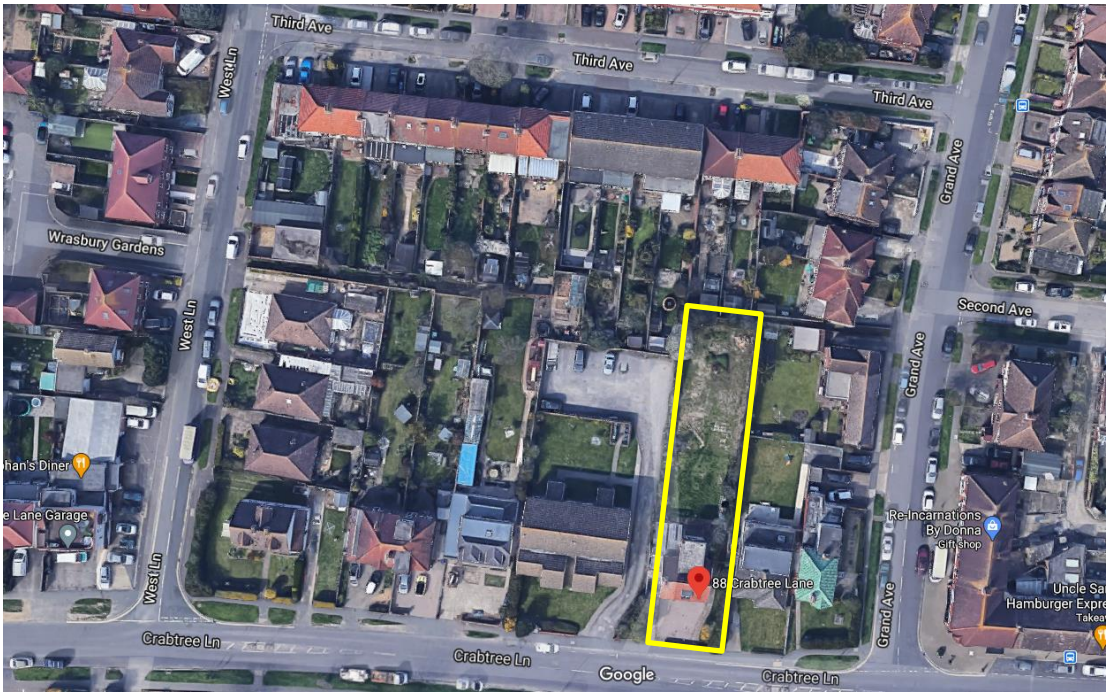
5.16 Therefore, the appellant states that the development has been sensitively designed to a high standard in order to respect and enhance the local environment and, as a result, the new dwelling, although it would not be prominently visible from Crabtree Lane, it would complement the character and appearance of the area. Consequently, the design of the building itself would present limited harm to the character and appearance of the area and not appear intrusive as stated by the council.

5.17 The delegated report states that the dwelling (proposed) in this location would not reflect the character of the area which is "*predominantly*" of dwellings with long rear gardens for which they specifically quote nos. 88, 94, 96 and 98 in this "*block*". They further state that this is likely to set a precedent for other similar developments yet then conversely acknowledge that "each case should be judged on its own individual merits".

5.18 The "*block*" the Council refer to comprises 30 individual dwellings; however, only the four properties specifically quoted by the Council could be described as having long rear gardens. Consequently, the predominant character within the "*block*" is for small to medium sized gardens which are significantly different to the appeal site which at 800m2 is the largest plot within the entire "block". As a result, the appellant respectfully disagrees with the manner in which the delegated report has framed the assessment of the character of the area and the various premises it has set out.

