The Planning Inspectorate

Appeal Decision

Site visit made on 8 August 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2023

Appeal Ref: APP/Y3805/W/23/3315016
Olcote, Kings Crescent, Shoreham-by-sea, West Sussex BN43 5LE

- 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 T Sortain against the decision of Adur District Council.
- The application Ref AWDM/0879/22, dated 23 May 2022, was refused by notice dated 28 July 2022.
- The development proposed is replacement of existing summer house with two storey two bedroom dwelling and associated parking.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the local area; and (ii) the living conditions of neighbouring occupiers with regards to outlook and future occupiers of the proposed dwelling with regards to indoor living space and outdoor amenity space.

Reasons

Character and appearance

3. The appeal site contains a chalet bungalow and single storey outbuilding on a corner plot. Access to the host dwelling is from Kings Crescent, while the outbuilding faces Kings Gap.

4. The appeal site is located in a predominantly residential area, with a mix of building forms including flats, bungalows and houses. There is also a Children's Home and industrial workshops nearby.

5. Plot sizes are generous, with the majority of dwellings benefiting from front or side gardens. This gives an open, verdant, spacious and suburban feel to the area.

6. Kings Gap is slightly more enclosed in nature, due to the use of high fencing along the boundaries of rear gardens on both sides of the road. Nevertheless, the wider pattern of spacious development is still visible in this section of the estate.

7. The appeal scheme would replace the existing outbuilding with a two storey, two bedroom dwelling on a plot much smaller than other comparable properties in the area. This would result in a development that would look incongruous, cramped and overdeveloped within its plot. The set back of the appeal

scheme's front elevation, its lower height than the host dwelling, lack of openings on the scheme's elevation facing the host dwelling and the use of matching materials do not alter my conclusions on this matter.

8. The appellant has highlighted the terraced properties at No. 8-12 Kings Crescent as examples of similar development. However, these properties have sizeable front gardens and appear to have separate rear garden space and parking areas, so are not comparable to the appeal scheme.

9. Even if I were to agree that the appeal scheme would not create an unwanted precedent due to the specific constraints of the appeal site, this would not overcome the harm identified above.

10. I therefore conclude that the proposed development would be harmful to the character and appearance of the local area. Consequently, the scheme is contrary to Policy 15 of the Adur Local Plan 2017 (Local Plan) and Development Management Standard No. 1[1]. These Policies seek to ensure - amongst other matters - that developments respect and enhance the character of the site and the prevailing character of the area.

Living conditions

11. The Council refer to a reduction in the size of the rear garden of the host property, however, it is a matter for agreement as to whether the host dwelling and appeal site can be physically separated and therefore the appeal scheme plot would no longer form part of the host dwelling garden.

12. Development Management Standard No.1 requires a minimum distance of 14 metres where the rear of one dwelling faces the side of a two-storey dwelling. The appeal scheme would fall far short of this requirement, introducing a large mass of built form in close proximity to the habitable windows and amenity space of the neighbouring property. This would result in an overbearing outlook for neighbouring occupiers. Although the pitch of the scheme's roof means that the ridge of the development would be set back from the adjoining boundary, this would not sufficiently mitigate the harm caused to the outlook from the neighbouring dwelling due to its short distance from the appeal scheme.

13. The same policy also requires that new developments provide a minimum garden depth of 11 metres and a total of 85 metres squared of amenity space. The appeal scheme falls short of both measures, which would result in insufficient amenity space for future occupiers of the scheme.

14. The appellant has highlighted the existence of small front garden areas at terraced properties in Kings Crescent. However, from what I saw during my site visit, these properties also benefit from private rear garden areas and separate parking areas, so are not comparable to the appeal scheme. The existence of limited outdoor space on flatted properties is not comparable as the appeal scheme is for a detached dwelling, for which different requirements apply.

15. The appellant suggests that future occupiers could park elsewhere in order to use the hardstanding area as an amenity space. However, this compromise would limit access to the Electric Vehicle charging facilities and fail to offer any

[1] Development Management Standard No.1, Space around new dwellings and flats, Arun District Council.

privacy to future occupiers due to the hardstanding area's location on the front elevation, facing the public highway.

16. In coming to this conclusion, I have taken account of the size of the proposed balcony and terrace areas and the existence of local open spaces. While I accept these would be beneficial to occupiers they do not alter my concerns regarding the visual impact of the scheme and overall living conditions.

17. In addition, the Technical Housing Standards[2] require a minimum of 70 metres squared of indoor living space. Once again, the appeal scheme falls short of this requirement, which would result in substandard accommodation for future occupiers. I consider that a 10 metre shortfall below the minimum requirements is significant, and that good design of that internal space is a neutral consideration which does not outweigh the harm identified.

18. I therefore conclude that the proposed development would be harmful to the living conditions of neighbouring occupiers with regards to outlook and future occupiers of the appeal site with regards to indoor living space and outdoor amenity space. Consequently, the scheme is contrary to Policy 15 of the Local Plan and Development Management Standard No. 1. These documents seek to ensure - amongst other matters - that developments provide high standards of living accommodation which takes account of the potential users of the site, with sufficient outdoor amenity space and no unacceptable impact on adjacent properties.

Other Matters

19. The Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, the provisions of paragraph 11d) of The National Planning Policy Framework (the "Framework") should be applied.

20. Set against the harm identified there would be limited social and economic benefits associated with the proposal. An additional residential unit would benefit the overall supply of housing along with the support one extra household would provide to the local economy. However, although the site is within walking and cycling distance of local open spaces and public transport, the adverse impacts on the character and appearance of the area and insufficient standards of surface water management could be addressed via a planning condition. Living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

21. The appellant states that the scheme meets the requirements in respect of highway safety, off-street parking and provision of space for refuse and recycling. However, this is a pre-requisite of such development and this is therefore a neutral matter.

22. The appellant contends that the Council has not acted in either a positive or creative way. However, this does not alter my view that the development is unacceptable, for the reasons I have given.

[2] Technical housing standards – nationally described space standard, Department for Communities and Local Government, March 2015.

Conclusion

23. For the above reasons, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

J Wellstead

INSPECTOR