Appeal Decision

Site visit made on 24 August 2010

by Roger Mather MA Dip Arch RIBA FRTPI

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

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Decision date:
20 September 2010

Appeal Ref: APP/Y3805/A/10/2124639
22 Downside, Shoreham-by-Sea, West Sussex BN43 6HG

- 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 brought by Mr Phil Crosby against the decision of Adur District Council.
- The application Ref: ADC/0338/09 dated 26 August 2009, was refused by notice dated 10 November 2009.
- The development proposed is new two/three bedroom dwelling ('Eco House') at rear (fronting Tottington Way), incorporating existing garage structure.

Decision

1. I dismiss the appeal.

Preliminary Matters

2. The Ministerial Statement on 9 June 2010 announced the re-issue of Planning Policy Statement 3: Housing (PPS3) with an amendment from that date to the definition of previously developed land, which now excludes private residential gardens. The effect is to remove policy support for development on such land.

Main Issues

3. I consider that this appeal raises two main issues. The first is the effect of the proposed development on the character and appearance of the surrounding area. The second is the effect on the living conditions enjoyed by occupants of the host dwelling, particularly in relation to private amenity space.

Reasons for Decision

4. The appeal site is part of the rear garden of a detached bungalow, which lies within an established residential area characterised in the main by detached bungalows in decent sized plots. The site is within the built-up area boundary shown on the Proposals Map of the Adur District Local Plan (1996), where development will normally be permitted, subject to other policies in the Local Plan and to it not detracting from the local urban environment. The relevant considerations are found in Policy AH2 of the Local Plan, which provide within such areas that residential infilling will be permitted, provided that, among other things, it would neither erode local character nor residential amenity in terms of open amenity space, while creating a pleasant place to live.

5. While drawing number 0025.PL.003 revision A shows that a house on 3 levels would be largely hidden from view from a passer-by immediately outside the site, on Tottington Way, the visit confirmed that it would be visually intrusive in the wider street scene, where neighbouring bungalows are generally set back a

significant distance from the road. It is clear also that when compared to the surrounding area, neighbouring plots would be more generous than that proposed, which would be true also of the resultant plot of the host dwelling. As a consequence of sub-dividing the property, the restricted size of the appeal plot and the resultant curtilage of the host bungalow would result in a pair of detached dwellings, uncharacteristically close to boundaries, thereby appearing cramped in appearance in relation to neighbouring bungalows. It would be a clear breach of the distinctive local pattern of development.

6. For these reasons, I find compelling objections to an additional dwelling that would erode the character and appearance of the surrounding area; it would neither promote nor reinforce the pattern of development locally or respect the site context. Consequently, to permit the proposed development would run counter to the requirements of Local Plan Policy AH2 and thereby Policy AG1 too, which gives policy support in favour of development proposals within the defined built-up area, provided other policies in this local plan are satisfied.

7. A further consequence of sub-dividing the property is that the resultant curtilage of the host bungalow would result in a significant reduction in private amenity space for the occupants. While the reduced garden adds up to the total amount of amenity space required by the Council's development control standards, the majority of the space would be on the frontage. Only about 46sqm would be located at the back of the bungalow, comprising a strip of enclosed north facing land, inadequate for useable secluded outside amenity space in terms of sitting out, play and siting normal domestic paraphernalia.

8. I conclude on the second issue that satisfactory living conditions for the occupants of 22 Downside would not be achieved in relation to secluded amenity space, contrary to the requirements of Local Plan Policy AG1 and the aims and objectives of Policy AH2 (d) in relation to open amenity space.

9. I have considered all of the other matters drawn to my attention, including concerns about parking and access. However, the new dwelling would have parking provision for one car within an integral garage and while there would be no driveway, the highway authority has no objections because there is space available for parking on Tottington Way. My observations during the visit lead me to conclude too that there are no significant safety issues.

10. No other matter raised adds up to a compelling argument of such significance as to outweigh the considerations that led to my conclusions on the main issues. Consequently, I further conclude that the appeal should not succeed.

Roger Mather
INSPECTOR