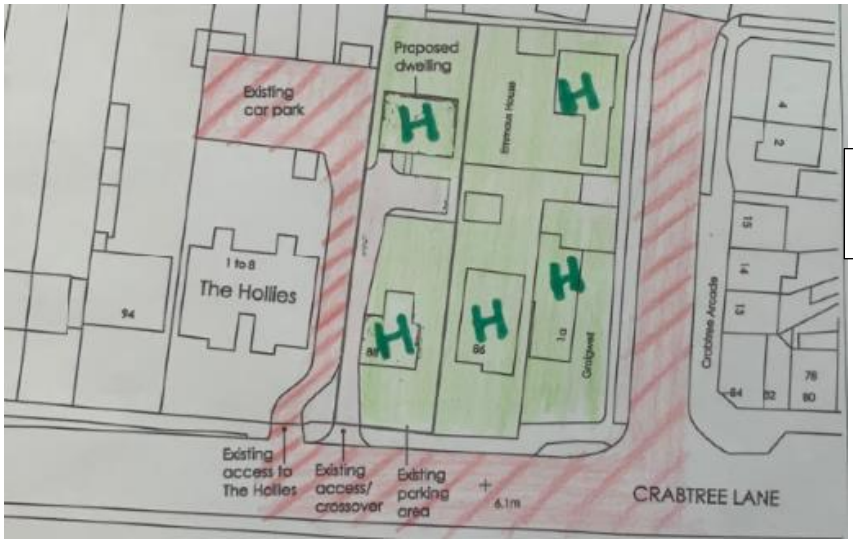
5.19 As described, in terms of plot size no. 88 is on a considerably larger plot with ample rear garden space which differs from the neighbouring single dwelling plots which are

shorter and narrower as evident in the following aerial image. As a consequence, the subdivision of the site, the resultant plot sizes and the addition of a new dwelling would be in keeping with the prevailing pattern of development which already includes forms of backland development which comprises Emmaus House on Grand Avenue and the adjacent flatted development 'The Hollies' on Crabtree Lane.



Aerial view of appeal site and neighbouring plots

5.20 The appellant considers that The Hollies, with its access road and car park, create a separate smaller sub-block (as demonstrated below) and therefore, the proposed dwelling in combination with nos. 86 and 88 Crabtree Lane and no. 1 (the dentistry) and Emanus House on Grand Avenue would be framed by three roads; The Hollies' access road, Crabtree Lane and Grand Avenue, thus forming and maintaining a reasonable, acceptable and entirely balance character to this sub-block.



Proposed layout

5.21 As further demonstrated in the site photographs below, the appeal site is long and spacious and could comfortably accommodate the subdivision and subsequent addition of a new dwelling of the scale and size proposed without detracting from the quality or spaciousness of the area.





Appeal site

5.22 Furthermore, the appellant and her family only utilise a third of the garden closest to the dwelling and, as a result, the remaining space no longer provides a functional garden area and is not required for that purpose. Therefore, it is considered that the council are failing to take into account paragraph 118 d) of the NPPF which states that planning policies and decisions should promote and support the development of under-utilised land for new homes.

5.23 Although not determinative, it is nonetheless a material consideration in favour of permission being granted that the parish council did not object to the proposed development, neither to the original application nor the revised plans that were subsequently submitted. It is fair to suggest that the parish council would contribute a valuable judgement on the impact of any new development on the character of their own parish.

5.24 Given the above points, the proposal would present an acceptable form of development that respects and enhances the character and appearance of the locality and thus, conforms with the aims of the NPPF and Local Plan policy 15 which collectively seek a high standard of design that is compatible with the character of the area.

