The Planning Inspectorate

Appeal Decisions

Site visit made on 9 March 2015

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 24 March 2015

Appeal A: APP/Y3805/A/14/2229181
17 Old Fort Road, Shoreham by Sea, West Sussex BN43 5RL

- 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 Pursuit Properties against the decision of Adur District Council.
- The application Ref AWDM/0707/14, dated 22 May 2014, was refused by the Council by notice dated 6 August 2014.
- The development proposed is demolition of existing detached bungalow and erection of a single residential dwelling with associated access, parking and landscape arrangements (revisions to AWDM/0284/13).

Appeal B: APP/Y3805/A/14/2229183
17 Old Fort Road, Shoreham by Sea, West Sussex BN43 5RL

- 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 Pursuit Properties against the decision of Adur District Council.
- The application Ref AWDM/1189/14, dated 20 August 2014, was refused by the Council by notice dated 30 September 2014.
- The development proposed is demolition of existing detached bungalow and erection of a single residential dwelling with associated access, parking and landscape arrangements (revisions to AWDM/0284/13).

Decision Appeal A

1. I allow the appeal and grant planning permission for demolition of existing detached bungalow and erection of a single residential dwelling with associated access, parking and landscape arrangements (revisions to AWDM/0284/13) at 17 Old Fort Road, Shoreham by Sea, West Sussex BN43 5RL in accordance with the terms of the application, Ref AWDM/0707/14, dated 22 May 2014, subject to conditions 1) to 7) on the attached schedule.

Decision Appeal B

2. I dismiss the appeal.

Application for Costs

3. An application for costs in respect of Appeal A only was made by Pursuit Properties against Adur District Council. This application is the subject of a separate Decision.

Main Issues

4. Whilst the wording of the reasons for refusal in each case differs, both make reference to the character or environment of the locality, and to residential environment or being an un-neighbourly form of development. In view of this and the letters received from third parties, the main issues in both appeals are;

   - The effect of the proposals on the character and appearance of the area.
   - The effect of the proposals on the living conditions of neighbouring residential occupiers with particular regard to privacy, outlook, daylight and sunlight.

Reasons

Generally

5. The Development Plan includes the Adur District Local Plan and Policy AG1 states that within the built-up area, development will normally be permitted, subject to other policies, and to not detracting from the existing local urban environment. Policy AH2 concerns infill and redevelopment, which will be acceptable in the built-up area, subject to the effect on the character and appearance of the area and not having an un-neighbourly effect on existing dwellings by reason of unacceptable loss of privacy, outlook, daylight and sunlight, or open amenity space. Development Control Standard No.2*, 'Space Around New Dwellings and Flats'* sets the minimum distance between the rear of one or two storey dwellings at 22m, with reference to that being to give adequate privacy between facing principal windows.

6. The National Planning Policy Framework contains a presumption in favour of sustainable development and at paragraph 56 in the section entitled *'Requiring Good Design'* states that the Government attaches great importance to the design of the built environment, and continues that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7. A previous appeal on the site on a scheme described *as 'Demolition of existing bungalow and construction of 2No. Semi-detached, 3 storey flat-roofed dwellings with front roof terraces and first floor balconies'* was dismissed in 2013 (Appeal Ref APP/V3805/A/13/2202322, Council Ref AWDM/0284/13) and it is to this scheme that both of the present appeal proposals are referred to as revisions. The main issue previously was the effect on the living conditions of the occupiers of adjoining properties, with particular regard to visual impact, privacy, daylight and sunlight. The Inspector found the separation distance between the rear of the then proposal and number 13 The Meadway to be below that set out in supplementary planning guidance. That Inspector made reference to various features of the then proposal and their effect on the five neighbouring dwellings, 11 to 15 The Meadway, and 15A and 19 Old Fort Road, concluding that the scheme would be cramped and unsatisfactory, in conflict with Policies AG1 and AH2, as well as the guidance.

8. The appellant refers to the Inspector's Decision and to the view expressed that whilst the concerns regarding recent redevelopment schemes in the area were noted, the site is located within an established residential area where new housing and redevelopments can be permitted. As such, any schemes coming forward need to be assessed on their individual merits and in light of the

prevailing development plan policies. That view is concurred with now. The appellant says that the schemes now proposed address the Inspector's concerns, and that will be considered in the main issues that follow.

Character and Appearance

9. Both proposals would involve the demolition of the existing bungalow on the site and the development of a single replacement dwelling to a flat-roofed, contemporary design. The street elevation, and the effect looking along the street, would be similar in each case, but the later proposal in Appeal B would extend further to the rear at both ground and first floor levels, and would incorporate a roof terrace enclosed by glass balustrades.

10. It is clear from a tour of the area, and Old Fort Road in particular, that much change has occurred and is continuing, with at least the one extant permission referred to at number 69 that has not yet been started. The bungalow that is presently on the site appears to be of a type that was commonplace when the area was first developed, but is now fast disappearing. However, it is not listed and the area is not a designated heritage asset such as a conservation area. Whilst there may well be some feeling that these bungalows are being lost, and with them a piece of Shoreham Beach's history, no specific Development Plan policies have been referred to that seek their preservation. This particular example is in poor order and its setting has been affected by the development at different times of the two neighbouring sites. As a result this Decision does not find it to be an undesignated heritage asset in the terms set out in section 12 of the Framework. There is no reason to resist redevelopment of the site, subject to the effect of the replacement building on the character and appearance of the area, as set out in Policies AG1 and AH2.

11. The contemporary style of either of the proposed replacement buildings would not be out of place in the evolving character and appearance of the area, and would sit comfortably on this plot between two 'cubic' forms on the adjoining plots. The heights, widths and use of materials would be contained within those of many along the north side of the street. The Council make comparisons with the scheme dismissed at appeal by the previous Inspector, but a reading of that Decision reveals that the proposals were three storeys in height and had various shortcomings through seeking to develop two dwellings, even if the overall width might have been similar to that now proposed.

12. From the information available, the more varied asymmetrical arrangement now proposed for the front elevation and the access and front garden arrangements for a single dwelling would lead to an acceptable effect on the street scene in Appeal A. The proposal would further the aims of the Framework with regard to good design, and would make better use of land in a sustainable location on a bus route and within walking distance of shops and other transport by way of the Adur Ferry Bridge. The design and layout would accord with Policy AG1 on its effect on the urban environment.

13. The layout of Appeal B however would incorporate a deeper flank elevation, which would have an additional appearance of bulk and solidity in oblique views through the gap between buildings, and the roof terrace would risk the placement of items of domestic paraphernalia that would draw attention to the use and could be discordant features in the street scene. The Council do not object in detail to this use, but do seek a condition controlling the type of

obscure glazing for the balustrade and preventing such use of any other part of the flat roofed areas.

14. In conclusion, the proposal in Appeal A would be acceptable in its effect on the character and appearance of the area and would accord with the policies previously detailed, as well as the aims of the Framework on sustainable development and good design. The proposal in Appeal B is, on balance, unacceptable through the development in depth tending to have the effect of closing gaps between buildings in oblique views, and although further controls over the use of the terrace could be canvassed with the parties in order to safeguard the character and appearance of the area, the nature of such terraces is their use and the placement of such items as tables, chairs and parasols, and there would remain a risk of visible clutter and hence harm.

Living Conditions

15. The first proposal, Appeal A, is designed to be built back to a ground floor line some way in from the existing single storey line of the bungalow. The two storey part is shown to be a dimensioned 22.006m from the nearest built form, the lean-to at 13 The Meadway, and more to the main body of that adjoining dwelling. This would accord with the Council's guidance on space around buildings with regard to avoiding harmful overlooking from the upper floor. With that aim in mind, the closer distance of the single storey to single storey relationship would not result in harmful overlooking in any event.

16. With regard to the visual impact, the guidance may well be based on more traditional pitched-roofed proposals, but a pitched roof would add height in the outlook, whereas the 'cubic' form proposed would control the amount of building seen, and the gaps between adjoining buildings along Old Fort Road would not be unduly reduced. The single storey part would be further from the rear boundary than the present bungalow on the plot and would not have that building's gable end which adds to the present effect.

