The Planning Inspectorate

Appeal Decision

Site visit made on 6 April 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2021

Appeal Ref: APP/Y3805/W/20/3261845
46 Victoria Road, Southwick, Brighton BN42 4DH

- 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 R Hayward against the decision of Adur District Council.
- The application AWDM/0880/20, dated 14 June 2020, was refused by notice dated 25 August 2020.
- The development proposed is the demolition of existing dwelling and garage, proposed two-storey detached 3 bedroom house.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and garage, proposed two-storey detached 3 bedroom house at 46 Victoria Road, Southwick, Brighton BN42 4DH in accordance with the terms of the application, AWDM/0880/20, dated 14 June 2020, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:

    - the effect of the development on the character and appearance of the area
    - the living conditions of future occupants with regard to outdoor space.

Reasons

Character and appearance

3. Victoria Road is characterised by a variety of buildings of different sizes and designs. The majority are two storey, detached and semi-detached houses interspersed with the occasional bungalow. Designs include dwellings with pitched, gabled roofs and double height bay windows, some detached dwellings with fully hipped roofs, and later infill development with plainer elevations and shallower pitched roofs. Front gardens are generally small, with many having been hard surfaced to allow off-road parking. Plot sizes vary depending on the type of dwelling but there is a regularity in the separation of the buildings from the road.

4. The proposed house would be comparable in size to the larger detached houses in Victoria Road. It would be positioned with its front elevation approximately in alignment with the neighbouring dwelling. The design with a fully hipped roof and double height bay windows reflects design features found elsewhere in the road.

5. The size, spacing, design and set back of the building from the road frontage would all be comparable to other buildings in Victoria Road. While the plot depth is shallower than others, that would not be immediately apparent when viewing the building from the road. From the public perspective the size, design and position of the building would conform with the character and appearance of the road and would not appear out of place or cramped when viewed as part of the wider street scene.

6. As a result, I conclude that the proposed dwelling would not harm the character or appearance of the area, and would comply with Policy 15 of the Adur Local Plan 2017, which requires development to respect and enhance the character of the site, and the prevailing character of the area.

Living conditions

7. The shallow depth of the plot would leave the proposed house with little space at the rear. However, it is proposed to demolish the existing garage and locate a parking area further along the plot to create a larger garden to the side of the house.

8. While the Council considers the space to be substandard for the dwelling proposed, I note it accepts that in terms of its size the garden exceeds the minimum area as set out in the Council's supplementary planning guidance. Subject to adequate screening along the road frontage, which could be achieved using a low wall and planting similar to that which already exists, I see no reason why the space so created could not provide a useable, private garden area that would satisfy the domestic needs of the proposed house.

9. Consequently, the development would provide adequate living conditions for future occupants by way of suitable outdoor space, and would therefore comply with Policy 15 of the Adur Local Plan 2017, which requires development to include a layout and design which takes account of the potential users of the site.

Conditions

10. I have considered the conditions suggested by the Council against the guidance contained in paragraph 55 of the National Planning Policy Framework (the 'Framework'), and imposed those which I consider meets that guidance, subject to minor rewording for clarity and precision. I have avoided pre-commencement wording as there is no clear justification to impose such a constraint on the timing of development in this case.

11. In addition to the standard time limit, a condition listing the approved plans is necessary in the interests of certainty. Given the need to screen the side garden a condition requiring approval and implementation of hard and soft landscaping is necessary. A condition requiring approval of external materials is necessary in the interests of the appearance of the building and the wider character of the area. A condition controlling the insertion of openings in the eastern side elevation is necessary to avoid overlooking of the neighbouring dwelling. I have added a condition requiring obscured glazing of the first floor side facing window that is shown to be in the eastern elevation on the approved plans for the same reason. As this is to a bathroom, I do not consider that it would prejudice the use of the proposed dwelling in any material way.

12. Conditions requiring the provision of car parking and stopping up of the existing access are necessary to avoid additional pressure for on-street parking. Given the proximity of the building to the railway line, a condition requiring noise attenuation is necessary in the interests of the living conditions of future occupants.

13. As the development is modest in scale, I do not consider conditions requiring a construction method statement or limiting the hours of work are necessary in this instance. The Council has powers under environmental health legislation to control unneighbourly activity should nuisance arise.

14. As the existing bungalow already has surface water drainage, and I have been presented with no evidence that there is a surface water drainage problem in the area, a condition requiring approval of such details is unnecessary. Any alterations to the present surface water drainage arrangements would in any case be subject to control under the building regulations.

15. Paragraph 53 of the Framework advises that conditions should not be used to restrict permitted development rights unless there is clear justification to do so. I see no clear justification to do so in this case and therefore have not imposed the suggested condition restricting domestic permitted development rights.

16. No cycle storage is shown on the site but given the size of the plot there is adequate space to do so as part of any normal domestic arrangements and a condition requiring such storage is therefore unnecessary.

Conclusion

17. I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan, block plan amendment A, 16/1250/01, 16/1250/02, 16/1250/03.

3) No works hereby permitted above slab level shall be carried out until a scheme for protecting the dwelling from noise and vibration from the railway has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before the dwelling is occupied.

4) No works hereby permitted above slab level shall be carried out until a schedule of materials and finishes to be used for the external walls, windows, doors and roof of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved schedule.

5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing 16/1250/02 for 2 cars

to be parked and the space shall thereafter be kept available at all times for the parking of vehicles.

6) The dwelling hereby permitted shall not be occupied until the existing access to the site has been stopped up permanently, including reinstatement of the highway kerb and footway.

7) The dwelling hereby permitted shall not be occupied until a scheme of hard and soft landscaping including times of planting has been submitted to and approved in writing by the Local Planning Authority. All landscaping works shall be carried out in accordance with the approved details and approved times of planting. Any trees or plants which within a period of 5 years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no windows shall be formed at first floor level or higher in the east side elevation of the dwelling hereby permitted.

9) The dwelling hereby permitted shall not be occupied until the window at first floor level in the eastern side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

*****End of conditions*****