The Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2016

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2016

Appeal Ref: APP/Y3805/W/16/3155564
28-29, Garden Close, Shoreham, West Sussex, BN43 6BR

- 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 R Moss and Mr and Mrs R Rigg against the decision of Adur District Council.
- The application Ref AWDM/1631/15, dated 12 November 2015, was refused by notice dated 9 February 2016.
- The development proposed is detached bungalow.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: **first**, the impact of the proposed development on the character and appearance of the surrounding area; and **second**, whether adequate living conditions would be provided for occupants of the proposed dwelling and retained for occupants of adjoining dwellings with special reference to open space provision and the relationship to neighbouring properties.

Reasons

Character and appearance

3. The appeal site lies off Garden Close in an established residential area. Garden Close is a cul-de-sac the top end of which loops round. On the outside of this loop lies traditional 1960's style semi-detached chalet bungalows located relatively close together and with standard roof pitches. Within the centre of the loop lie 4 detached bungalows. Being more widely spaced apart, and with shallow pitched roofs, rendered walls and a generally irregular plan form, they have a notably different character and appearance from the dwellings on the outside of the loop. Although individually the 4 bungalows have no outstanding architectural merit they are attractive and distinctively styled. As a group they provide an interesting and pleasing counterpoint to the more traditional and close knit housing around the outside of the loop.

4. The proposed bungalow would be erected in the centre of the loop formed by Garden Close. It would lie between 2 of the detached bungalows, Nos. 28 and 29 on a site formed by the subdivision of the gardens of these 2 properties. It

would have a far narrower frontage than the existing bungalows and be located generally with less space between them than is characteristic. As such it would appear discordant and intrusive. Adding to this harm would be the design of the proposed bungalow. With its rectangular plan form, more steeply pitched roof and generally more traditional appearance it would appear out of place given the more radical and novel design of the other bungalows within the loop.

5. The plot on which the proposed bungalow would be built is in part on land that slopes quite steeply in 2 directions. This is not reflected in the elevational drawings. It is unclear whether the proposed bungalow would be part set into the ground or in part constructed on raised ground. However, even if the former were to be the case it would still be intrusive and harmful for the reasons given above.

6. To facilitate the proposed development a blockwork boundary wall would be removed. However, this wall complements the design of the existing 4 bungalows and its removal would not, as the appellant suggests, be advantageous.

7. It is concluded that the proposed development would detract from the character and appearance of the surrounding area. It would be contrary to Policy AH2 of the Adur District Local Plan (LP) (1996) which requires new development to be in keeping with and enhance the existing local environment.

Living conditions

8. LP Policy AH2 also requires new development to have an adequate standard of amenity space. What is sought under this policy is expanded upon in the Council's Development Control Standard No. 2 Space Around New Dwellings and Flats. This seeks a minimum rear garden depth of 11 m. and a minimum rear garden area for a dwelling of the size proposed of 85 sq. m. The proposed development would have a rear garden not too far short of 11m. on average. The garden depth would be somewhat less than a Council's Standard seeks. However, a reasonably sized side garden with the potential for being well screened would provide a reasonable degree of additional usable space. Overall, I consider that, whilst not fully complying with the Council's Standards, adequate rear garden space would be provided. And taking potentially well screened side garden areas into account the bungalows at Nos. 28 and 29 would retain adequate open amenity space notwithstanding the retained rear gardens falling below the Council's Standards.

9. Given the angle at which the proposed bungalow would be sited relative to No. 27 to the rear of the site the occupants of this bungalow would suffer no unacceptable harm to living conditions through loss of privacy or visual impact.

10. It is concluded that adequate living conditions would be provided for the proposed dwelling and retained for adjoining dwellings with special reference to open space provision and the relationship to neighbouring properties. There would be no conflict with LP Policy AH2 in so far that it seeks to ensure adequate garden provision and to protect the amenities of neighbouring properties.

Other matters

11. Some residents' concerns go well beyond matters raised by the Council. However, turning to the major concerns raised: the relationship of the proposed bungalow to 2 properties opposite would be no different to that found in many suburban areas and would cause no unacceptable overlooking; adequate car parking space and access is shown to the Council's satisfaction and no technical evidence has been provided to show that the proposal would lead to undue highway danger or congestion.

12. The proposed development would provide accommodation suitable for retired people and the appellant has a retired couple keen to buy the bungalow should permission be granted.

Conclusion

13. The proposed development would provide accommodation suitable for the elderly and not all of the concerns of local residents or the Council have been found to be justified. However, harm on the first issue is substantial and it is this that I find decisive in my decision.

14. For the reasons given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR