Planning Inspectorate

Appeal Decision

Site visit made on 2 October 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/Y3805/W/25/3368838
Land West of 98 Upper Brighton Road, Sompting, West Sussex BN15 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr P Meredith against the decision of Adur District Council.
- The application Ref is AWDM/0442/25.
- The development proposed is erection of attached 2-bedroom chalet bungalow.

Decision

1. The appeal is dismissed.

Procedural matter

2. The Council indicates that the appellant has submitted a different block plan at appeal stage, asserting that the plan considered at the time of the decision did not show a new vehicle crossover from Downs Mead or a parking space to the front of the proposed dwelling. The parking arrangement before the Council at the point of refusal comprised the existing garage allocated to the proposed dwelling and tandem parking spaces for the existing property adjacent to its eastern flank wall. As this amounts to a fundamental modification, I have determined the appeal based on the original block plan that formed the basis of the Council's decision.

Main issues

3. The main issues are:

    - the effect on the character and appearance of the area;
    - the effect on the living conditions of the occupiers of neighbouring dwellings; and
    - whether the development would provide suitable internal living condition for future occupants in terms of overall floorspace.

Reasons

Effect on the character and appearance of the area

4. The appeal site is situated within a quiet, established residential area on the edge of Lancing. The surrounding built form is characterised by mid-20th-century detached and semi-detached dwellings set within generous plots, typically incorporating substantial front and rear gardens. The prevailing architectural vernacular comprises brick or rendered elevations beneath pitched roofs, giving the locality a coherent and suburban residential character.

5. The landscaped area beside the host building, the site of the proposed development, currently sets both the host property and the dwellings across Hillrise Avenue further back from the road, creating a welcome sense of openness. Approaching Hillrise Avenue from Upper Brighton Road, the view toward the skyline, seen from the side of the host dwelling, offers a pleasant backdrop that enhances the spacious character of the street. When travelling in the opposite direction, leaving Hillrise Avenue and walking along the public footpath beside the appeal site toward Upper Brighton Road, this open space similarly allows views of neighbouring properties on Berriedale Close as they recede into the distance. Together, these qualities contribute positively to the overall streetscape.

6. Adur Development Management Standard 1 (Adopted 2017) states that large detached or semi-detached houses, defined as those over 10 metres in width or more than two storeys in height, located on a corner plot, should maintain a minimum separation distance of 2 metres between any external wall of the dwelling and the side boundary. This requirement is intended to prevent a cramped appearance. The flank elevation of the host dwelling on Hillrise Avenue follows the established building line along this side of the street.

7. The appellant submits that the revised scheme represents a significant reduction in scale compared with the previously refused proposal. They highlight that the dwelling has been set further back from the Downs Mead frontage and that its width has been reduced, creating a separation to the side boundary which is to be enclosed with fencing and supplemented with screen planting. It is also argued that the revised layout would provide garden areas to the front, side and rear, offering an acceptable level of amenity for existing and future occupiers.

8. The appellant further contends that the surrounding area comprises a varied mix of dwelling types. They note that Downs Mead consists of detached modern bungalows, Hillside Avenue is predominantly characterised by inter-war two-storey detached and semi-detached houses, and Upper Brighton Road contains a mixture of bungalows, many of which have been extended to chalet-style accommodation, as well as two-storey semi-detached dwellings. On this basis, the appellant considers that the design of the proposed dwelling would be consistent with the varied character of the locality and would integrate satisfactorily with the street scene along Upper Brighton Road.

9. However, the proposed development would extend substantially beyond the existing line of the host dwelling, bringing its built form noticeably closer to Hillrise Avenue and leaving only a modest area (1m wide) for biodiversity planting. This loss of green space would weaken the verdant character that is fundamental to the area's identity. The reduced separation between the proposed building and the road also reflects an over-intensification of the plot, and when combined with the host dwelling, the overall composition would appear uncomfortably constrained within the site. Collectively, these factors show that the scale and footprint of the proposal exceed the site's capacity, resulting in harm to the landscape character and visual qualities of the locality.

10. Therefore, the appeal proposal would appear at odds with the established pattern of development in the locality, resulting in harm to the area's overall character and appearance. Accordingly, the proposal would conflict with Policy 15 of the Adur Local Plan and the associated Development Management Standard 1 (Adopted 2017).

Effect on the living conditions of the occupiers of neighbouring dwellings

11. The proposal would leave the host dwelling with only a front garden facing Upper Brighton Road, an area that is markedly less suitable for amenity use due to its exposure to continuous traffic, associated noise, and air pollution. This contrasts with the existing side garden on the quieter Hillrise Avenue, which currently provides a more pleasant and usable outdoor space. The appellant's noise assessment refers to BS8233:2014, which advises that external amenity areas such as gardens should ideally not exceed 50dB LAeq,T, with an upper guideline value of 55dB LAeq,T in noisier environments. However, the daytime noise survey recorded a level of 66dB LAeq,T over the 16-hour assessment period. Even allowing for the proposed acoustic barrier, in the form of a timber boundary fence, the predicted reduction of 9dB would still leave residual noise levels well above the desirable benchmark of 50dB and marginally above the upper guideline threshold of 55dB LAeq,T. In my judgement, noise of this magnitude would continue to materially affect the living conditions of the occupiers of the host dwelling when using their garden.

