ADUR DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Appeal by Protodale Ltd against the refusal of the local planning authority to grant permission for a single-storey office building with store in the roofspace (attached to the sides of No's 57 & 61) on accessway, 59 Penhill Road (part of), Lancing BN15 8HB.

Planning Inspectorate reference: APP/Y3805/A/09/2107819/NWF

Local Planning Authority reference: ADC/0175/09 30 August 2009

WRITTEN REPRESENTATIONS OF THE COUNCIL

1.0 The Site and its Location

1.1 The appeal site is located on the north side of Penhill Road (B2222), to the south-east of the centre of Lancing. It comprises a private accessway leading to the 'backland' site known as No.59 Penhill Road. The accessway is located 38 metres to the east of the junction between Penhill Road and Ingleside Road. No.59 is located directly behind (north) the pair of semi-detached houses converted into flats (No's 61 & 63) on the road frontage. On the road frontage to the west is a terrace of houses (No's 51-57).

1.2 No.59 formerly consisted of a warehouse and has been commenced to be redeveloped with a block of 5 one-bedroom dwellings, accessed from another existing accessway, 10 metres further to the east between No's 63 & 67. Consequently, the present application site is no longer needed to access this redevelopment site at the rear (and is now in separate ownership).

1.3 The proposed plot is 3.35m wide and 27m long, with the building subject of this appeal to be located directly between, and attached to, the flank walls of No's 57 & 61. The building would infill the gap between the end-of-terrace house (No.57) to the west and the semi-detached house (No.61, now a pair of flats) to the east with a single-storey office building with mezzanine store within the roofspace (served by front and rear rooflights). It would be joined to both the houses either side.

1.4 The new building would be 3.35m wide and 7.2m deep with an overall ridge height of 5m, plus a small flat-roofed rear projection 1.8m deep and 2.1m wide (on the east part of the rear elevation). It would comprise an office (with WC and sink) on the groundfloor with an internal spiral staircase to the ancillary store within the roofspace. The internal floorspace is 31sqm. At the front would be a single parking space occupying almost the whole of the area in front of the proposed building other than a bin store and path to the front door.

1.5 The application is accompanied by a brief Design and Access Statement which stated that the site is in a residential area and the proposal would sit comfortably between two-storey houses. It further stated that its footprint aligns with the existing street configuration and acts as a medium between the houses each side, with its ridge below, and materials matching those in the surrounding area. It states there will be a refuse store and a hard landscaped area to the front with one car parking space and some soft landscaping will be added in front of the property (although it was not shown on the plan).

2.0 Relevant Planning History

2.1 The site of the former 19th century warehouse-type building known as No.59 Penhill Road (demolished in 2008) has been subject to several planning applications for residential development since 2001. Prior to this date, records in 1963 indicate it was used as an undertakers and stonemasons at that time. As described above, the most recent permission is for redevelopment of the main part of the site with 5 one-bedroom dwellings with associated parking (ADC/0006/08), leaving the access roadway (the present appeal site) surplus.

2.2 The appeal site has been subject to three planning applications, all of which have been refused:-

- ADC/0411/08 – One-bedroom dwelling (attached to sides of No's 57 and 61) on accessway. Refused 29 October 2008.
- ADC/0560/08 – Single-storey office building with store in roofspace (attaching to sides of No's 57 and 61) on disused accessway. Refused 6 March 2009.
- ADC/0175/09 – Single-storey office building with store in roofspace (attached to sides of No's 57 and 61) on accessway.

2.3 The last planning application listed above forms the subject to this appeal. It was refused for the reason that: "*The proposed office building would be detrimental to the streetscene by reason of its excessively cramped appearance and by reason of its design which would appear incongruous with the neighbouring buildings to which it would be attached, contrary to policies AG1 and AE15 of the Adur District Local Plan."*

2.4 The first application above was also refused on the ground that the proposed dwelling had "..*insufficient size to provide satisfactory living conditions for the occupant(s)*."

