# Appeal Decision

Site visit made on 29 April 2010

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

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**Decision date:**
**26 May 2010**

**Appeal Ref: APP/Y3805/A/09/2111649**
**Land to the north of 2 Ship Street, Shoreham-by-Sea BN43 5DB**

- 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 Mr Keith Horan against the decision of Adur District Council.
- The application Ref ADC/0447/08, dated 6 September 2008, was refused by notice dated 6 March 2009.
- The development proposed is erection of a single dwelling house.

## Procedural matter

1. Since the application was determined the West Sussex County Structure Plan has been superseded by the South East Plan. I have therefore determined the application on the basis of saved policies from the Adur District Local Plan.

## Decision

2. I dismiss the appeal.

## Main Issues

3. The main issues are:

   [a] whether the development would preserve or enhance the character or appearance of the Shoreham-by-Sea Conservation Area;

   [b] the effects of the development on the living conditions of occupants of nearby by properties in relation to visual intrusion and loss of light.

## Reasons

*Character and appearance*

4. Ship Street is a narrow one-way street within the Shoreham-by-Sea Conservation Area. The area is characterised by mixed development which includes small, largely two-storey Victorian terraced houses, mid 20th century office buildings and a prominent church which has now been converted to residential use. The appeal site is a small parcel of land, previously used as a car park, located between the converted church and the more utilitarian buildings to the rear of the shops in the High Street. There are views along Ship Street from its junction with the High Street from where the church forms an important element of the streetscape. The proposal is to construct a three storey, two bedroom dwelling of contemporary design incorporating a garage and a roof terrace which would occupy the entire site.

5. The proposal would introduce a tall, narrow building adjacent to a car park on one side and single storey buildings on the other. In this context I consider that the new dwelling would appear rather isolated from neighbouring buildings and therefore incongruous and discordant with the street scene in the immediate vicinity. In particular its height would appear out of character with nearby residential development which is predominantly two storey terraces which include only occasional three storey buildings. Furthermore, I consider that its position, immediately opposite a three storey office block, would introduce a sense of enclosure along this narrow street and would detract from the views of the church.

6. I accept that there can be no objection in principle to a modern design, that the proposed development would be in a highly sustainable location and it would conceal some less attractive features, such as the featureless brick walls to the rear of the High Street. However, I am not persuaded that these positive benefits outweigh my concerns in relation to its proposed height and narrow proportions. Special attention must be given to development within Conservation Areas in order to ensure that the statutory test to preserve or enhance the character or appearance of the area is met. The constrained nature of this site presents particular challenges in terms of design and in my view the proposed proportions of the building would not integrate satisfactorily into the surrounding street scene.

7. For these reasons I conclude that the proposed development would be harmful to the character and appearance of the Shoreham-by-Sea Conservation Area, contrary to saved Policies AH2(a) and AB4 of the Local Plan which seek high standards of design particularly within the historic environment.

*Living conditions*

8. There is a small terrace of two storey dwellings in John Street which were constructed about ten years ago. These houses, which have rooms in the roofs and small rear amenity areas, already have restricted outlook and are relatively enclosed due to the proximity of the rear elevation of No 56/58 High Street. The appeal proposal would not be immediately to the rear of these dwellings but it would be close to No 5 albeit at an oblique angle. From my observations at the site visit it seems to me that the proposed height of the new dwelling would have an overbearing effect on the already limited amenity space to the rear of this particular house and would reduce the outlook from the kitchen window. I consider this would adversely affect the living conditions of the occupants, irrespective of whether or not there would be any direct overshadowing and loss of light.

9. On my site visit I also stood in the living room and bedroom of No 7 Ship Street. This small terraced house would also be at an oblique angle to the proposed development. However, due to its orientation and its proximity across a narrow street I consider that a three storey building would appear dominating and overbearing from the living room making the house a less pleasant place in which to live. For these reasons I conclude that the development would adversely affect the living conditions of occupants of 5 John Street and 7 Ship Street contrary to Policy AH2 of the Local Plan which seeks to protect the outlook from neighbouring dwellings.

## Other matter

10. My attention was also drawn to the effect of the proposed development on the working conditions of those in the office block at 1-3 Ship Street. The main reception area, in which someone works all day, looks out on the narrow street and would directly face the new dwelling. The proposed height of the building would mean that this outlook would be severely restricted and would, in my view, be overbearing and oppressive making this area a less pleasant place in which to work. This adds weight my conclusion that the proposal would be unacceptable as it would be an un-neighbourly form of development for users of nearby buildings.

## Conclusions

11. Government policy is to encourage the efficient use of previously-developed land in urban areas. There is, therefore, no objection in principle to more intensive use of this site provided that this is not taking place at the expense of the local environment. However, in this case I have found that there would be harm to the character and appearance of the Shoreham-by-Sea Conservation Area and to the living conditions of occupants of nearby buildings.

12. For these reasons and having regard to other matters raised by main and third parties I find that none of them, either individually or collectively, outweighs the decision I have reached to dismiss the appeal.

*Sheila Holden*
INSPECTOR