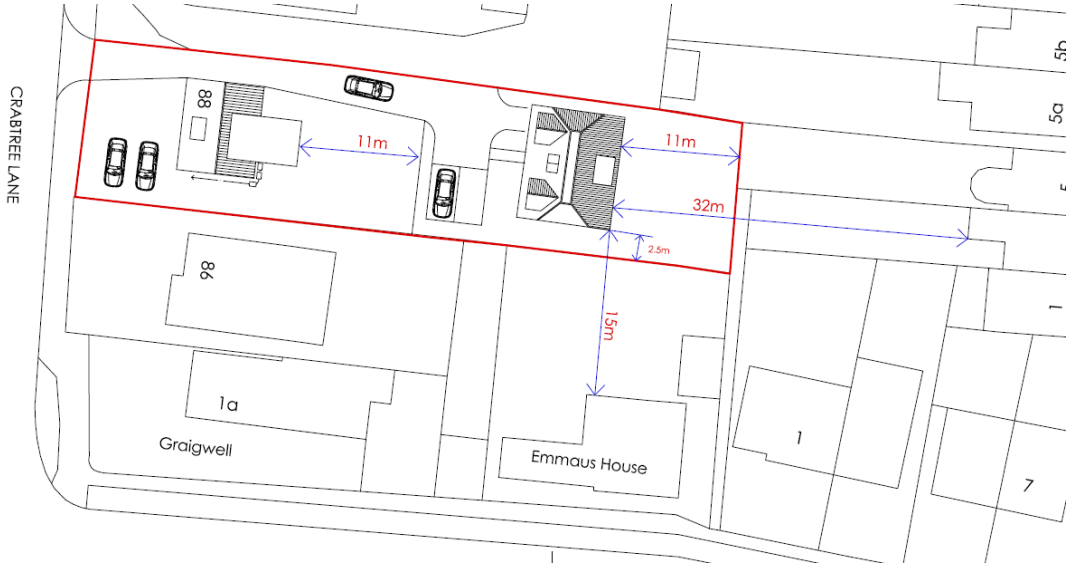
Residential amenity

5.25 Paragraph 127 point f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.26 Local Plan policy 15 (Quality of the Built Environment and Public Realm) states that development should not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

5.27 Development Management Standard No. 1 'Space around new dwellings and flats' is largely aimed at the provision of dwellinghouses and flats on small infill and redevelopment sites.

5.28 Consequently, the size and siting of the development were carefully considered in order to ensure that it would adhere with the minimum standards set out by the council which require at least a 1m gap to a side boundary, an 11m gap to the rear boundary and a 14m gap where the rear of one dwelling faces the side of another dwelling in order to give adequate privacy between facing principal windows.



Site measurements plan

5.29 Whilst the development would clearly comply with the separation distances in regard to Emmous House to the east and no. 3 Third Avenue to the north and as a result of the detailed design would not result in a loss of privacy, outlook or light the council consider that the 21m gap between the rear of the host property and the front of the proposed dwelling would fall slightly short of a 22m standard.



View north and north east

5.30 In response, the appellant states that the council standards do not indicate a separation distance between the front and rear elevations of properties. In fact paragrah 2.13 of the Development Management Standard No. 1 'Space around new dwellings and flats' states:

> "*Whilst the requirement of 22m between facing principal windows, to retain privacy, is essential at the rear <u>it is not usually expected that the same degree of privacy would be provided at the front of a dwelling</u>*." (Our emphasis)



Existing rear garden

5.31 Consequently, as the host property has the required 11m deep garden and this would be enclosed behind a 2m high boundary fence with further mitigating planting to reduce overlooking the separation distance of 21m should be considered sufficient in these circumstances.

5.32 The second reason for refusal concludes that the proposed development would introduce vehicular activity, parking and turning area to a quiet garden, resulting in harmful noise, disturbance and fumes to the detriment of the quiet residential enjoyment of adjoining occupiers.

5.33 In response, the appellant states that the council are clearly not taking into account the context of the prevailing vehicular impact that already exists around the development site and the adjacent properties. Crabtree Lane is a busy through-road in the area with bus routes and numerous cut-through roads that connect to the main A27 including Grand Avenue. There is also significant activity from visitors Parking to attend the dentistry at No.1 Grand Avenue next to Emanus House and the Grand Avenue shopping Parade as well as heavy parking activity on both sides of Crabtree Lane in front of No's. 88 & 86 particularly with various sports club activities at the Recreation Ground. No 88 and the houses to the rear in Third Avenue also have the existing access road and large car park for the Hollies Flats adjacent or in close proximity to them

5.34 The proposed development site on the boundaries to the rear gardens of 86 Crabtree Lane and Emanus House in Grand Avenue, which are closest to the car stand of the

proposed dwelling, contain significant natural barriers of dense mature shrubs and hedging up to 3 metres high. In all the circumstances, the potential for any vehicular activity from the proposed development causing a measurable impact to the high level of vehicular activity that already exists around these properties does not seem likely or credible.



