The Planning Inspectorate

Appeal Decision

Site visit made on 24 July 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2019

Appeal Ref: APP/Y3805/W/19/3225887
1 Windmill Parade, 163-183 Old Shoreham Road, Southwick, West Sussex BN42 4QB

- 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 Arshadul Hoque against the decision of Adur District Council.
- The application Ref AWDM/1457/18, dated 29 September 2018, was refused by notice dated 30 November 2018.
- The development proposed is a garage conversion to form a self-contained annexe comprising a studio apartment.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans, appeal form and other accompanying details that the development proposes a self-contained studio apartment, as opposed to an annexe. The Council dealt with the proposal on this basis and so shall I.

3. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal.

Main Issues

4. The main issues are the effect of the development upon the character and appearance of the area; and whether satisfactory living conditions would be provided for the future occupiers of the proposed development.

Reasons

Character and appearance of the area

5. The appeal site is a single storey garage and store building, which fronts onto Overhill. The building is situated to the rear of an existing mixed-use premises on Windmill Parade, which is located on the corner of Old Shoreham Road and Overhill. The main building has an Indian restaurant on the ground floor with three flats above. On the opposite corner of Old Shoreham Road and Overhill there is a large car dealership.

6. Between the rear of the restaurant and the flank elevation of the garage and store building there is an outdoor patio area which is used by the restaurant. In addition, there is a door at the rear of the main building, near to the front elevation of the garage and store building, which provides access to the restaurant's kitchen.

7. Overhill is a residential street where bungalows are of a homogenous design and are set back from the highway in a linear pattern, with properties consistently spaced and following a rigid building line. These factors contribute positively to the local distinctiveness of the area.

8. The existing building is set back from the pavement by about 5 metres and broadly aligns with the building line of the bungalows on the eastern side of Overhill. The proposed works would extend the building forward closer to the pavement edge by about 3.25 metres, which would result in the building protruding beyond the established building line of the bungalows on the eastern side of Overhill. Consequently, the building would not be reflective of the pattern of development in the local area. In addition, the proposed flat roof and simple architectural design of the building would not be in-keeping with the existing bungalows on Overhill, which typically have hipped roofs with brick and render exteriors and large bay windows. As such, the proposed development would appear as an incongruous and unduly prominent form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.

9. The appellant states that the proposal would incorporate some meaningful soft landscaping between the front of the studio apartment and the back edge of the pavement, which would enhance the appearance of the development from the street. However, this is not shown on the proposed plans and no details have been provided with the application. Whilst I accept that such details could be secured by a planning condition, the provision of soft landscaping would not outweigh the significant harm to the character and appearance of the area which I have identified above.

10. For the collective reasons outlined above, I conclude that the proposal would significantly harm the character and appearance of the area. As such, the proposal does not accord with Policy 15 of the Adur Local Plan (2017), which amongst other things requires development to be of a high architectural quality, which respects and enhances the character of the site and the prevailing character of the area. Furthermore, the proposal would be inconsistent with Paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character.

Living conditions of future occupiers

11. Whilst the gross internal floor area of the proposed studio apartment meets the Government's national space standard[1] for a one person, one-bedroom studio unit, the location of the proposed studio apartment adjacent to the proposed bicycle store; the refuse/recycling bins storage area, which would serve the development and the neighbouring restaurant and flats; the restaurant's customer outdoor patio area; and the close proximity of the restaurant's rear kitchen door; would result in future occupants of the proposed dwelling being exposed to undue levels of noise and disturbance caused by the comings and

[1] Technical housing standards – nationally described space standard (March 2015)

goings of customers/staff of the restaurant and the occupiers of the flats. Consequently, the proposal would fail to provide acceptable living conditions for future occupiers of the proposed development.

12. I note that the Council have also raised concerns about the level of noise and disturbance caused to the future occupiers of the proposed studio apartment by the use of the neighbouring garages, the adjacent access track and from activity on Overhill itself. Given the separation distance between the proposed studio apartment and the neighbouring garages and Overhill, in addition to the relatively limited amount of use typically associated with two small garages, I do not share these concerns. However, this does not outweigh my findings above, and the development is unacceptable when considered as a whole.

13. The proposed development fails to provide any form of outdoor amenity space to meet the needs of the future occupiers of the proposed studio apartment. The appellant states that the studio apartment would be rented out to either students, older persons or employees of the restaurant; none of whom require a garden or other amenity space. However, this view is not substantiated by any evidence, and I consider that the lack of outdoor amenity space would create a cramped and poor living environment for future occupiers.

14. It has been brought to my attention that planning permission[2] was granted on 13 December 2018 to construct a first-floor extension with dormer windows, above the existing restaurant, which would create two additional flats. The approved plans, which have been provided by the appellant, show that the bicycle store adjacent to the proposed dwelling would be used to store the additional bicycles associated with the additional two flats and that additional refuse/recycling bins would be stored to the rear of the restaurant, in close proximity to the proposed studio apartment. Whilst the permission does not appear to have been implemented, the permission remains extant. If implemented, I consider that by virtue of the additional comings and goings associated with the additional use of the bicycle store and additional refuse/recycling bins, the extant development would intensify the undue level of noise and disturbance experienced by the future occupiers of the proposed studio apartment, which weighs further against the proposal.

15. The appellant has drawn my attention to an appeal decision[3] dated 5 May 2017 which relates to a flatted development at 16A/B Southcourt Road, Worthing. In determining the appeal, the Inspector allowed a studio apartment with a gross internal floor area of 21 square metres and no external amenity space. The appellant argues that as the floor area of the proposed development exceeds 21 square metres, it would provide acceptable living conditions for future occupiers of the proposed development. However, no plans or supporting information about the scheme has been submitted and therefore I am unable to assess its relevance in respect of the current appeal. In any event, I note that the appeal decision relates to a site within the administrative area of Worthing Borough Council, where a different development plan applies. As such, I have given limited weight to the Inspector's decision in the determination of this appeal. I have determined the appeal before me on its own merits, in the light of the particular circumstances which apply in this case.

[2] Application Ref: AWDM/1456/18
[3] Appeal Ref: APP/M3835/W/16/3167411

16. For the collective reasons outlined above, I conclude that the proposal would fail to provide acceptable living conditions for future occupiers of the proposed development. As such, the proposal does not accord with Policy 15 of the Adur Local Plan (2017) and Part 3 (Amenity Space) of the Development Management Standard No.1 – Space around new dwellings and flats (Adopted December 2017), which requires new development to take account of the requirements of the potential users of the site and provide an appropriate level of outdoor amenity space. Furthermore, the proposal does not accord with Policy 20 of the Adur Local Plan (2017), which seeks to deliver a mix of high-quality homes.

17. In addition to the above, as the proposal fails to secure a high standard of amenity for the existing occupants of the development, the proposal would be inconsistent with Paragraph 127(f) of the Framework.

Planning Balance

18. The development seeks to boost the supply of housing and the proposal would result in some support for local services and facilities, both during construction and when the building is occupied. As such, the proposal would have social and economic benefits. Nevertheless, given the modest amount of development proposed, the weight I accord these benefits is limited. However, I have found that the proposed development would be contrary to the Development Plan for the reasons given above, to which I afford significant weight.

19. The Council accepts that it is unable to demonstrate a five-year supply of deliverable housing sites and in accordance with Paragraph 11 of the Framework, the Development Plan policies which are most important for determining the appeal should be considered out-of-date. However, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the Development Plan.

Conclusion

20. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR