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# PLANNING APPEAL STATEMENT

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## IN RELATION TO:

## THE ERECTION OF 2 NO. DETACHED DWELLINGS FOLLOWING THE DEMOLITION OF THE EXISTING PROPERTY AND ANNEX ACCOMODATION

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## NO. 29 KINGS WALK, SHOREHAM BEACH, SHOREHAM-BY-SEA, WEST SUSSEX, BN43 5LG

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**February 2017**



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## 1. INTRODUCTION

1.1 This appeal is submitted following the decision of the Local Planning Authority (Adur District Council [ADC]) to refuse planning permission for *'erection of 2 no. three-storey detached houses with associated parking and turning to replace existing bungalow and annex accommodation. Amended resubmission of AWDM/1302/15*'. The appeal site is located at No. 29 Kings Walk, Shoreham Beach, Shoreham-by-Sea, West Sussex, BN43 5LG

1.2 The planning application was submitted to ADC by Rodway Planning Consultancy (Planning Agent) on behalf of Mr. R Huxtable (The Applicant) on Friday 15th July 2016 and was formally validated by the Council on Wednesday 20th July 2016. The application was submitted with Existing Location and Block Plan; Proposed Location and Block Plan; Proposed Site Plan; Proposed Floor Plans, Elevation and Section; and Proposed Street Scene; as well as a Planning Statement, Flood Risk Assessment, Artists Impression and Daylight/ Sunlight Study. A full list of the application drawings is included with this Appeal submission also.

1.3 According to the Council's file, the application received 17 No. letters of objection (2 from the same author). Concerns raised within these letters can be summarised as follows:-

- Concerns over impact on residential amenity;
- Out of character;
- Would set a precedent;
- Overdevelopment;
- Loss of trees and landscape;
- Concerns over proposed height of development.

1.4 In addition, 6 No. letters of **Support** were received, which made the following comments:-



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- Proposals are consistent with a number of recent developments in the area;
- Would enhance the area;
- Shoreham Beach is renowned for its mix of architectural style;
- Existing building is an eyesore;
- Will bring dwellings forward to be in line with neighbours which is beneficial to properties at rear;
- Will enhance value of surrounding properties;
- Will match roof height and building line of neighbours.

1.5 Southern Water raised **No Objection** to the proposal, suggesting that an Informative is added in the event of an approval.

1.6 The Environment Agency raised **No Objections** to the proposal, as submitted.

1.7 The Councils Environmental Health Officer raised **No Objection**, but recommends hours of construction are controlled by a condition and requests an informative.

1.8 The Drainage Engineer raises **No Objection**, but recommends surface water disposal details are reserved by condition.

1.9 Finally, West Sussex County Highways raised **No Objection** to the proposal from a highway safety perspective. They noted that "*West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application AWDM/1302/15 to which no objections was raised. This was withdrawn and a new application has been submitted. The resubmission does not involve any changes to previous access, parking and turning arrangements as commented on 24/11/2015 to AWDM/1302/15. These comments still apply to the current application*". Conditions relating to Car Parking and Vehicle parking and turning were suggested.

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1.10 The application was **REFUSED** under the Councils own delegated powers on 8th September 2016. The LPA gave 2 No. reasons for refusal, as follows:-

*"1. The proposed dwellings, by reason of their scale, height and form 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, overlooking and loss of privacy for 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.*

*2. The proposed dwellings are unacceptable in that they do not relate sympathetically in design, form, scale and massing with the existing character of Kings Walk, 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 relevant policies of the National Planning Policy Framework relating to good design".*

1.11 This statement accompanies a notice of Appeal being lodged against that decision.



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## 2 SITE AND SURROUNDING AREA

2.1 The existing property of No. 29 Kings Walk is a large and fairly non-descript detached chalet bungalow. Annex accommodation is attached to the property and has effectively been used as a separate dwelling in recent years.

2.2 The Appeal site is rectangular in size, measuring approximately 0.076 hectares in size.

2.3 The existing property has predominantly white rendered walls, with a section of stone walling to the front elevation. It has a tiled, hipped roof, with a flat roof dormer and modest sized balcony to the front roof slope.

2.4 The property has 2 No. existing crossover accesses onto the north side of Kings Walk leading to an informal hardstanding area. There is a single, flat roof garage to the east side.

2.5 The remaining appeal site frontage is laid to grass. The site has a modest sized rear garden area, with passageways to both side boundaries. The plots boundary treatments comprise low block/brick walling. **Fig. 1** below shows a photograph of this property, as well as demonstrating that it is flanked by much larger, two storey properties to either side.


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**Fig 1.** Photograph of No.29 Kings Walk, flanked by large 2 storey properties to either side [courtesy of Google Maps].

2.6 As shown in **Fig.1** above, to the east side of the plot is No. 30, a detached two storey property. To the west side, is No. 28, a two storey link-detached property.

2.7 The surrounding street scene, although entirely residential, is varied in its character. Similar to the remainder of Shoreham Beach, Kings Walk has experienced steady and sustained redevelopment from the post war period to the present day. The area is not classified as being within any Conservation Area or of any other special character designation. The variety in architectural styles range from original converted railway carriages and timber framed bungalows, larger 1950's/60's houses of limited character, art deco and modernist.