Access and car park at The Hollies adjacent to the appeal site



5.35 Nevertheless, during the course of the application process the appellant took into account the council's concerns and relocated the car parking spaces in order to move them away from the eastern boundary and thus, reduce any perceived harmful effects on neighbouring occupiers.

5.36 In addition, a new 1.8m high close boarded fence would be installed along the western boundary and around the rear garden of the host property which in combination with

the existing mature trees and shrubbery along the northern and eastern boundaries would mitigate any supposed noise impacts.

5.37 Whilst the appellant acknowledges that the access would run adjacent to the existing host property, it is clear that although there would be some additional brief noise from vehicle movements, it is not considered that this would result in unacceptable harm to the amenity of the occupiers of no. 88 or The Hollies due to existing site circumstances, the lack of ground floor side elevation windows and the proposed tall boundary treatments.

5.38 Furthermore, a tarmac driveway is proposed that would help to absorb noise which in combination with the scale of the development, the limited number of vehicular movements expected and the low speed of vehicles entering the site it is stated that the new residential dwelling could not reasonably be considered to result in the level of harm the council are stating.

5.39 Given the above points, the appellant asserts that the potential for vehicular activity from the proposed development causing a measurable detrimental impact does not seem likely or credible given the context of the site. Consequently, the proposal would result in a neighbourly form of development that would comply with the aims of the NPPF, Local Plan policy 15 and guidance contained within the Development Management Standard No. 1 'Space around new dwellings and flats'.

Quality of accommodation

5.40 Local Plan policy 20 (Housing Mix and Quality) states that new dwellings across all tenures will be expected to meet the minimum nationally described space standards.

5.41 The development would create a 3 bedroom, 6 person dwelling with a GIA of 123m^2 which would exceed those standards set out in the Nationally Described Space Standards of 102m^2.

5.42 The new dwelling would be dual aspect, with sufficient separation distances between neighbours to ensure privacy and outlook are acceptable, whilst the new plot would also benefit from 130m^2 of private outdoor amenity space which would exceed the garden area standards set out in the Development Management Standard No. 1 'Space around new dwellings and flats' of 100m^2 for a detached dwelling of over 120m^2.

5.43 Overall the scheme would provide future occupants with a good standard of living that does not conflict with the aims of Local Plan policy 20.

Parking and Access

5.44 Paragraph 109 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*".

5.45 The Development Management Standard No. 1 'Space around new dwellings and flats' states that all new residential developments will be required to have an adequate access and to make sufficient parking provision.

5.46 The appellant has demonstrated within the previous paragraphs that the proposal would not impact on the residential amenities of neighbouring properties given the context of the site and the existing level of background noise due to Crabtree Lane being the main through road in this area which is also a bus route.

5.47 However, in regard to highway impact West Sussex County Council Highways Authority were consulted on the proposal and taking into account access and visibility, parking and turning, fire appliances, refuse collection and sustainability in their opinion the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the highway network.

5.48 Therefore, in summary the proposed development would not be contrary to paragraph 109 of the NPPF as there are no transport grounds to resist the development.

6.0 CONCLUSION

6.1 The NPPF states that planning policies and decisions should promote and support the development of under-utilised land for new homes and therefore, the council have failed to take into account the benefits of proposal which would outweigh the limited harm created.

6.2 Therefore, the proposed development by reason of its design, size and siting would represent an appropriate form of development that would respect and complement the existing pattern of development and as a result would not be harmful to the character and appearance of the area.

6.3 Furthermore, the appellant has highlighted that vehicular activity, the parking and turning area would not result in an unacceptable impact on neighbouring amenity due to the expected level of vehicular movements in combination with the mitigating factors that include a tarmac driveway and the tall boundary treatments which would reduce noise.

6.4 Consequently, it is stated that the council's reasons for refusal are unsound as the development would comply with the aims of the NPPF and Local Plan policy 15.

6.5 The National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed '*Construction of 3 bedroom two storey detached chalet bungalow in the rear garden with associated parking, storage and access (existing attached garage to be demolished)*' would not be contrary to national, regional or local planning policy and, for the above reasons, it is politely requested that this appeal is allowed with the addition of any conditions deemed appropriate in the circumstances of the case.