17. It is the case that the dwelling at number 13 is built significantly to the rear of a more general line along the back of dwellings on The Meadway, and this would bring it into a closer relationship with any new development on the appeal site. However, with the present bungalow on the site being to the rear of its neighbours now, the ground floor relationship would be an improvement, and the first floor outline would be some way to the south of that of its neighbours. Whilst the development would alter the outlook from adjoining properties to the rear, the effect would not reach the point of an unacceptable loss of daylight/sunlight or outlook, the term used in Policy AH2.

18. Turning to Appeal B, here both elements of the proposed building would be placed further to the rear, dimensioned as 20.006m separation at first floor and 4.7m closer than that at ground floor. Whilst similar comments apply with regard to the ground floor as did in Appeal A, as the rear wall would still be within that of the existing bungalow on the site, the proximity of the first floor, with its rear facing bedroom windows, would be within the 22m guidance dimension, and having regard to the limited depth of the adjoining rear garden, would risk resulting in an unacceptable reduction in privacy and an undue feeling of enclosure.

19. In addition, Appeal B includes the roof terrace previously referred to, and from the eye level of someone using this feature a more elevated view would be had

over the adjoining gardens, not only of number 13 but that dwelling's neighbours also. That may be limited by intervening structures and boundary treatments to an extent, but these may change, and any form of screening would be more intrusive in the streetscene, compounding failings found in the first main issue. The proposal in Appeal B would not satisfy the aims of the Council's guidance, and would be contrary to the requirement of Policy AH2, not representing good design in the terms of the Framework.

20. The appellant pointed out on site the extent to which the existing property could be added to at the rear through permitted development rights. Notwithstanding consideration of the poor state of the bungalow and whether such works would be carried out, there does not appear to be any reason to dispute the claim. However, permitted development provisions do not take account of the wider range of considerations that an application for full planning permission must do, including conformity with the Development Plan. As a result, little weight has been attached to this consideration in the Decision in either Appeal, which have been determined on their merits.

Conditions

21. The Council have suggested conditions controlling materials in order to safeguard the character and appearance of the area, on the provision of access, parking and cycle storage prior to occupation, to ensure the intended standard of provision is in place at the right time, and requiring the submission of a Construction Method Statement with specified hours of work to avoid harm in this residential area. Obscure glazing is to be provided to a first floor *en-suite* bathroom to avoid the risk of overlooking where the separation is less than sought in the guidance, and the removal of permitted development rights for enlargement and alterations, works to the roof, porches and structures in the curtilage is reasonable having mind to the proximity of neighbouring properties and the reasoning that has led to this Decision. Lastly a condition is required naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Conclusions

22. The redevelopment of the site is acceptable subject to the effects and in the case of Appeal A the effect on the character and appearance of the area and neighbouring properties is acceptable and in line with the aims of local policies, supplementary planning guidance and national policies on sustainable development and good design. The proposal in Appeal B, whilst retaining a similar front elevation, would add features that would harm the character and appearance of the area, and the placement on the plot does not accord with the detail of the guidance on space around buildings. The nature of the adjoining plot and its garden depth means that this failure would result in an unacceptable effect on privacy and outlook. For the reasons given above it is concluded that Appeal A should be allowed, and that Appeal B should be dismissed.

S J Papworth

INSPECTOR

SCHEDULE OF CONDITIONS APPEAL A

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:5910/10, 11B, 12B, 13D.

3) The dwelling shall not be occupied until the parking spaces, cycle storage and access facilities shown on the submitted plans have been provided in accordance with construction details to be submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall not thereafter be used for any purpose other than access and parking of vehicles and cycles incidental to the use of the proposed dwelling.

4) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

5) The first floor window in the side elevations of the dwelling hereby approved shall at all times be obscure glazed and non-opening (except that part which is above 1.7m above the floor of the room in which the window is installed) and it shall not subsequently be altered in any way.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 shall be carried out at the approved dwellings without the prior approval of the Local Planning Authority on an application in that behalf.

7) No development shall be carried out (including demolition) until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include a limitation on working to 0800hrs-1800hrs Monday-Friday and 0900hrs -1300hrs Saturdays, with no working on Sundays and Public and Bank Holidays, and shall include details of contractors' storage on site.