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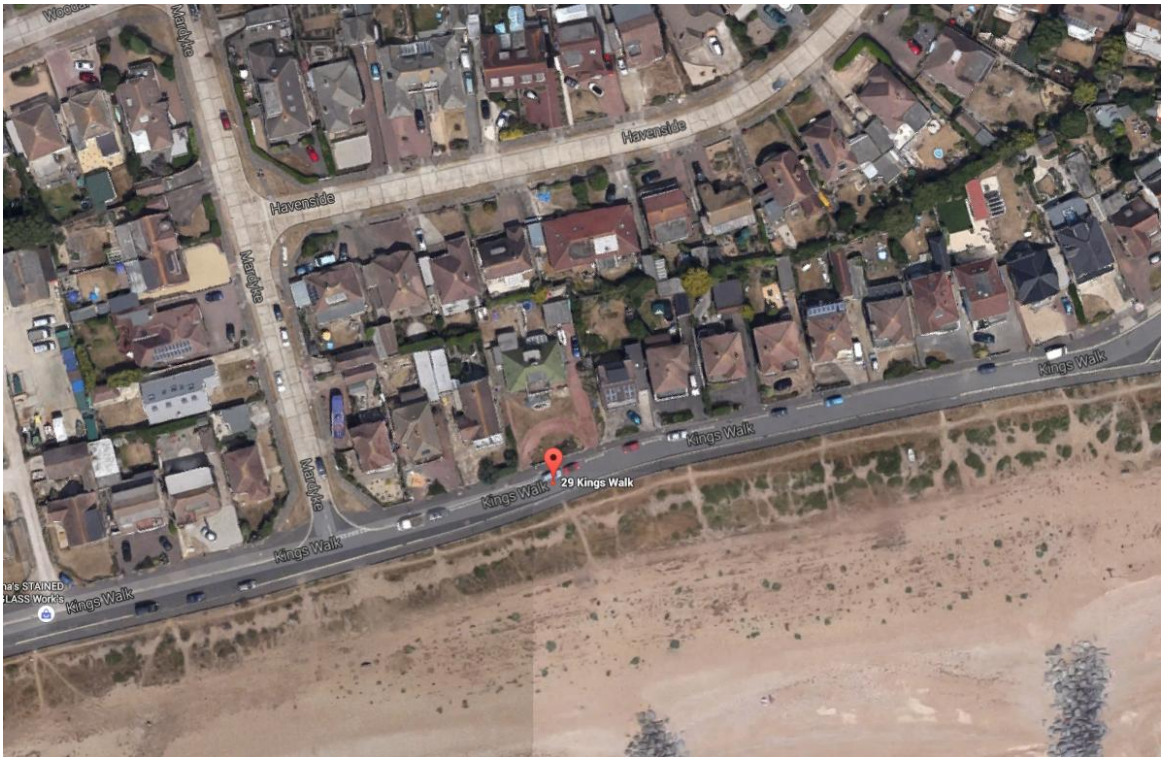


**Fig 2.** Aeriel photograph of the application site (Courtesy of Google Maps)

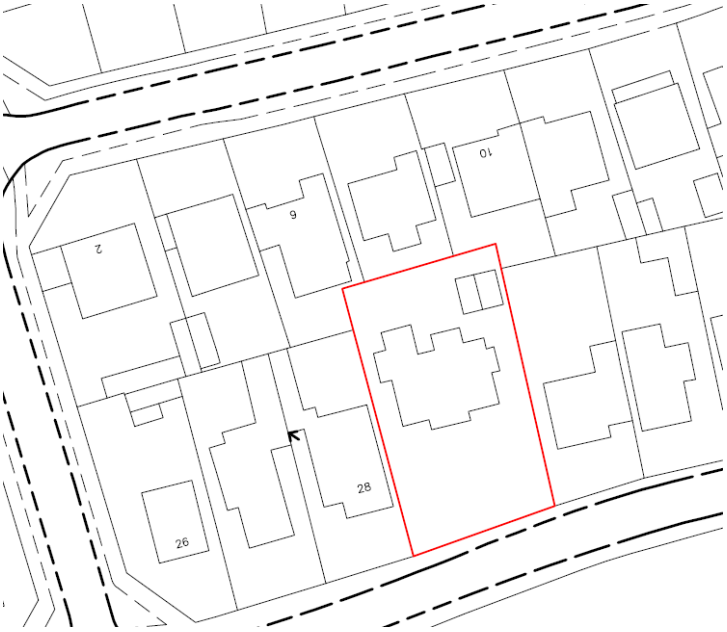


**Fig 3.** Location Plan



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2.8 Shoreham beach is a largely residential community that comprises a part of the larger town of Shoreham-by-Sea. To the south is the sea; whilst to the north is the River Adur. The town and beach are linked by one road and a footbridge. However in many ways, the beach is separate from the town, not just physically, but it is also socially and economically self-sufficient. The beach accommodates a number of commercial premises on Ferry Road, including 2 no. convenience stores (including a sub-Post Office), a bakery, 3 no. takeaway food premises, hairdressers, an accountants and a seafood restaurant. Close- by is also a public house, and social clubs at Emerald Quay and the Harbour Club. Finally, there is a garage and shop (which is currently undergoing significant updating works) and a public house on the main beach roundabout, which provides vehicular access onto Shoreham beach.

2.9 The beach is also served by regular bus services to provide a link to the Shoreham town, Worthing and Brighton and beyond, as well as connecting services to Steyning, Horsham and Mid Sussex. Shoreham-by-Sea has a mainline railway station, which provides regular services along the South Coast, and up to London.



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## 3 RELEVANT PLANNING HISTORY

3.1 According to Adur District Council's online planning register, the only planning history that relates to the Appeal site is as follows:

- **Planning ref: AWDM/1302/15/:** Erection of 2 no. three storey detached houses with associated parking and turning to replace existing bungalow. **Withdrawn**.

3.2 The above planning application was withdrawn due to concerns of the case officer regarding the overall scale and height of the development.

3.3 Prior to the current planning application (which is the subject of this appeal) being submitted, revised plans were prepared and pre-application advice was sought from the Planning Officer, who confirmed the following via email on 4th March 2016:-

*"While I note the reduced height, the eaves of the buildings are still well above those of the neighbouring buildings and the overall form and height of the buildings has not really changed from that previously submitted. As previously advised, I consider that a maximum height of 2 storey's should be constructed here. The number of openings at the rear is likely to result in overlooking, particularly with a first floor kitchen proposed, while the bulk of the buildings will be overbearing to the properties at the rear. I am reluctant to allow obscure glazed windows serving bedrooms as this will result in a lack of outlook and poor living conditions for the future occupiers."*

3.4 We were are of the view that the submitted planning application, which is now the subject of this Appeal, fully addresses both of his concerns; namely (i) Impact on neighbours to the rear and (ii) the street scene height of the eaves in comparison with neighbouring traditional properties.


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3.5 In respect of point 1, a daylight and sunlight study has been prepared and accompanied both the planning application and this planning appeal. With regard to the second point, the overall height of the building has been notably reduced since the previously withdrawn application. This is clearly detailed on the submitted streetscene elevation drawing.



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## 4 APPEAL PROPOSAL

4.1 The appeal proposal seeks planning permission for the erection of 2 no. detached houses, which will replace a large single detached chalet style property and annex accommodation.

4.2 Both properties would have a gross internal floor area of 182m²; however plot 1 would comprise 3 No. bedrooms, whilst plot 2 would comprise 5 no. bedrooms.

