The Planning Inspectorate

Appeal Decision

Site visit made on 17 August 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/Y3805/D/23/3325443
39 Victoria Road, Shoreham-By-Sea, West Sussex, Bn43 5la

- 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 and Mrs Matthew and Kamilla Broadbery against the decision of Adur District Council.
- The application Ref AWDM/0202/23, dated 15 February 2023, was refused by notice dated 27 April 2023.
- The development proposed is a vehicle access.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

3. The appeal property is an extended two storey, semi-detached dwelling on a corner site fronting Victoria Road, and siding onto Swiss Gardens. There is an existing vehicular crossover to the property from Swiss Gardens, to the side, and there is existing car parking on the site at the rear/side. The appeal dwelling has a front garden of a depth which would, with fence removal, just, accommodate cars parked straight-in. This depth of front garden is broadly consistent along the stretch of homes to the south. The locality is of established residential character and the streetscene, particularly along Victoria Road southwards is a pleasing one.

4. The appeal scheme is a vehicular crossover off Victoria Road. Along with this there would be fence removal and a hardstanding for car parking for two cars at right angles to the highway.

5. I noted that the pavement is presently largely uninterrupted and the appeal site's front garden is far from generous. The appeal property visually gains from having space which is open at its frontage and sits behind a low means of enclosure which appears as a logical boundary between private and public land. The dwelling in this form fits in very well with those homes to the south which generally mirror the building line, boundary treatment, layout and have (usually smaller) front gardens, albeit mainly more vegetated in form. In my

assessment, even with only a relatively narrow access, partial removal of the front boundary enclosure and restricted parking space, the appeal proposal would be aesthetically unfortunate, jarring on the eye, and damaging to the streetscene.

6. The Council raises a point that the scheme, if allowed, could set a precedent for neighbouring properties with a cumulative effect which would harm the existing visual character of the street. A starting point for any planning decision is determination on its own merits and precedent is not forefront in a decision maker's mind. Having said that I could see that any future applicants in this presently 'car free' front garden stretch of homes southwards might well draw upon the case here and it could be more difficult for the Council to defend its position. Certainly, if the impacts of the appeal scheme were to be multiplied then the aesthetics of the area would decrease accordingly. This adds some limited weight to my concerns.

7. Policy 15 of the Adur Local Plan is relevant. Amongst other matters this policy seeks quality in the built environment with schemes that protect or enhance character and local distinctiveness and are appropriate in matters such as layout and landscape. In all the circumstances I conclude that the appeal scheme would conflict with this planning policy.

Other matters

8. I do understand the Appellants' wish to increase the range of parking opportunity on the site and perhaps increase the useable garden area to the rear post the recent two storey extension. However, I could see that some side / rear parking could be retained if the whole rear-of-footway fencing is not implemented and additional 'soft' and secure rear garden area could still be provided. I recognise that there is no criticism of the scheme on highway safety grounds and in my opinion the question of school related parking in the locality is a neutral factor for this property which already has on-site provision.

9. I note that the Appellants have put forward drawings in the appeal statement which indicate planting in part of the front garden area and the suggestion that I might condition this accordingly. Certainly, the front garden is bland and bleak at present but it could be improved and planted without access and parking being part of the picture and, in this instance, I do not believe that a planning condition would make an unacceptable development acceptable. I appreciate there are some properties with frontage parking in the locality. However, they do not all provide a positive contribution to the scene, they are not directly comparable to the appeal scheme in form and certainly not in the immediate context of this run of homes.

10. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

11. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policy which I cite mirrors relevant objectives within that document.

Overall conclusion

12. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on the character and appearance of the locality. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR