Appeal Decision

Site visit made on 26 November 2007

by M F Aldous B.A (Hons), MRTPI, Dip Mgt

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

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Decision date:
17 December 2007

Appeal Ref: APP/Y3805/A/07/2047072
6 Fairview Road and part of rear gardens of 69 and 77 Mill Road, Lancing, West Sussex BN15 OPA.

- 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 Harlington Homes against the decision of Adur District Council.
- The application Ref ADC/0181/07, dated 23 March 2007, was refused by notice dated 2 May 2007.
- The development proposed is the redevelopment of rear gardens for the construction of 4 detached dwellings.

Decision

1. I dismiss the appeal.

Procedural Matters

2. One of the Council's reasons for refusal related to what it identified as a lack of information relating to the sustainability of the proposed houses in terms of achieving targeted energy efficiency levels. However, it is clear from the submitted material that the Appellant is sympathetic to this objective and willing to accept a planning condition requiring the stated level of efficiency to be met and implemented in the construction of the proposed houses. I consider that this aspect of the Council's concerns could be simply addressed in this manner. Accordingly I shall make no further reference to this matter.

3. In addition, the fourth reason for refusal concerned the lack of evidence that a necessary financial contribution towards sustainable transport in the area, generated by the nature of the proposal in line with adopted development plan policy, would be made. However, since the refusal of the planning application and the lodging of the appeal, the Appellant has submitted a completed unilateral undertaking which provides assurance that the sum required would be paid shortly after the commencement of the development, should it be approved.

4. In my view this document meets and discharges the Appellant's obligations in this regard, and there is no evidence to suggest that the Council do not share this view. Accordingly I shall make no further reference to this matter within the decision.

Main issues

5. I therefore consider the main issues to be addressed in this case to be:

   i) The effect of the proposal on the character and appearance of the surrounding area;

   ii) The effect of the proposal on protected trees.

Reasons

Character and Appearance

6. The appeal site is irregularly shaped, and comprises the curtilage of 6 Fairview Road and parts of the gardens currently associated with numbers 69 and 77 Mill Road, Lancing. The site is quite extensive, and on steeply sloping ground, which provides long views to the sea over the town, and conversely makes parts of the appeal site visible from the surrounding area.

7. It is not disputed that the site lies within the urban area or that it does represent previously developed land under the terms of Planning Policy Statement 3 Housing (PPS3). It has reasonable sustainability credentials and these factors do of course lend support to the principle of residential development in this area.

8. The area is residential in nature, and is characterised by mostly individually styled detached houses. Numbers 69 and 77 are positioned in what might be described as backland locations given their set back relationship to the highway. However, most development in the immediate vicinity is frontage in form with dwellings set back in a fairly consistent manner from the road.

9. An important feature of the appeal site is the number of trees it contains, which although loosely grouped, provide a pleasant semi wooded appearance over much of the appeal site. The collective value of these trees, which are mostly ash and sycamore, has been recognised by the formation of a recent Tree Preservation Order.

10. The proposed four dwellings would be at a higher density than the surrounding development, but still below the minimum level currently sought. However, in this instance I concur with the view of both the Appellant and Council that given the nature of the surrounding area the proposed density is not unacceptable.

11. The visual qualities of this area are formed by the low density housing, the generous rear garden areas associated with most houses and the good tree cover. These factors are enhanced by the significant land gradient, which makes backland amenity areas quite prominent and visible within the local townscape.

12. The backland area comprising the appeal site is particularly pleasing because of its extensive open nature and the trees it contains. In my view four new dwellings; two of which would be quite tall and set on the highest part of the site, grouped quite closely together, would have a significant urbanising effect that would radically change and disturb this pleasant setting.

13. Because of the relative awkwardness of the shape of the parcel to be assembled, the houses would have a closely grouped relationship with each other, with little side to side separation or detachment from their side boundaries. There would also be an extensive area of access road and driveways required to serve the proposed integral garages.

14. Overall, the development proposed would fail to respect the spacious qualities of the area and would have a detrimental visual impact which would be augmented by the local topography. As such the layout and design of the proposal would fail to improve the character and quality of the area contrary to the guidance contained in PPS3. It would also be in conflict with policies CH1 and DEV1 of the West Sussex Structure Plan 2001-2016 and policies AG1 and AH2 of the Adur District Local Plan.

Effect on Protected Trees

15. As indicated above, a notable feature of the appeal is the group of protected trees. The proposed development would require the removal of 25 trees, of which 19 are protected by the recent Order (13.53/2/06/L). This is in my view a very considerable number. Their removal would have a very significant impact upon the visual qualities of the site and the wider area from which they are visible, and would seriously undermine the integrity and value of the TPO.

16. I have taken full account of the arboricultural report submitted by the Appellant, and note the opinion contained therein that several of the trees are individually unremarkable with a fairly limited estimated lifespan. The legislation accompanying tree preservation orders allows for appropriate remedial works to be undertaken or even selective felling in appropriate circumstances. Such measures could be employed by the landowners in question if the future of any of the trees,because of damage or disease, was in question.

17. It is the collective value of the trees, which have a pleasing semi natural arrangement and disposition through the centre of the site which represents the value which lead to the designation being made. I support the Council and others view that this should be retained.

18. The proposal before me would effectively eliminate this value. I note that replacement planting is proposed and a management regime suggested, and have attached appropriate weight to these factors which could be controlled by condition. However, replacement is not an adequate justification for the removal of trees with such protection. Similar arguments could be used at other locations in furtherance of development proposals. Designation suggests a high degree of permanence for the specimens in question.

19. I therefore consider the decimation of the TPO in the manner proposed to be unacceptable and to have adverse consequences for the visual qualities of this area. Policies AB24 and AB25 of the local plan provide clear guidance that protected trees will be retained. The proposal before me is in direct conflict with these policies. As an important component of the character and appearance of the area, the loss of trees on the scale proposed is also contrary to policies CH1 and DEV1 of the structure plan.

Other Matters

20. I note the concerns raised by some local residents in relation to potential overlooking and loss of privacy. However, I consider that given the proposed distances between houses and the opportunities for enhanced boundary screening and landscaping there would be no harmfully adverse consequences of this kind.

21. The property closest to the proposed houses is number 77 Mill Road, and I note the support for the proposal form the occupiers of that dwelling because of a potential land swap which would provide a reasonable degree of separation between buildings at the northern end of the site.

22. Several local residents also expressed concerns in relation to traffic generation. However, the level of additional traffic movement likely to be generated by the proposal would be modest. There is no objection to the proposal in these terms from either the Council or Highway Authority. Each proposed unit would have adequate off street garaging and parking provision, so I do not envisage that pressure would be placed upon Fairview Road in this regard. In any case my impression of the immediate area was that there is ample casual on street parking available in the area should that be needed.

Conclusions

23. I conclude that this proposal would have a harmful impact upon the both the character and appearance of the area and on protected trees. In my view these are the decisive factors. For the reasons set out above, and having had full regard to all other matters raised, I therefore conclude that this appeal should not succeed.

Michael Aldous

INSPECTOR