3.0 Policies

3.1 The Adur District Local Plan 1993-2006 was adopted in 1996, following a local inquiry, and has been 'saved' until adoption of the Adur Development Core Strategy. The relevant saved policies are AG1 and AE15.

3.2 AG1 states that, within the built-up area boundary, *"development will normally be permitted, subject to other policies in this Local Plan and to it not detracting from the existing local urban environment. "*

3.3 AE15 specifically relates to the development of small buildings for business use within the built-up area. It states:- "*Permission may be granted for the development of small buildings (300sqm or less) within the built-up area but outside business and industrial areas as shown on the Proposals Map, for business purposes within Use Class B1…….subject to all of the following criteria:- (a)there will be no loss of amenity to nearby residents; (b)on-site car parking arrangements and access to the public highway are acceptable under policy AT12 (NB. this policy has not been 'saved'); and (c) any buildings are of a scale and design, including construction materials, appropriate to the locality."*

3.4 Policy SCT1 of the South East Plan gives priority to pro-actively pursuing sustainable economic growth and regeneration of the Sussex Coast whilst also protecting and enhancing its high environmental quality and promoting excellence in design of new developments in recognition of their importance to economic success and quality of life. T4 states that Local Development Documents should set maximum parking standards for Use Class B1 developments within the range of one car space per 30sqm-100sqm and ensure sufficient cycle parking. BE1, entitled management for an urban renaissance, states that opportunities will be taken to improve the built environment, including by promoting design solutions relevant to their context and building upon local character and by supporting opportunities for appropriate higher density and mixed use development schemes.

3.5 Government policy is set out in Planning Policy Statement PPS1 'Delivering Sustainable Development'. Relevant paragraphs are 17, which refers to the commitment to protecting and improving the environment; 18 which states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design; and 34 which states that good design is indivisible from good planning and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted.

3.6 Planning Policy Guidance PPG4 'Industrial and Commerical Development and Small Firms' is relevant. It states that: The planning system should operate on the basis that applications for development should be allowed, having regard to the development plan and all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs, or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development with

environmental protection and other development plan policies (para 13); Nevertheless planning decisions must reconcile necessary development with environmental protection and other development plan policies(para 15); and planning applications for speculative development should be considered on their land-use planning merits (para 24).

4.0 Explanatory Comments

4.1 The main planning issue is the effect on the appearance of the streetscene. The Council considers that it would be detrimentally affected by the proposed office building on account of its excessively cramped siting and elevational appearance. It is considered that the design is incongruous in the way in which it would relate to the existing residential buildings either side, and thereby would be detrimental to the local environment.

4.2 Given the mixed use character of the western part of Penhill Road, it is not considered that a small office building is, in principle, out of character, as the above planning policies favour employment developments and encourage appropriate mixed uses. The proposal would be of benefit to the wider community and would help meet the need for additional employment space within the District. However, the focus of recent spatial planning policies is on providing environmental and commercial benefits to areas through good design which is appropriate in its context.

4.3 The character of the vicinity is made up of mainly residential properties, some of which have been converted into commercial premises. Directly opposite is Lancing Glass Works Ltd, a double glazing retailer which occupies the western corner of the junction between Penhill Road, and Cecil Road. Further to the west is Leaney's Bathroom Specialists which occupies two large sites either side of the junction with Ingleside Road. To the south-east is Beverley House a large three-storey block of 1950's flats. The remainder of the properties in the vicinity are late 19th/ early 20th century houses both terraced and semi-detached.

4.4 The neighbouring residential buildings to which the proposed office would be directly attached (No's 57 & 61), although of similar period (late 19th century), are quite different in their appearance. No.57 is the end of a terrace of houses of fairly simple design and modest proportions whereas No's 61/63 are a pair of former semi-detached houses of more imposing design and scale.

4.5 No.57 has a two-storey box-bay window on the east of the front elevation and a steep-tiled roof with east side gable. The eaves level is 4.7m in height. The building is partly painted rough cast render with a painted moulding at the top of the ground floor window line, with a low windowsill level to the bay window.

