Appeal Decision

Site visit made on 2 September 2008

by G M Hollington MA, BPhil, MRTPI

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

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Decision date:
9 September 2008

Appeal Ref: APP/Y3805/A/08/2070796
Land by 212 Manor Hall Road, Southwick, West Sussex, BN42 4NH

- 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 J Carter against the decision of Adur District Council.
- The application Ref. ADC/0431/07, dated 13 July 2007, was refused by notice dated 7 September 2007.
- The development proposed is a new house.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues in this appeal to be the effects of the proposed development on:
   (a) the living conditions of occupiers of the proposed dwelling, with particular reference to noise and disturbance, amenity space and privacy; and
   (b) the living conditions of occupiers of the existing dwelling, with particular reference to amenity space and sunlight.

Reasons

(a) Living Conditions- Proposed Dwelling

3. The proposed house would adjoin the southern margin of the site, on the edge of a predominantly residential area and next to the Chalex Industrial Estate. Assuming there would be a wall or fence along the rear garden boundary and only a low wall (to ensure driver visibility) at the front, the front and upper rear windows would look towards the access to the industrial estate or its manoeuvring/parking area, beyond which are various blocks of buildings.

4. No noise assessment has been undertaken and the industrial estate, which appears to have been established for some time, is not subject to any restriction on hours of working. I consider that, in such close proximity to the industrial estate and its access, occupiers of the proposed dwelling would be likely to suffer undue noise and disturbance.

5. The back garden of the new dwelling is estimated by the Council to be 70 sq.m in area, whereas the appellant states the size of the side and rear gardens

would be 94 sq.m. Compared with the Ordnance Survey plans, I doubt the accuracy of the application's site plan, and there would be no meaningful garden space other than to the rear, which I estimate would have an area close to the Council's calculation. This is significantly less than the 85 sq.m rear garden required for a small detached dwelling by the Council's adopted supplementary planning guidance (SPG) Development Control Standard No.2 – *Space Around Dwellings and Flats* and would result in inadequate amenity space for future residents.

6. On the other hand, it is not unusual for houses to occupy corner sites where passers-by can see their front and upper rear windows and so I consider the amount of privacy the occupants would enjoy would be acceptable.

7. My conclusion on this issue, therefore, is that the proposed development would result in unacceptably poor living conditions for occupiers of the proposed dwelling, with particular reference to noise and disturbance and amenity space. It would conflict with the aims of Policy DEV1 of the West Sussex Structure Plan 2001-2016, Policy AH2 of the Arun District Local Plan and the SPG. This would outweigh the lack of harm in respect of privacy.

(b) Living Conditions – Existing Dwelling

8. The application plans fail to show the substantial, full width rear extension at 212 Manor Hall Road and so I estimate the size of the remaining rear garden area would be much closer to the Council's estimate of 60 sq.m than the appellant's 100 sq.m at the side and rear (the space at the side would be occupied by car parking). This is well below the Council's requirement (also 85 sq.m) for a small semi-detached dwelling and would provide inadequate amenity space.

9. The proposed house would be sited approximately to the south of no. 212 and so it would reduce sunlight to the side elevation of that house. However, it would not be so close that it would block all sunlight and it seems to me that the windows in the side elevation either do not serve habitable rooms or are not such rooms' only source of light. Consequently, I consider the effect on sunlight would be acceptable, but this favourable view does not outweigh my concern about amenity space.

10. I therefore conclude on this issue that the proposed development would cause unacceptable harm to the living conditions of occupiers of the existing dwelling, with particular reference to amenity space. This would be contrary to the aims of policies DEV1 and AH2.

Other Matters

11. Local Plan Policy AG1 permits development, in principle, within the built-up area boundary, and national guidance such as in Planning Policy Statement 3: *Housing* encourages making more efficient and effective use of previously developed land.

12. The proposed development would make a small contribution to meeting housing needs and I consider it would not be out of keeping with the mixed character of its residential and industrial surroundings, so it would not conflict in principle with Structure Plan Policy CH1 and Local Plan Policy AG1. However,

the proposal's acceptability in these respects does not overcome the harm which would be caused with regard to living conditions.

G M Hollington

INSPECTOR