TOWN AND COUNTRY PLANNING ACT 1990

Site at 87 Old Fort Road, Shoreham-by-Sea, West Sussex, BN43 5HA

Appeal by Mr A Dickson

Planning Inspectorate reference: APP/Y3805/W/15/3018530

LPA reference: AWDM/1030/14

WRITTEN REPRESENTATIONS OF LOCAL PLANNING AUTHORITY

1. The Site and its Location

1.1 The appeal site is on the north side of Old Fort Road and currently contains a bungalow with rooms in the roof served by front and rear dormers. The plot measures 23.4m wide, as scaled from the submitted Ground Floor Plan, and is wider than many plots along this side of the road.

1.2 Old Fort Road is a long road running parallel to the beach and contains a variety of house types. However, this stretch of the north side of Old Fort Road contains predominantly bungalows, including to either side of the site (there is a continuous line of 10 bungalows in total in this stretch, including immediately to the east where a new bungalow has just been built). At the rear in East Meadway there are 2 storey dwellings.

2. The Appeal Proposal

2. 1 It is proposed to demolish the existing dwelling and to construct a pair of link-detached 2 storey 4 bedroom dwellings. Plot 1 would be 12.4m wide and Plot 2 would be 11m wide, served by a centrally sited shared crossover. The design of the dwellings was amended during the course of the application to include an asymmetrical roof with a lower eaves height of 4.3m on the outer side of the dwelling, rising to 5.1m on the inner elevation. The dwellings measure 8.5m wide (10m wide including the integral, linked garage), 12.5m deep and 6.7m high.

2.2 The dwellings would be finished in facing brickwork at ground floor on the front and front part of the return along the side, with cladding at first floor. The rear most parts of the

houses would be finished in brickwork. The roof would be finished in grey tiles. A balcony will run along the front of the houses, with a glazed balustrade. First floor windows at the rear would be high level.

2.3 The application was refused for the following reasons:

01. The proposed dwellings, by reason of their size, height and proximity to the boundary with properties in East Meadway, would give rise to an unneighbourly form of development which would be detrimental to the residential amenities and environment of the locality, resulting in an overbearing effect on existing dwellings contrary to the saved policies of the Adur District Local Plan (AG1, AH2) and the relevant policies of the National Planning Policy Framework

02. The proposed dwellings are unacceptable in that they do not relate sympathetically in design, form, scale and massing with the existing character of this part of Old Fort Road, to the detriment of the visual amenities and residential environment of the area. The proposal therefore conflicts with saved policies AG1 and AH2 of the Adur District Local Plan and the policies of the National Planning Policy Framework

3 Relevant Planning History

3.1 There has been a history of planning applications relating to the appeal site and the site to the east, part of which was formerly within the curtilage of 87 Old Fort Road.

3.2 SU/210/87 - Outline Application for one Detached Chalet Bungalow on land between 87 and 89 Old Fort Rd- refused and appeal dismissed

3.3 SU/204/05 - Demolition of Existing Bungalow and Erection of 2 Three-Bedroom Dwellings with Integral Linked Garages (at 89 Old Fort Rd) – refused and appeal dismissed

3.4 ADC/0008/07 - Demolition of existing bungalow and erection of a four-bedroom flat-roofed house (with first floor front sundeck) with double garage and parking for 2 cars (at 89 Old Fort Road) – approved

3.5 ADC/0208/07 - Amendments to ADC/0008/07 to increase depth of proposed new house and revise fenestration and other details (at 89) - approved

3.6 ADC/0313/10 - Demolition of existing bungalow and erection of 2 semi-detached flat-roofed three-bedroom houses with front balconies and 4 parking spaces (at 89 Old Fort Road) – approved

3.7 AWDM/0123/13 - Minor material amendment to ADC/0313/10 (Erection of 2 semi-detached flat roofed three bedroom houses) - Flat roofs to be replaced with pitched roofs, front balconies with flat coping and balustrade, white UPVC windows proposed - approved

3.8 AWDM/1541/13 - Demolish existing bungalow and construct replacement bungalow (at 89) - approved.

4 Planning Policy

4.1 The adopted Development Plan for the area comprises the Adur District Local Plan (1993-2006). The Adur District Local Plan 1993-2006 was adopted in 1996, following a Public Inquiry. A number of policies have been 'saved' until adoption of a new Adur Local Plan, including those relevant to this appeal, namely AG1 and AH2.

4.2 Policy AH2 states that new residential development by way of infilling or redevelopment will be acceptable in the built-up area, subject to a number of criteria. These include ensuring that the appearance, character and scale of development enhances the existing local environment with particular attention paid to form, height, density and layout; and it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

4.3 The Council's policies are supported by supplementary planning guidance in the form of DC Standard No.2 – Space Around New Dwellings and Flats and the Good Practice Guide – Internal Space Standards for New Homes.

4.4 Paragraph 215 of The National Planning Policy Framework (NPPF) states that in the case of policies adopted prior to 2004, "due weight should be given to relevant polices in existing plans according to their degree of consistency with (the NPPF)."

4.5 It is the Council's contention that the relevant policies are fully consistent with the NPPF and should be afforded significant weight. This is confirmed in the recent assessment of the saved policies (attached as Appendix 1) and which confirms that the policies referred to are in conformity with the NPPF, namely that Policy AH2 supports new housing development provided there is no harm to residential amenity, i.e. it is sustainable development.

4.6 The NPPF seeks to achieve sustainable development, defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The Council argues that the appeal should be dismissed as the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (para 14).

4.7 Paragraph 60 of the NPPF states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

4.8 Paragraph 64 of the NPPF states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

5 Material Considerations

Character and visual amenity

5.1 The main consideration in the determination of this appeal is the impact of this particular development on the character and the visual amenities of the locality, as well as the impact on the amenities of neighbouring residential dwellings.

5.2 It is acknowledged that a number of bungalows along this side of Old Fort Road have been demolished and redeveloped in recent years. However, the current appeal site differs from other redeveloped sites along the street due to its position within a run of bungalows. Whereas other sites sit alongside two storey or larger chalet properties in the whole, or there is no clearly defined character, the Council contends that this particular stretch of the street is significantly different because it contains a collection of bungalows which form part of the original character the local distinctiveness of Shoreham Beach.

5.3 There is planning history relating to the adjacent site to the east (89 Old Fort Road), which is a material consideration in considering development on the appeal site. In particular, an appeal in 2005 was dismissed with the Inspector concluding that a pair of chalet-style two storey dwellings would have been "at odds with their immediate surroundings" with No.89 forming "part of a clearly defined group of older bungalows." (PINS reference APP/Y3805/A/05/1195840 attached as Appendix 2). A single bungalow has since been constructed which maintains the existing character.

5.4 It is acknowledged that the existing bungalow on the appeal site has a higher ridge than its neighbours and the large front dormer with balcony already provides a second floor of accommodation and gives the property a more substantial presence in the street than its neighbours. However, the proposed development would introduce a more obvious two storey form, with a greater extent of vertical wall. The dwellings will have noticeably higher eaves and ridge than their immediate neighbours and will be 1.2m higher than the existing bungalow on the site.

5.5 The scale, height and form of the proposed dwellings will therefore harm the established character of the street scene of this part of Old Fort Road, where there is a clearly defined group of bungalows.

Residential amenity

5.6 At the rear, there are two storey dwellings in East Meadway. No.25 East Meadway has a conservatory at the rear and the distance from the conservatory to the rear of the proposed dwellings will be approximately 20m, 2m short of the recommended 22m distance as set out in the Council's Supplementary Planning Guidance DC Standard No.2 (previously forwarded). 27 East Meadway will be 21.5m from the rear of the new dwellings. There is a line of fir trees on the boundary with the appeal site which lies within the neighbours' gardens but much of the thicker foliage is at a high level and does not provide an effective screen. There is already a large rear dormer on the existing bungalow at 87 Old Fort Road which has clear glazed windows. That faces more towards the rear of 25 East Meadway rather than No.27, which currently faces out over the low roof of the garage on the eastern boundary of No.87. The proposed rear windows of the new dwellings will therefore introduce overlooking towards the rear of No.27, to the detriment of the privacy of those occupiers. In order to overcome this issue, the appellants are proposing to install high level windows only to the two rear bedrooms.

While this will prevent overlooking, it would restrict views from the windows for future occupiers of the dwellings to the detriment of their living conditions. This is not considered to be a satisfactory solution and this view was also reached by the Inspector when dismissing an appeal at 39 Old Fort Road in 2014 (LPA ref: AWDM/0864/13) (PINS reference APP/Y3805/A/13/2207923) (Appendix 3).

5.7 The bulk and massing of the proposed dwellings would be greater than the existing bungalow they would replace. The development would introduce two-storey buildings just 6.8m from the rear boundary of the dwellings to the rear in East Meadway. The impact would be more pronounced on the occupiers of No.27 East Meadway who currently only face out over the low garage roof at the side of No.87. Due to their combined size and siting close to the rear boundary, the dwellings would be dominant and intrusive features, particularly the easternmost dwelling which would harm the relatively open aspect from the rear of No.27.

5.8 The Inspector, in dismissing the appeal in 2005, did not consider that the trees on the boundary with No.27 provided much screening and was of the view that they "cannot justify the location of dwellings which are in any event unacceptably close" (about 5m at that time). While slightly further away (6.8m) as now proposed, the easternmost dwelling would now be directly behind No.27 and would therefore have even more of a "significantly overbearing effect on the garden and rear facing rooms of (No.27)." The photo attached as Appendix 4 shows the view from 27 East Meadway towards the garage at the appeal site where a new dwelling would be sited. The tree screen is limited and the impact of a two storey building here would be as overbearing as it was when previously considered unacceptable in 2005.

5.9 The Council's Supplementary Planning Guidance DC Standard No. 2 requires an 11m deep rear garden, in order to provide sufficient amenity space and back-to-back separation between houses. While some properties in Old Fort Road fall short of this standard, these tend to relate to bungalows and smaller dwellings (such as the appeal site itself) and many of these are historic and are not a result of recent redevelopment. The Council would expect new development to meet these standards.

5.10 The appellant acknowledges that the separation distance between properties will fail to meet the Council's Standard. This was the case with an appeal at 17 Old Fort Road where a separation distance of 21.13 metres and a rear garden depth of 9 metres were proposed. The Inspector dismissed the appeal concluding that the development would have "an unacceptably harmful impact on the living conditions of the occupiers of the adjoining and adjacent dwellings." A copy of this decision is attached as Appendix 5.

5.11 In order to meet the garden depth and back-to-back distance standards the proposed houses would have to be sited further forward, closer to the road and out of character with the building line along this stretch of the road. It is the Council's view that a development of bungalows would enable the building line to be maintained as the lack of first floor accommodation would overcome the overlooking issue and would reduce the bulk sufficiently to enable them to be built closer to the rear boundary than would be the case with taller dwellings.

6 Comments on appellant's statement

6.1 The appellant has referred to an earlier report to Planning Committee which was prepared and then withdrawn from the agenda. The reason for its withdrawal was a result of considering the appeal decision at 89 Old Fort Road from 2005 which had not been considered prior to

preparing the original report due to it falling under the address of 89 Old Fort Road and therefore not appearing in any planning history search for the appeal site. It was clear from the Inspector's report and the submitted plans at that time that there were very close similarities to the current scheme in terms of the proximity to the rear boundary, the impact on privacy and the scale and character of the dwellings. Having assessed the current scheme in the light of the 2005 decision, Officers reasonably came to a different view on the acceptability of the scheme.

6.2 The appellant has referred to a number of recent developments in Old Fort Road. However, each case should be treated on its own merits and the Council contends that the site characteristics and relationship with neighbouring dwellings is different in each case. As already referred to in this statement, the number of bungalows in the vicinity of the appeal site and the relatively short distance to the rear boundary are material considerations which warrant dismissal of this appeal.

7 Conclusion

7.1 The Inspector is respectfully requested to dismiss the appeal for the reasons referred to in this statement. However, without prejudice to the Council's case, if the appeal is allowed the Council requests that the conditions submitted separately be imposed.