4.3 Plot 1 will comprise a living area, wet room and single garage at ground floor level, with kitchen/ diner and living room at first floor level and 3 no. bedrooms and a bathroom above.

4.4 Plot 2 comprises a kitchen, wet room and single garage at ground floor, 2 No. bedrooms, bathroom and living room at first floor level and 3 No. bedrooms above.


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**Fig 4.** Proposed Site Plan

4.5 The proposal would utilise the existing crossovers onto Kings Walk. It would provide off-road parking for 4 no. vehicles within the proposed garage and space in front (2 spaces per dwelling). It is noted that the majority of properties along Kings Walk have similar access and parking arrangements to that proposed.


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## 5 PLANNING POLICY CONTEXT

### a. National Policy Context

(i) The National Planning Policy Framework (NPPF)

5.1 The National Planning Policy Framework (NPPF) was published on 27th March 2012, and at that time the policies in the Framework came into use, with immediate effect. This guidance is now the most-up-to date Government Guidance and replaces all planning policy statements/ guidance that were previously in place.

5.2 The focus of the new NPPF is achieving sustainable development, the definition of which is summarised in paragraph 6 as being the whole of paragraph's 18-219 of the Framework. Paragraph 7 goes further as it specifies that there are three dimensions to sustainable development: economic, social and environmental. Under the social role it states that the planning system should provide *"the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment..."*

5.3 Under paragraph 11, the NPPF confirms that planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan.

5.4 Paragraph 14 is an important element of the NPPF. It states that: *"at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. It details that objectively assessed needs, such as housing, have to be met unless *"any adverse impact of doing so would significantly and demonstrably outweigh the benefits."* This is assessed against all the policies of the NPPF, as a whole, or specific policies relating to SSSI, Green Belt, Local Green Space, AONB, Heritage Coast, National Park, designated heritage assets, flood risk


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locations and coastal erosion. It also states that decision makers should be *"approving development proposals that accord with the development plan without delay".*

5.5 The NPPF advises that a set of 12 core land-use planning principles should underpin both plan-making and decision-taking, and these principles are listed under paragraph 17. Although the NPPF omits the wording that was present in the draft which referred to the default position of "yes" to applications for sustainable development, it does retain the significant change that requires a response to market signals. Each of the bullet points are important, but of particular note is no. 5, where it details that account should be had of the character of different areas, and no. 11 which requires development to be focused *"in locations which are or can be sustainable."*

5.6 Section 4 is entitled 'Promoting Sustainable Transport'. Under paragraph 28 it advises that different policies and measures are required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. This section also highlights the importance of LPA's and/or developers working with transport providers, and also that Travel Plans are key documents. With reference to car parking, paragraph 39, states that if a LPA provides local parking standards, account should be had of *"the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles."*

5.7 Section 6 of the NPPF is entitled 'Delivering a wide choice of high quality homes'. It seeks to *"boost, significantly"* the supply of housing, whilst placing more reliance on windfall sites as a source of housing supply. Realistic historic windfall delivery rates and expected future trends are legitimate sources of supply. Paragraph 49 states *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply*


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*of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".*

5.8 Under paragraph 53 the Framework accepts that development on garden land is acceptable provided it would not cause harm to the local area. There is no reference to minimum densities etc, and as such it is assumed that the relaxation in the June 2010 PPS3 has been retained by the NPPF.

5.9 Section 7 discusses the need for good design. Under paragraph 58 the NPPF provides what appears to be a clearer and more robust approach to design than in PPS1 paragraph 33 – 39.

5.10 The NPPF wishes to avoid unnecessary prescription or detail (paragraph 59), whilst the key criteria of scale, density, massing, height, landscape, layout, materials, access, relationship to neighbouring buildings and relation to the local area more generally remain. Paragraph 58 expands on this by stating that developments should: *"function well and add to the overall quality of the area... establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit... optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping".*

5.11 Finally, the crucial caveat of PPS1 paragraph 35 remains within the NPPF. That is that good design goes far beyond aesthetic considerations, with paragraph 61 specifically referring to *"integration of new development into the natural and historic environment."*


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(ii) Local Planning Policy

5.12 The Council in their decision refers to saved **policies AG1** and **AH2** of the Adur District Local Plan. Consequently it is clear that these policies are integral in the consideration of the Appeal case.

5.13 Saved **Policy AG1** relates to the Location of Development, noting that *"the built-up area boundary is shown upon the Proposals Map which distinguishes between the countryside and coastal beaches in the District and the principal existing or potential built-up area. Within the boundary, development will normally be permitted, subject to other policies in this Local Plan and to it not detracting from the existing local urban environment. Outside the boundary, development will only be permitted in exceptional circumstances and subject to policies elsewhere in this Local Plan. There will be an even stronger presumption against development in certain particularly sensitive areas of countryside as specified in Policies AC2, AC3 and AC4".*

5.14 Saved **Policy AH2** relates to new residential development by way of infilling or redevelopment, stating that such development within the built-up-area boundary will be allowed, provided the site is not allocated for any other purpose. The policy states that *'any proposal will be expected to be designed so that:-*

*(a) Its appearance, character and scale create a pleasance place in which to live and is in keeping with and enhances the existing local environment with particular attention being paid to the architectural form, height, materials, density and layout of both buildings and associated structures and hard surfaced areas;*

*(b) It respects the existing natural features of the site, including land form and trees;*

*(c) It does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/ sunlight, outlook or open amenity space;*

*(d) It incorporates adequate standards of residential amenity for the new*



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*dwelling(s) in terms of open amenity space, daylight/ sunlight, outlook and privacy;*

*(e) access arrangements to the public highway and on-site parking arrangements are acceptable under Policy AT12, and*

*(f) it accords with the standards adopted by the District Planning Authority'.*



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## 6 ASSESSMENT OF THE COUNCILS REASONS FOR REFUSAL

6.1 Based on the Local Planning Authority (LPA) reasons for refusal, the main issues relating to the Appeal proposal are (i) the Impact on residential amenity and (ii) the design, form, scale and massing of the proposal and how well it relates to the existing character of the locality. Each of these issues will now be considered in turn.

(I) Impact on residential amenity

6.2 The internal layout of the proposed dwellings is traditional in style, with no sleeping accommodation being contained on ground floor level due to flood risk implications (as outlined in further detail below).

6.3 The immediately neighbouring properties to the west side are two storey link-detached dwellings. A door and ground floor windows, as well as 2 No. windows to the first and second floor area proposed to the west side elevation. The ground floor and second floor windows would all serve wet room/ en-suites and could be obscure glazed. The first floor windows are secondary habitable windows, leading to a kitchen/ diner and living room.

6.4 The neighbouring property to the west is a two storey detached dwelling. 5 No. windows would face towards this property, 1 no. utility window at ground floor level and 2 No. bathroom windows on first and second floor level. All ground floor windows would be obscured from view by boundary treatment and further, our client would be happy for the en-suite window to be obscure glazed if the Inspector considers this appropriate.

6.5 A separation distance of 1m would be retained between the side elevations and the related side boundaries. As such, it is considered that the resultant spacing to


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adjacent properties would be acceptable, and it would not result in any undue overlooking of loss of privacy to these neighbouring dwellings.

6.6 Furthermore, the relationship between the two properties has been carefully designed and would result in acceptable intervisibility between the dwellings.

6.7 At the pre-application stage, the LPA's Planning Officer stated that consideration should be had to the properties to the rear of the site and these comments have been fully taken on board as part of this planning application and subsequent appeal proposal. A separation distance between the rear elevation of the proposed properties and the Appeal sites rear boundaries are 16.9m to plot 1, and 16.2m to plot 2.

6.8 The closest property to the rear of the site is No. 8 Havenside, which is a chalet bungalow. The LPA's Planning Officer stated within his officers report that *"while there are existing first floor windows facing the dwellings to the north, the proposed buildings will cause increased overlooking to 8 Havenside in particular, the impact of which will be exacerbated by their 3 storey form, with bedroom windows at 2nd floor level and, in the case of Plot 1, a kitchen window at 1st floor level".*

6.9 It is our view that the proposal has been carefully designed to ensure that the relationship with neighbouring properties is respected, with the outcome being that there would not be any demonstrable harm to this rear residential property by way of overbearing effect, loss of privacy or overlooking effect, or any other neighbouring dwelling.

6.10 It is our view that acceptable back-to-back distances have been achieved, with a distance of 19.5m being maintained between the rear of plot 1 and No. 8. Further, plot 2 would achieve distances of 19m from No. 8 and 20m from No. 6. The


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existing situation has No.29 and its annex positioned well back within the plot, with first floor windows very close to the properties to the rear. The current proposals although increasing the amount of rear windows, would represent a clear improvement in terms of the level and nature of overlooking that could occur to the residents of neighbouring properties on Havenside. Despite this, if it is still considered necessary, then mitigation could be provided in terms of partly obscuring the glazing of proposed upper floor rear windows (to a certain height above finished floor level), perhaps with top opening fanlights that could remain clear glazed. We are aware that the LPA have accepted similar approaches elsewhere and secured this by condition (for instance, at 25-27 Old Fort Road, Shoreham [application ref: AWDM/0872/13], and more recently at 16 Ship Street (former car park), Shoreham [application ref: AWDM/0441/15]). Although it is the Appellants view that the Appeal scheme is wholly acceptable in terms of its impact on privacy and potential for undue overlooking of residents, if the Inspector comes to a differing conclusion, then my clients would be willing to accept this solution as a compromise.

6.11 It is noted that additional concerns were raised regarding the potential overbearing impact of the development. That being said, the LPA accept that the existing property at the Appeal site is in fact closer to the rear boundary than the properties currently proposed. Further, the case officer noted that "*affected windows are largely secondary in nature or serving non habitable rooms and, on balance,* ***it is not considered that an objection on loss of light can be sustained***".

6.12 Finally, the LPA's Planning officer also raised concerns over the potential impact on 28 and 30 Kings Walk, in terms of reducing light to an outlook from several side windows. They went on to acknowledge however that the "*applicants have commissioned a Daylight and Sunlight Study which has found that any losses of*


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*light satisfy the BRE requirements and it concludes that the development will have a low impact on light to neighbouring buildings".*

6.13 The Daylight and Sunlight Study (which accompanies this appeal) considered the impact of the development on the light receivable by the neighbouring properties at 6, 8, 10, 12 Havenside, 28 and 30 Kings Walk. The report makes the following conclusions:-

- **Daylight to Windows** - All main habitable room windows pass the Vertical Sky Component test. The proposed development therefore satisfies the BRE daylight requirements.
- **Sunlight to Windows** - All main habitable room windows which face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21 September and 21 March). The proposed development therefore satisfies the BRE direct sunlight to windows requirements.
- **Overshadowing to Gardens and Open Spaces** - The results of the overshadowing test show that sunlight availability after the development will be no less than 0.87 times the former value. This is better than the BRE minimum requirement which permits sunlight to be reduced by up to 0.8 times. The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.

6.14 In summary, the study states that *"the proposed development will have a low impact on the light receivable by its neighbouring properties. Right of Light Consulting confirms that the development design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight".*

6.15 It is concluded that the Appeal proposals would represent an acceptable form of development, which would not give rise to an unneighbourly form of development by way of loss of privacy, overbearing impacts, or loss of light to the occupants of


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neighbouring dwellings. The proposals would be fully compliant with saved policies of the Adur District Plan (**AG1, AH2**) and guidance contained within the National Planning Policy Framework.

(ii) <u>The design, form, scale and massing of the proposal and how well it relates to the existing character of the locality</u>

6.16 The proposed development would comprise 2 no. three storey detached properties.

6.17 The LPA's Planning Officer within his report noted that *"the existing bungalow sits within a considerably wider plot than its neighbours. It also has a lower roof height and sits deeper into the site. Its demolition and replacement with a larger building, or pair of buildings, is considered to be acceptable in principle given the size of the plot and the character of development along Kings Walk, which consists predominantly of 2 storey dwellings. There are no 3 storey buildings in the street".*

6.18 The Officer went on to state that "*despite the 1m reduction in height, it is not considered that the development would be in keeping with the form and scale of development in Kings Walk. The street scene is generally quite traditional in nature, with pitched tiled roofs and a largely consistent eaves height. The proposed dwellings, by contrast, would have mono pitched metal roofs and an overtly 3 storey form with an eaves level significantly higher than its neighbours and houses in general within the street. The overall height of the buildings would not be higher No.28 but would be higher than No.30. It is considered that the proposal would not respect the character of the street and, by reason of its height, form and scale, would cause harm to its appearance".*

6.19 The site is flanked to both sides by two-storey properties; however there are a number of three storey developments within the surrounding locality. Indeed, there has been a significant amount of new development on Shoreham Beach,


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including 4/5 storey flats on the riverbank and large 3-storey houses on the foreshore and adjacent roads. It is our view that in this context, the Appeal Scheme is modest and respectful of its neighbours.

