The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2013

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 16 December 2013

Appeal Ref: APP/Y3805/A/13/2202322
17 Old Fort Road, Shoreham-by-Sea, BN43 5RL.

- 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 J Bacon (Pursuit Properties) against the decision of Adur District Council.
- The application Ref AWDM/0284/13 dated 4 March 2013, was refused by notice dated 10 June 2013.
- The development proposed is demolition of existing bungalow and construction of 2No. Semi-detached, 3 storey flat-roofed dwellings with front roof terraces and first floor balconies.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of the adjoining and adjacent properties with particular regard to visual impact, privacy, daylight and sunlight.

Reasons

3. Including the ground floor projections, the proposed dwellings would be deeper than the adjacent dwellings and the separation distance between the rear first floor elevation of the proposed dwellings and the dwelling at 13 The Meadway (No.13) would be 21.13 metres. The distance between the rear ground floor projection and the rear boundary would be approximately nine metres. This is below the recommended rear garden depths and back to back dwelling distances set out in the Councils Development Control Standard No.2 – *Space Around New Dwellings and Flats (SPG)*.

4. The flank and rear elevations of the building would be visually bold and stark, which would add to the perceived mass and visual dominance of the proposed building when seen from the adjacent dwellings. In particular, the proposed building would dominate the outlook from the rear windows and garden of No.13, which has a small garden which is just over 10 metres in depth. It would similarly materially detract from the outlook from 11 and 15 The Meadway. At the same time the building would dominate and overshadow the entrances and rear gardens at 15A and 19 Old Fort Road. It would also result

in loss of privacy for the occupants of these dwellings were the side living rooms windows were clear glazed. Overall the development would have a visually overbearing impact on the occupiers of all of these properties.

5. These impacts highlight the cramped and unsatisfactory nature of the proposed development. This is highlighted further by the poor outlook from the proposed kitchen, study and living area windows, the poor level of sunlight and daylight within some of the rooms. In addition, the proposed rear gardens would be small and overshadowed for much of the time.

6. The Appellant has referred to a number of other recent redevelopment schemes involving flat roofed two and two and half storey dwellings. However their designs and in particular their rear and flank elevations are not directly comparable in size and design. Also, their plots are slightly wider than with the proposed scheme. As such they do not set a precedent for the proposed scheme which has been assessed on its individual merits and in light of the prevailing planning policies. In addition, although it is noted that the officers recommended the scheme for approval, for the reasons stated the development would materially harm the living conditions of various local residents.

7. I conclude on the main issue that the proposal would have an unacceptably harmful impact on the living conditions of the occupiers of the adjoining and adjacent dwellings. Accordingly the scheme would conflict with policies AG1 and AH2 of the Adur Local Plan and the SPG. Together and amongst other things these policies and SPG seek to protect the living conditions of existing residents from unacceptable harm and ensure that new development respects the character and appearance of its surroundings.

Other matters

8. Concerns relating to foul drainage could be dealt with under other legislation. Similarly I am satisfied that the existing fir tree could be protected during the construction of the houses. It is acknowledged that the use of roof terraces can result in some noise and disturbance, although their use can also reduce the level of noise and activity within rear gardens. In this instance the proposed terraces would be located at the front of the property facing the road and would be set in from the side boundaries of the dwellings. For these reasons their use is unlikely to have a materially harmful impact on the living conditions of any local residents.

9. Whilst I note the concerns regarding recent redevelopment schemes in the area, the site is located within an established residential area where new housing and redevelopments can be permitted. As such, any schemes coming forward need to be assessed on their individual merits and in light of the prevailing development plan policies.

10. Finally, the Appellant has submitted a signed Unilateral Undertaking which deals with transport infrastructure. As my conclusion on the first main issue represents a compelling reason for dismissing this Appeal, it is not necessary for me to consider the appropriateness or otherwise of the submitted Planning Obligation.

Conclusion

11. Having regard to the conclusion on the main issue, the harm that would be caused by the scheme would outweigh the merits of providing two family homes in this established residential area.

Elizabeth Lawrence

INSPECTOR