4.6 No.61 has a two-storey traditional bay window, decorative moulded stucco, a fully hipped roof and a higher eaves level of 5.5m.

4.7 The proposed office building would have a pitched roof in two parts with a small 'stepped' flat roof section at the front. The angle of pitch of the rearmost part would be the only element that is considered to be sympathetic to either of the adjacent roof forms, whereas the stepped roof profile would appear incongruous. The front of the proposed building would be in line with the common building line of No's 59 and 61. It is detailed with a window height which matches neither the front of No.59 or No.61. Due to the differences in roof design and elevational detailing of the proposed building compared to these neighbouring buildings, it is considered that it would not have the necessary appearance of subservience as would be expected from such an infill development. In contrast, it is considered that the office building would dominate the space between the two neighbours, vying for attention and detracting from the form of the two residential properties either side. It would appear excessively cramped and incongruous.

4.8 Penhill Road includes many piecemeal developments of widely varying scale, design and quality and the road as a whole has no particular predominant type of building form or style. Nevertheless the pair of late Victorian semi-detached houses (No's 61 & 63) hold a prominent position directly opposite the junction with Cecil Road. The hipped roof of the pair stands taller than either of the neighbouring dwellings and it is considered desirable that a building of this significance retains sufficient space either side. Its form is partly described by the access spaces on either side and it is considered that the proposed infill office building, given its dominant positioning and design, would detract from the appearance of No's 61/63 to an extent that would be detrimental to the streetscene.

4.9 Forecourt parking is common within the street particularly with the three houses to the west (No's 53, 55 and 57). However the proposed building occupies a narrower plot than many of the dwellings which have parking directly to the front. It is accepted that there is space available for a car to be parked at the front of the proposed building but it is considered that the cramped nature of bin storage and the very narrow pedestrian access to the building would only emphasize the cramped and incongruous siting of the building.

4.10 With regard to the use of the building for office purposes, it is not considered that this small-scale proposal (30sqm) would cause nuisance or disturbance such as to conflict with policy AE15 provided it is restricted to office use within Class B1 only. The definition of Use Class B1 'business' is that such uses can be carried on in a residential area without detriment to amenity. However, office use within Class A2, financial and professional services dealing primarily with visiting members of the public, would be likely to result in much more activity

and movement of people and cars, and is therefore considered unsuitable for this narrow site located between dwellings.

4.11 The outer side walls of the existing dwellings, plus the new walls of the proposed building, should provide ample insulation against transfer of sound from within the building. However, to safeguard against external noise at unsocial hours, it is considered that a condition restricting hours of use is justified, plus a condition requiring approval of details of any air conditioning unit.

4.12 On the originally refused proposal for a dwelling, the house at No.57 would have been adversely affected by the proposed building projecting further at both the front (by 1.1m), causing some loss of light and outlook to its adjacent front bay window, and also at the rear, where the building would have partially abutted the conservatory of No.57.

4.13 However, on the application for an office building, as stated above, no front projection is proposed. At the rear, although there is a 1.8m flat-roofed rear projection proposed, it is sited 1.2m away from the side of the conservatory. There would be some adverse effect in terms of reduced light and outlook to the rear conservatory but it is not considered that the degree of detriment to the overall residential amenities of No.57 would be unacceptable.

4.14 With regard to No.61, the proposal would only project beyond the main rear wall of the groundfloor flat by approximately 0.75m and would not have a significant effect on the residential amenities of that flat. It should be noted that rear extensions projecting up to 3.5m are normally permitted adjacent to boundaries of attached dwellings (as stated the Council's Development Control Standard No.3 'Extensions and Alterations to Dwellings').

4.15 In conclusion, it is considered that the cramped building design, with its poor relationship to the attached buildings, would be unacceptably detrimental to the streetscene. It is, therefore, concluded to be contrary to policies AG1 and AE15 of the Adur District Local Plan and Government design policy in PPS1 (as referred to under 'Policies' above) .

For the above reasons, the appointed Inspector is invited to share the views of the Local Planning Authority and to dismiss this appeal.