6.20 The majority of roads on the beach now include modern development, although it is noted that this would be the first new development on Kings Walk. It is our view that the Appeal proposals would not set a planning precedent, with each case being considered on its own individual merits. In any case this plot is a one-off/ anomaly in the street scene in that it is currently underdeveloped with a lower building set back within the plot. It is clear that this is the only site that lends itself to redevelopment.

6.21 Kings Walk has significant plot-to-plot diversity, in respect of scale, with bungalows sited adjacent to larger houses, and a variety of different building styles and designs. The variety is important as it is part of the character of the beach, and this would be respected and enhanced by the Appeal Scheme.

6.22 It should also be noted that there has been considerable built development on the wider area of Shoreham Beach in recent years, and this has greatly altered the character of the surrounding area. Whilst the surrounding locale was originally characterised by modest sized bungalows; there is now a significant variety to the built form and scale of properties. The surrounding street scene, although entirely residential, is varied in its character. However, this change in character, has not been to the detriment of the area; on the contrary, the development that has taken place, much of which is of greater scale and height, reflects the evolving nature of this residential area, whilst balancing the needs of modern family living, the pressure to make efficient use of land, and the need to provide a contemporary design style that reflects the coastal location of the area.


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6.23 Indeed it is noted that this modern 'coastal' style of housing is now a significant part of the wider character and aesthetic of Shoreham Beach. Indeed, all new houses/ development in this area seem to follow this design approach.

6.24 It is also very likely that the Beach Green community building will be a modern development/ design.

6.25 Recently there have been a number of applications similar to our own that have been permitted (i.e. two dwellings replacing one original property). The most noteworthy examples of such development being permitted, which are considered relevant to our proposal, are detailed at **Appendix A.**

6.26 Furthermore, we are aware of a number of examples of other nearby building/ proposals that are of comparable in scale, form and design with the development currently proposed. These properties, together with a photo collage are attached at **Appendix B.**

6.27 **Fig 5** shows an artist's impression of the proposed development.


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**Fig 5.** Artists Impression of the proposed development

6.28 Taking influence from other examples further along Kings Walk - and elsewhere on Shoreham beach - the approach taken is to provide a modern development, with through coloured rendered and rain screen cladding to the elevations and Anthacite grey powder coated aluminium to the windows and doors. A balcony area is proposed to the front elevation overlooking the sea, which will comprise stainless steel and glass.

6.29 This development has been achieved without impacting adversely on the neighbouring property or the streetscene. Instead the result is an additional top floor accommodation that sits comfortably as part of the streetscene.



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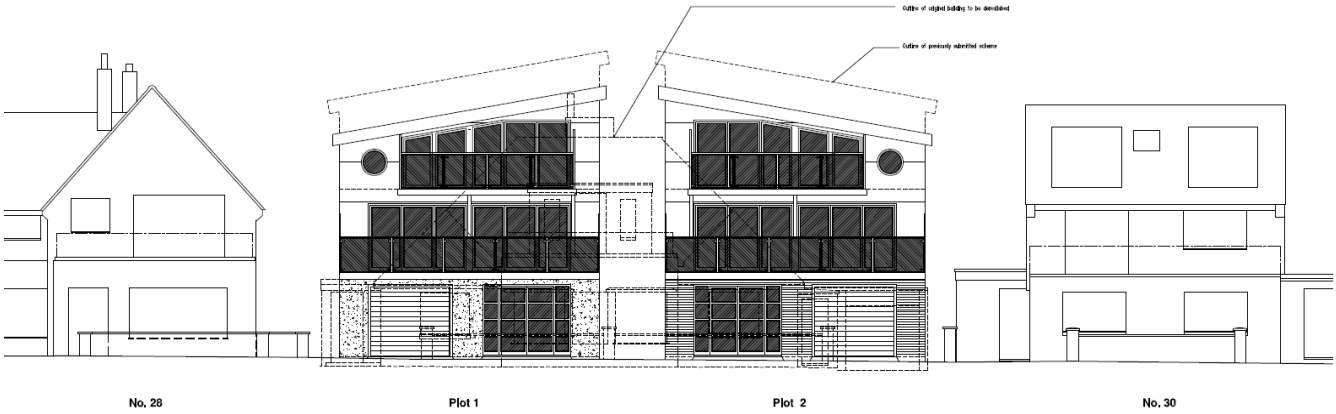


**Fig 6.** Extract from submitted Street Scene Elevation

6.30 **Fig 6** above clearly demonstrates that the overall height of our proposed building would be directly comparable to a large number of other properties in the road; indeed it would not be higher than a traditional 2-storey building with a pitched roof – of which there are a great number along Kings Walk. Further, Officers will note that the proposal has been significantly reduced in height by approximately 1m, when compared with the previously submitted scheme.

6.31 The Inspector will note from a site visit that it is a common approach on Shoreham Beach for houses to be raised in height in order to provide a more efficient use and more habitable space, and in this context the proposals will not be seen to prominent, incongruous or out of place.

6.32 It is noted that at Section 7 of the NPPF, entitled 'Requiring Good Design' states that *"planning policies and decision should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to confirm to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness…..Although visual appearance and the architecture of individual*


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*buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations….."*

6.33 The design proposed is of a modern style similar to a variety of other recent additions in the immediate streetscene. Furthermore, it would result in a clear enhancement to the existing building and plot of No. 29.

6.34 The houses comprise a three and five bedroom dwellings, and as set out below in further detail, the private amenity space proposed as part of the development is in excess of the minimum standards required by the LPA.

6.35 The existing property is currently set well back on the plot, behind the established building line. The proposed building would be bought in line with the existing properties and would not be set significantly further beyond the rear elevation of No. 30, and would be in line with the rear elevation of No. 28.

6.36 Gaps would be provided to both side boundaries, with at least 1m provided to the west and east – which is as existing, due to the position of an access drives that are to remain. Such gaps between buildings are an established part of the Kings Walk streetscene.

6.37 Finally, according to the LPA's file, the application received 17 No. letters of objection (2 from the same author). It is noteworthy however that only 4 of the objectors live on Kings Walk. It is our view that this clearly indicates that the majority of residents of the road consider the design, and resulting impact on the streetscene to be entirely acceptable.

6.38 It is concluded that the Appeal proposals would represent an acceptable form of development; which would reflect a number of design features evident within the surrounding locale and result in 2 No. detached dwellings



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that would appear wholly in keeping with those located along Kings Walk. It is our view that the proposed dwellings would sympathetically relate in design, form, scale and massing with the existing character of Kings Walk, in full compliance with saved **policies AG1** and **AH2** of the Adur District Local Plan and the relevant policies of the National Planning Policy Framework relating to good design.



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## 7 OTHER MATTERS

### (a) Principle of Development

7.1 The Appeal site is defined by the Adur District Council Local Plan (1996) Proposals Map as being within the defined settlement boundary for Shoreham-by-Sea, where the principle of development is accepted subject to other policies within the plan.

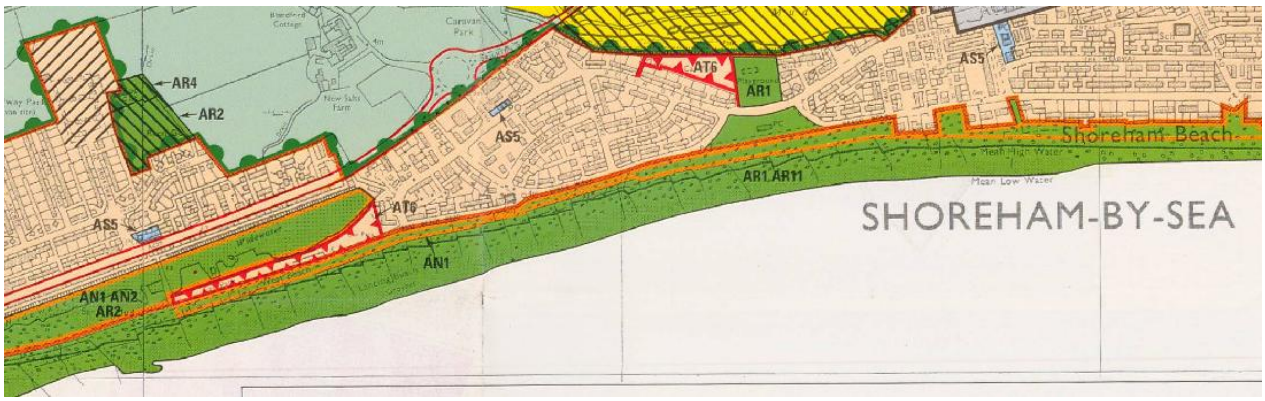


**Fig 7.** Extract from Adur District Local Plan (1996) Proposals Map

7.2 **Policy AG1** of this Local Plan states that "within *the boundary, development will normally be permitted, subject to other policies in this Local Plan and to it not detracting from the existing local urban environment".* The erection of 2 no. new dwellings on this site is therefore accepted in principle and considered compliant with the specific housing and sustainability objectives of the NPPF, and Policy AG1 of the Adur District Local Plan.

7.3 The LPA's Planning Officer confirms this point, noting that "*the proposal comprises new housing development located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the site and its surroundings*".


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**(b) Density**

7.4 Paragraph 53 the NPPF accepts that development on garden land is acceptable provided it would not cause harm to the local area. There is no reference to minimum densities etc, and as such it is assumed that the relaxation in the June 2010 PPS3 has been retained by the NPPF. In addition, there are no policies within the Adur Local Plan that set down density requirement, although we note that Policy 23 of the Emerging Local Plan states that '*new residential developments should achieve densities of a minimum of 35 dwellings per hectare*'.

7.5 Nonetheless, it is accepted that new development should make the most efficient use of land, whilst respecting local character.

7.6 The proposal would represent a residential density of 26 dwellings per hectare, compared with an existing density of 13 dwellings per hectare.

7.7 It is our view that the proposed plot would be in keeping with the surrounding area in terms of its plots size and the residential density of development that has been allowed in the immediately surrounding area. The application site would therefore directly reflect the spatial layout of the surrounding area, with the proposed dwellings having a plot size directly comparable with housing along Kings Walk.

7.8 It is clear that No. 29 is of a size that could comfortably accommodate 2 no. dwellings, which would be in character with properties along Kings Walk. The proposal would result in a clear improvement to site circumstances that would better reflect the evolving character of the local area, in line with the guidance contained within the NPPF and **Policies AH1** and **AH2** of the Adur District Local Plan.

7.9 In summation, the replacement of 1 no. large dwelling and annex accommodation with 2 no. semi-detached dwellings on the site would result in a plot size and


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residential density that is consistent with the character of the surrounding residential area. Therefore it is clear that the proposed residential density is an efficient use of this site, which does not constitute an overdevelopment, and is appropriate given the established form of other recently allowed development in the immediate locality.

**(c) Precedent**

7.10 There has been considerable built development within the surrounding area in recent years, and this has greatly altered the character of the surrounding area. Whilst the surrounding locale was originally characterised by modest sized bungalows; there is now a significant variety to the built form and scale of properties. This includes a number of planning applications similar to our own that have been permitted, many of which are three stories in height. These are detailed in full at **Appendix A.**

7.11 However, we would draw the Inspectors attention to the following planning application, which is our view sets a clear planning recent for this form of development in a near identical location.

- **Planning ref: ADC/0481/07/:** Demolition of existing house and redevelopment to form 2 detached 3 storey 'Eco Houses'.

7.12 The above application was permitted on Tuesday 2nd October 2007. The site lies a short distance away to the west, in a similar position to No.29 in that it is opposite the beach foreshore, on the north side of the road.

7.13 The application sought permission to demolish Chesil House and to build two new detached three-storey houses, described as being 'Eco Houses' due to their sustainable features.


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7.14 The new buildings were designed with a large proportion of glazing to the front elevations with less to the rear with glass balconies at first and second floor level. The proposed materials included cedar or larch cladding at second floor level, with metal trim to the roof and render at ground and first floor levels.

