The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2012

by John R Mattocks BSc DipTP MRTPI FRGS

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

Decision date: 28 December 2012

Appeal Ref: APP/Y3805/A/12/2175880
25, Riverside, Shoreham-by-sea, West Sussex BN43 5RU

- 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 Justin Clements against the decision of the Adur District Council.
- The application, ref. AWDM/0520/11, dated 11 August 2011, was refused by notice dated 10 January 2012.
- The development proposed is "Two contemporary, high-quality 3 bedroom detached dwellings. Demolition of existing poor quality 3 bedroom bungalow and garage"

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are, first, the effect of the proposal on the character and appearance of the area and, secondly, its effect on the living conditions of the occupiers of nearby dwellings.

Reasons

3. The appeal site lies within a built-up area as defined on the Proposals Map of the adopted Adur District Local Plan (LP) and, as such, residential development would accord, in principle, with LP policy AG1. The Council have confirmed that the proposed three-bedroomed dwellings would meet internal space standards and would contribute to the District's housing requirements as identified in the Strategic Housing Market Assessment.

4. The site is situated within Shoreham Beach where there is considerable variation and mixture of development types. Although there is a bungalow on the site at present with an unusually low profile, similar to that of No. 24 to the east, there are houses immediately to the south along Weald Dyke at a somewhat higher level. There is also flatted development in the vicinity with three storey blocks on the opposite side of Riverside, to the north-west.

5. I agree that the existing bungalow fails to give adequate definition to this corner site. The proposed dwellings of contemporary design would maximise the utilisation of the site, in line with guidance in the National Planning Policy Framework. The dwellings would be positioned closer together than

supplementary policy guidance would suggest but the strong horizontal element provided by the areas of glazing to front upstairs balconies would ensure that the Riverside frontage would complement the street scene. Although the difference in level to No. 25 would be noticeable, the visual context provide by the higher buildings to the rear would ensure that there would be little effect on the overall character of the area.

6. In approaching the site from the west along Riverside, the proximity of the western house (called 'No. 26' in the representations) to the corner would be apparent, including the sweep of the roof profile dipping to the south. The proposed blue ceramic glazed tile hanging on this elevation would be an eye-catching feature but not inappropriate in this maritime environment. The choice of zinc as a roof covering would also add interest to the overall design. The corner would be well defined at ground level by the rising wall enclosing the pedestrian ramp and there would be a degree of opening up of the Weald Dyke frontage through the removal of the existing garage to No. 25 Riverside. Taking these factors into account, I consider that the proposal would result in an enhancement to the character and appearance of the area and would not appear to be cramped or over-developed. In those elements the proposal accords with criterion (a) of Local Plan policy AH2.

7. Turning to the second issue, I am aware that planning permission was previously granted in 2008 for the erection of dwellings of a different design on this site but that permission has now lapsed. The appellant has placed much emphasis in his representations on a comparison of the schemes in terms of design, height and floor levels and I have taken that into account as a material consideration. However, the appellant has acknowledged that the previously approved plans were not accurate. I must judge the current proposal on its individual merits.

8. The critical levels and distances which define the physical relationship between the proposed dwellings and those existing at No. 24, Riverside and Nos. 5 and 6, Weald Dyke are not in dispute. In terms of the levels, the proposed dwellings would have finished floor levels at 5 m. Above Ordnance Datum (AOD) in order to satisfy Environment Agency requirements, as set out in a Flood Risk Assessment. The maximum roof level is shown on the submitted plans as 10.3 m. AOD. This means that the roof would be lower than the ridge of the Weald Dyke houses but the floor levels would be somewhat higher, despite the rising ground levels to the south. The gap between No. 24 and the eastern dwelling would be 1.5 m. The separation distance between the rear of the proposed dwellings and No. 6 Weald Dyke would be 16 m. and to No. 5, 12.7 m.

9. As the proposed dwellings would be to the north of those on Weald Dyke there would not be any significant overshadowing of those properties. Furthermore, the highest part of the roof would be towards the front of the dwellings, furthest away from the Weald Dyke houses. The rear half of the roof would sweep down to eaves somewhat below 7.8 m. AOD in a way which would assist in reducing the mass of the houses when seen from the Weald Dyke houses despite the westward extent compared to the previous approval. A zinc roof would not be unduly oppressive for neighbours at the relatively low level proposed. Although the gap between the two proposed houses would be relatively narrow, the

design characteristics would be such as to ensure that the houses would not be overly dominant and would not lead to an unacceptable sense of enclosure.

10. The Council's Supplementary Planning Guidance (SPG) in support of Local Plan policy AH2 is Development Control Standard No. 2 "Space around new dwellings and flats". In paragraph 2.9 of that document it is indicated that the minimum distance between the rear of one property (single or two storey) and between facing principal windows, in order to give adequate privacy is 22 m., with a garden length of 11 m. The scenario of a rear to side distance of 14 m. is not applicable in this case. The Council have accepted that the garden sizes in the area are generally less than 11 m., which includes both Nos. 5 and 6, Weald Dyke. Clearly a degree of flexibility can be applied provided reasonable privacy standard can be achieved.

11. The proposed garden depths and window to window distances, especially between the proposed dwelling at "No. 26" and that at No. 5, Weald Dyke, would be significantly shorter than envisaged in the SPG. Although the separation distances are similar to those in the previously approved scheme, the appeal proposal includes raised terraced areas beneath the full length 'patio' type doors to the rear of the proposed dwellings. Although the western end of the terrace at No. 26 would be hidden by the existing garage to No. 5 and the design has been amended to remove the terrace in front of the eastern rear bedroom there would remain potential for direct overlooking between the terraced area in front of the utility room and the French doors at the rear of No. 5, Weald Dyke as well as the rear patio/garden area to that dwelling. The rear bedrooms at No. 26 would also be directly overlooked from the upper floor bedroom windows at No. 5.

12. The separation distance between the new (eastern) dwelling and No. 6, Weald Dyke, would also be below that sought by the SPG, especially between the raised terrace area and the rear garden at No. 6 with decking. Although the existing bungalow at No. 25 is much closer to the boundary with No. 6 it is set at low level and does not result in direct overlooking. The rear patio areas to the Weald Dyke houses may be on the northern side but, in my assessment, they will reached by sunlight on summer evenings and are clearly used by the occupiers.

13. The potential for mutual overlooking has been recognised by a proposal for the erection of open lattice fencing above the existing boundary fences. With such additional fencing in place and sufficient planting to grow over it direct views from the ground floor windows and terraces into the rear of Nos. 5 and 6 would be limited. However, the open lattice fencing would, in itself, provide little additional screening. It would take some time for any planting to grow sufficiently to cover the fence and it would be very difficult to ensure, by way of planning condition, that the planting would remain high enough and thick enough to be effective at all times of the year and in the long term. Solid fencing at the required height would be unduly obtrusive for the occupiers of the proposed dwellings and no fencing could overcome the overlooking of the proposed dwellings from upstairs windows in the existing houses.

14. For all of these reasons I consider that the proposed development, through potential overlooking, would result in an unacceptable reduction in privacy for the occupiers of Nos. 5 and 6, Weald Dyke, particularly for No. 5, and would be

harmful to their living conditions as a result. In that respect the proposal is contrary to criterion (c) of Local Plan policy AH2. This factor outweighs the benefits of making more effective use of the site in making provision of additional housing of contemporary design.

15. A screen would largely protect the privacy of the occupants of the bungalow at No. 24 and the removal of the rear extension at No. 25 would open up the westerly aspect from No. 24 to a degree, although that would be off-set by some additional over-shadowing on summer evenings from the two-storey dwelling to the north-west. The effect on No. 24 would not, on balance, be so significant in itself as to warrant a refusal of permission although it emphasises the unsatisfactory spatial relationship between the proposed and existing dwellings.

16. I have considered all of the other matters raised in the representations but I do not find that any are of such weight as to alter my conclusion that the appeal must be dismissed for the reasons given above.

John R Mattocks

INSPECTOR