12. The Council's officer report confirms that this location is identified by DEFRA as being severely affected by traffic noise. The appellant states that the Council's Environmental Health Officer (EHO) initially objected to the scheme on noise grounds but, following submission of the noise assessment, now raises no objection subject to planning conditions. However, the condition proposed by the EHO relates only to internal noise mitigation for the new dwelling. It would not address the noise environment experienced by the occupiers of the host dwelling when using their sole remaining garden area, which lies adjacent to the busy Upper Brighton Road. In these circumstances, the substantially reduced garden, combined with the elevated noise levels associated with its position next to the highway, would result in harm to the living conditions of the host property's occupiers.

13. The proposal retains two tandem parking spaces to serve the existing dwelling and identifies the existing garage as providing parking for the proposed development, notwithstanding that the development itself requires two dedicated spaces. However, although the garage is physically detached from the proposed dwelling, the submitted plan indicates that it would accommodate two vehicles. In my view, this reduces the likelihood that the appeal proposal would give rise to overspill parking on the surrounding highway network.

14. Consequently, I find that the proposal would result in harm to the living conditions of neighbouring occupiers in respect to the reduced garden for the host dwelling and the noise associated with the retained front garden facing Upper Brighton Road It would therefore conflict with Policy 15 of the Adur Local Plan, together with the relevant provisions of the Development Management Standard 1.

Whether the development would provide suitable internal living condition for future occupants in terms of overall floorspace

15. The proposed dwelling is a 2-bedroom, 3-person unit. According to the Department for Communities and Local Government's Technical Housing Standards (March 2015), such a unit must provide a minimum Gross Internal Area (GIA) of 70sqm. Floorspace with a headroom below 1.5m is excluded from the GIA unless used solely for storage. The Council states that the ground floor measures approximately

52sqm, with the first-floor bedroom and landing providing around 15sqm once areas below 1.5m headroom are discounted, resulting in a total GIA of 67sqm.

16. The appellant's Design and Access Statement, however, asserts that the dwelling would achieve a GIA of 73.1sqm across two floors, measured using a minimum height threshold of 1.5m, and with a maximum height of 7.4m. The appellant contends that the Council's GIA calculation is incorrect and that the correct figure, 73.1sqm, was agreed, referring to several email exchanges with the Council. While the appellant's ground-floor figure of 52.9sqm aligns broadly with the Council's, their first-floor figure of 17.8sqm (as stated in an email dated 13 June 2025) is higher. However, the position remains unclear, and none of the submitted correspondence demonstrates that the Council explicitly accepted the appellant's calculation. I am unable to find on the evidence before me that the first-floor element included in the appellant's calculation follows the relevant standards.

17. The proposed dwelling would therefore fall short of the minimum floorspace requirement. As a result, the scheme would not provide an adequate standard of accommodation and would harm the living conditions of future occupiers, contrary to Policies 15 and 20 of the Adur Local Plan and the Technical Housing Standards.

Other Considerations and Planning Balance

18. It is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing sites, with the Council's officer's statement identifying only a 3.3 years' housing land supply, which is substantially below that required. In such circumstances, paragraph 11(d)(ii) of the National Planning Policy Framework ("the Framework") provides that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.

19. The proposal would provide an additional dwelling in a Borough that is currently delivering significantly below the level of housing supply required by national policy. These carry clear social and economic benefits, both during construction and once the units are occupied. However, in the circumstances of this case, I have concluded that there would be harm to the character and appearance of the area, living conditions of occupiers of neighbouring dwellings and future occupiers of the proposed development, which would be long lasting. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the Framework policies taken as a whole.

20. The appellant refers to the recently issued Certificate of Lawfulness for a proposed triple garage with workshop and access from Downs Mead (Ref. AWDM/0515/25) as a fallback position. However, that approval relates to a single-storey outbuilding assessed as permitted development and considered to be incidental to the enjoyment of the host dwelling. It does not therefore provide a direct comparison to the current appeal proposal, which is for a new residential unit and must be assessed against a different regulatory framework. In this context, the fallback does not alter my findings that the appeal scheme would result in harm to the character and appearance of the area, as well as to the living conditions of neighbouring occupiers and future residents.

Conclusion

21. The appeal scheme conflicts with the development plan as a whole. No other material considerations have been advanced that would justify a decision other than in accordance with the plan. For the reasons set out above, the appeal should be dismissed.

A Oyebade
INSPECTOR