7.15 With regard to visual amenities, in that case the LPA's Planning Officer within their report states that *"the street scene has no uniform pattern of height, design or scale of buildings or building types. The house to be demolished is a two-storey flat-roofed building which is not considered to have any particular architectural merit and is of no historic interest. The buildings proposed are similarly of no particular architectural quality but are of an innovative design and do no imitate any of the other buildings within the street. They are three storey's in height, with a distinct vertical emphasis, unlike the horizontal emphasis and relatively low profile of the existing house to be demolished. Nevertheless, they are considered to respect the scale and height of the other dwellings in close proximity and, in relation to some of the larger properties in the road, are considered to be of relatively modest scale and height".*

7.16 The LPA concluded that the proposal was acceptable and was approved, subject to conditions.

**f. Access and Parking**

7.17 The Appeal proposal would also involve utilising the existing 2 No. crossovers onto Kings Walk. The proposal would provide off-road parking for 4 no. vehicles (2 per dwelling).

7.18 It is noted that the majority of properties along Kings Walk have similar access and parking arrangements to that proposed. The proposed garage and area retained to the front of the proposed building is ample to accommodate the proposed car


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parking and an area of front garden space, whilst retaining good separation distances to neighbouring properties.

7.19 As outlined above, it is not considered that the proposal would cause demonstrable harm to the residential amenities of any neighbouring property by way of noise or disturbance.

7.20 Adur District Council has adopted the West Sussex County Council Parking Standards, which provides maximum parking provision guidance for new development. The 4 No. spaces proposed as part of this development would fully accord with the WSCC's Car Parking Demand Calculator.

**g. Internal amenity space**

7.21 It is understood that planning applications and Appeals are now being considered against the Governments Technical Housing Standards document which provide nationally described space standards. This is to ensure that all new residential development is of an acceptable size for the wellbeing of future occupants.

7.22 The proposed three (plot 1) and five (plot 2) bedroom detached house would each provide 182m² of floor space. We can confirm therefore that the internal floor area of the proposed dwellings would well exceed the minimum requirement set out in this document, which is set at 108m² (3 bedroom) and 134m² (5 bedroom) for this type of dwelling.

7.23 We can confirm that all room sizes are also compatible or in excess of the required minimum space standards.

7.24 Storage space has also been considered within the dwelling and garage, in excess of the specified guidelines.


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7.25 As such, we can confirm that the Appeal scheme is in full accordance with the Governments Space Standards document.

7.26 It is noted that the new dwellings should be designed to accord with the Councils 'Good Practice Guidance Note: Internal Space Standard for New Homes'. This document provides guidance on standards for the total size of flats and houses, as well as guidance on each room size and storage space.

**h. Private amenity space**

7.27 It is acknowledged that the new dwellings should be designed to accord with the Councils Development Control Standard No. 2 entitled 'Space around new Dwellings and Flats'. This document provides guidance on communal amenity space for flats and private garden areas for houses.

7.28 **Policy AH2** of Adur District Local Plan is also of relevance, which in effect, sets the objective of this Standard. It states that:-

7.29 *"New residential development by way of infilling or redevelopment will be acceptable in the built-up-area, providing the site is not allocated for any other purpose in this Local Plan. Any proposal will be expected to be designed so that:-*

*(a) Its appearance, character and scale create a pleasance place in which to live and is in keeping with and enhances the existing local environment with particular attention being paid to the architectural form, height, materials, density and layout of both buildings and associated structures and hard surfaced areas;*
*(b) It respects the existing natural features of the site, including land form and trees;*
*(c) It does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/ sunlight, outlook or open amenity space;*
*(d) It incorporates adequate standards of residential amenity for the new dwelling(s) in terms of open amenity space, daylight/ sunlight, outlook and privacy;*


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*(e) access arrangements to the public highway and on-site parking arrangements are acceptable under Policy AT12, and*

*(f) it accords with the standards adopted by the District Planning Authority'.*

7.30 In this instance, private amenity space is provided to each property as follows:-

Plot 1

| | |
|---|---|
| Balcony area: | 14.5m² |
| Front garden (west): | 64m² |
| Rear garden: | 177m² |
| **Total:** | **255.5m²** |

Plot 2

| | |
|---|---|
| Balcony area: | 14,5m² |
| Front garden (east): | 65m² |
| Rear garden: | 175m² |
| **Total:** | **254.5m²** |

7.31 This would result in a total of 255.5sqm (plot 1) and 254.5sqm (plot 2) of amenity space to each property. The resultant garden areas will be private and usable, whilst being in full accordance with the Councils SPD, which states that the garden area required for a small detached dwelling (up to three bedrooms), is required to be at least 85m² in size or a large detached dwelling which is required to be 100m².

7.32 It is therefore concluded that the Appeal proposal would provide ample private amenity space for both of the proposed dwellings, in compliance with **policy AH2** of the Adur District Local Plan and the Councils Development Control Standard No. 2 entitled 'Space around new Dwellings and Flats'.



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### i. Flooding

7.33 The Environment Agency's flood risk maps have been consulted in relation to the proposed development (see **Fig 8** below).

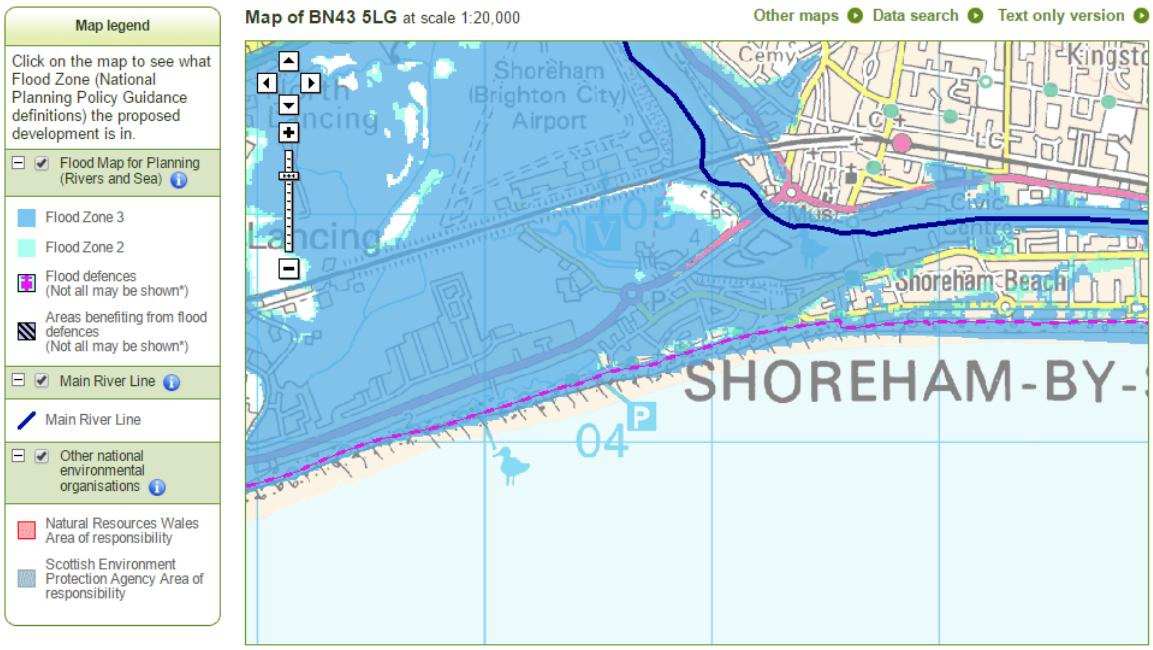


**Fig 8.** Extract of Environment Agency's flood risk Maps

7.34 The Appeal scheme is accompanied by a Flood Risk Assessment (FRA), which has been prepared by Ambiental Technical Solutions Ltd.

7.35 The proposed development and existing property is located within Flood Zone 1, 2 and 3a and under the NPPF guidance, the existing and proposed development is classified as "More Vulnerable." As such there will be no change in vulnerability classification as a result of the proposed development.

7.36 The existing residential dwelling is located in Flood Zone 1. Post development the proposed two residential dwellings will predominately be located in Flood Zone 1.


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As shown in Figure **9 below**, plot 2 (property on the east) the south east is marginally located in Flood Zone 2.




**Fig 9.** Proposed development in relation to flood maps

7.37 The FRA concludes that given that:

- *"the site lies within an existing developed area;*
- *all sleeping accommodation for the new builds will be located on the first floor and above;*
- *the site currently benefits from 2 flood defence schemes, the Adur embankments providing a 20% (1 in 5) protection level. the coastal frontage a shingle beach is maintained to a design standard of protection of 1% (1in100);*
- *the EA has confirmed that it can be assumed that flood defences to the 1:300 +CC year standard will be built during the lifetime of the development;*


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- *ground floor levels will be raised 300mm above general ground floor levels, providing a betterment from the existing site;*

- *in terms of flood vulnerability, significant betterment can be achieved through the implementation of flood warnings procedures and an evacuation plan, and; following the guidelines contained within the NPPF, the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the temporary lifetime of the development".*

7.38 The LPA's Planning Officer confirms that *"there are no flood risk concerns with the development".*

7.39 As such, it is concluded that the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the temporary lifetime of the development. Our client is committed to providing the required mitigation measures and would be happy for any proposal to be conditioned accordingly.


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## 8 CONCLUSIONS

8.1 A site visit is recommended in this case, as this will assist the Inspector in noting that the provision of 2 no. semi-detached dwellings following the demolition of an existing bungalow on this site would represent an acceptable form of development, which would not appear out of context in this area.

8.2 Based on the LPA's reasons for refusal, the main issues relating to the Appeal scheme are (i) Impact on residential amenity and (ii) the design, form, scale and massing of the proposal and how well it relates to the existing character of the locality.

8.3 For the reasons outline above, it is our view that the Appeal proposals would represent an acceptable form of development, which would not give rise to an unneighbourly form of development by way of overlooking, loss of light or overbearing effect on existing dwellings. Indeed it is our case that the Appeal scheme represents an improvement when compared with the current site circumstances in this respect given the increased spacing to the sites rear boundaries and the properties beyond to the north. The proposals would be fully compliant with saved policies of the Adur District Plan (**AG1, AH2**) and the policies set out within the National Planning Policy Framework.

8.4 The Appeal proposals would represent an acceptable form of development; which would pick up on a number of design features evident within the surrounding locale and result in 2 No. detached dwellings that would appear wholly in keeping with those located along Kings Walk. It is our view that the proposed dwellings would sympathetically relate in design, form, scale and massing with the existing character of Kings Walk, in full compliance with saved **policies AG1** and **AH2** of the Adur District Local Plan and the relevant policies of the National Planning Policy Framework relating to good design.


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8.5 There has been considerable built development within the surrounding area in recent years, and this has greatly altered the character of the surrounding area. Whilst the surrounding locale was originally characterised by modest sized bungalows; there is now a significant variety to the built form and scale of properties. This includes a number of planning applications similar to our own that have been permitted, many of which are three stories in height.

8.6 The proposed plot would be wholly in keeping in terms of its plots size and residential density with development that has been allowed in the immediately surrounding area.

8.7 The Appeal proposal would deliver 1 additional residential unit, and this will provide a small, yet valuable contribution to the housing requirements of Adur District Council.

8.8 The Appeal site is located within the defined settlement area for Shoreham-by-Sea where the principle of residential development is accepted in line with **policy AG1**, subject to other policies in the local plan;

8.9 The Appeal proposal would have acceptable access and parking arrangements to serve the two new properties.

8.10 The Appeal scheme would be fully compliant with the National Space Standards, Local Plan **Policy AH2** and the Councils 'Good Practice Guidance Note: Internal Space Standard for New Homes' in relation to the provision of internal floor space.

8.11 The development would result in ample private amenity space being provided for both of the proposed dwellings, in compliance with **policy AH2** of the Adur District


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Local Plan and the Councils Development Control Standard No. 2 entitled 'Space around new Dwellings and Flats'.

8.12 With regard to flood risk, the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the temporary lifetime of the development. Our client is committed to providing the required mitigation measures and would be happy for any proposal to be conditioned accordingly.

8.13 The site is located within a sustainable location.

8.14 In summation, the appeal proposals meet all the necessary policy requirements, and will cause no significant harm to the character of the surrounding area or the residential amenities of any nearby property. In our opinion the overwhelming weight of evidence supports the Appeal scheme, as it is shown to comply with all relevant Policies within the NPPF.

8.15 Therefore we respectfully request that this Appeal be allowed and that planning permission is granted for the proposed development.

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**February 2017**



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