The Planning Inspectorate

Appeal Decision

Site visit made on 11 January 2022

by R J Redford

an Inspector appointed by the Secretary of State

Decision date: 28th January 2022

Appeal Ref: APP/Y3805/W/21/3278230
Penhill Court, Penhill Road, Lancing BN15 8HE

- 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 Davies against the decision of Adur District Council.
- The application Ref AWDM/0765/21, dated 27 April 2021, was refused by notice dated 22 June 2021.
- The development proposed is for the construction of a roof extension to accommodate 5 No. flats and associated facilities.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council took its decision and the appeal was made, the National Planning Policy Framework was revised in July 2021 (the Framework). The sections pertinent to this appeal have not materially altered and I will therefore reference the revised version going forward.

Main Issues

3. There was a previous appeal APP/Y/3805/W/20/3261736 dismissed on the same site for the same form of development. This followed an application for prior approval under Class A, Part 20, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

4. The main issues, therefore, in this appeal are the effect of the proposed development on: -

   - the character and appearance of the local area; and

   - the living conditions of the occupants of adjacent properties in relation to privacy and outlook.

Reasons

Character and appearance

5. The appeal building is a purpose built, three-storey residential block, providing 9 flats. It is situated on the outside edge of the bend in Penhill Road and is visible along its full length. Although there are some examples of other three-storey blocks of flats within the local area, the dominant housing type is modest, single and double storey, detached and semi-detached dwellings. The blocks of flats, including the appeal building, generally have flat roofs or

accommodation within their roof space, thus ensuring the overall height is similar to that of the traditional pitched roofs of the surrounding two-storey houses.

6. At its southern end, Penhill Road joins Brighton Road, which is bounded by the sea front and contains further examples of flatted developments. These are between two- and four-storeys in height, with their height often reflecting the undulations of the road and seeking to maximise sea views.

7. The proposed development would create a five-storey building which would be significantly taller than any surrounding development including the more prominently located blocks of flats along Brighton Road. The disparity between the proposed development and the immediately adjacent single and double storey dwellings would further emphasise this height and would be clearly visible from the surrounding streets. It would be overly dominant within the street scene, urbanising an area of otherwise suburban character.

8. The appellant considers that the proposal would provide an attractive modern addition to the appeal building. In isolation, this may be true. However, when considered within this specific location the overall height, scale and bulk of the proposed development would not be in keeping with the character and appearance of the local area.

9. The appellant has also drawn my attention to a recent appeal decision on Brighton Road close to the junction with Penhill Road (APP/Y3805/W/20/3256355). However, as this comprises new residential buildings of one- and two-storey heights in an area of existing taller blocks of flats, the two schemes are not directly comparable.

10. Paragraph 120 e) of the Framework has been referenced by the appellant which promotes the potential of upward extensions. It does, however, require that such extensions should be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and the proposed development fails in this regard.

11. In conclusion, the proposed development would harm the character and appearance of the local area. It would not comply with Policy 15 of the Adur Local Plan 2017 and paragraphs 120 and 130 of the National Planning Policy Framework, which seek enhancement of the local environment by way of character and appearance, amongst other things.

Living conditions

12. Adjacent to the western boundary of the appeal site is a chalet bungalow, 95 Penhill Road, and a single storey dwelling, 93 Penhill Road. Beyond these properties and on the opposite side of the road are two-storey semi-detached dwellings. On all other sides, the appeal site is surrounded by modest single storey dwellings with relatively small gardens, located on Penhill Road and Penleigh Close. Ingleside Crescent wraps around Penleigh Close to the north and east of the appeal site, with a mix of modest single- and two- storey dwellings.

13. The proposed development would increase the number of flats from 9 to 14. It would include additional windows in the south-east and north-east elevations which would serve kitchens, living rooms and a bedroom. The 4 proposed balconies along the south-west elevation are larger than the existing ones and

do not include any side screening. The proposed windows and balconies would provide unfettered views in all directions. This in tandem with the greater height than the surrounding buildings, would mean an increase in overlooking of all the surrounding properties already overlooked by existing flats on the first and second floors within the appeal building. This would be to the detriment of the living conditions of their occupants. There is also potential that overlooking would occur for occupants of properties currently unaffected by the existing flats within the appeal building, such as those on the north side of Penleigh Close, south-east of the appeal site on Penhill Road and on the south and west sides of Ingleside Crescent.

14. The proposed increase in mass and bulk would also dominate the skyline creating an oppressive outlook for the rear elevation and compact garden of 3 Penleigh Close, as well as for the gardens of 95 and 99 Penhill Road, and 4 Penleigh Close.

15. The appellant states that the stepping back of the additional storeys would negate the above issues. Whilst the proposed stepping back would potentially be less harmful than further storeys which replicated the existing building line, I am determining the appeal in relation to the proposed scheme before me. The appellant also considers that the Council have previously found that the additional activity relating to the proposed development would not be harmful. This point appears to relate to the existing residents of the appeal site and not those occupying the surrounding properties. The proposed internal flat layouts and inclusion of cycle parking and electric vehicle charging, as well as the potential for a landscaping scheme would be beneficial to existing and future occupants of the appeal building. However, this would not mitigate the harm caused to the living conditions of occupants of the surrounding properties.

16. Therefore, the proposed development would harm the living conditions of the occupants of adjacent properties in relation to privacy and outlook. It would not comply with Policy 15 of the Adur Local Plan 2017 or paragraph 130 of the Framework, which both seek to prevent unacceptable living conditions for occupants of residential dwellings, amongst other things.

Other Matters

17. The appellant has referred to several further policies from the Local Plan along with various paragraphs from the National Planning Policy Framework. I have had regard to these, but they do not mediate the harm caused to the character and appearance of the local area and the living conditions of neighbouring residents.

18. Third parties have raised concerns including lack of notification letters, parking design, pollution, drainage, and subsidence. However, as I am dismissing the appeal on the main issues, I have not pursued these matters further.

Balance and Conclusion

19. The appellant has stated that the Council cannot provide a 5-year housing supply, nor has it met the targets set out in the Housing Delivery Test. The Council have not refuted this position. It is necessary for me to apply paragraph 11 of the Framework.

20. There would likely be a small, short-term benefit to the local economy from construction, but this would be limited. Council tax receipts would not

represent a benefit as the monies collected would only mitigate the effect of the additional residents. The New Homes Bonus would provide some financial benefit to the Council. However, this would be comparably small in amount and would be limited. The proposed benefits relating to the internal design, cycle parking, and electric vehicle charging are very limited. The proposal would increase the number of residential dwellings and so make a modest contribution to the current housing shortfall of the District.

21. However, I have found harm in relation to the character and appearance of the local area, and the living conditions of the occupants of adjacent properties, and these significantly and demonstrably outweigh the modest benefits of the scheme.

22. The planning balance is therefore not in favour of the appeal scheme. It does not comply with the development plan as a whole nor the approach in the National Planning Policy Framework, and there are no other material considerations that would indicate a contrary decision. The appeal is therefore dismissed.

R J Redford

INSPECTOR