The Planning Inspectorate

Appeal Decision

Site visit made on 3 May 2022

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/Y3805/W/21/3287021
Oxen Court, Oxen Avenue, Shoreham-By-Sea BN43 5AS

- 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 Chris Ford and Mr Paul Allen of Chris Ford and Paul Allen against the decision of Adur District Council.
- The application Ref AWDM/1324/21, dated 9 July 2021, was refused by notice dated 9 September 2021.
- The development proposed is upward extension to form 4no. flats within an additional floor to blocks 1 and 2. 2 x 1 bedroom flats and 2 x 2 bedroom flats.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect that the proposed development would have on:
   - the character and appearance of the surrounding area, and
   - the living conditions of the occupiers of 4 Oxen Avenue, regarding outlook.

Reasons

Character and appearance

3. The appeal site is situated in a mainly residential area, which is mostly characterised by 2 storey dwellings set in verdant suburban surroundings. Close by, the land slopes down from roughly north east to south west. The 2 storey terraced houses and flats in Oxen Court were built in the former grounds of the listed flint and ashlar neo-Gothic style Shoreham Court, which is reached from The Close. The Oxen Court buildings are sited in raised grounds edged by a flint wall that is set well back by the wide grass verge from the pavement in Oxen Avenue. Most of the buildings on the south east side of Oxen Avenue face the road, but the Block 1 flats building is sited side on and closer to it. The Block 2 flats building is linked to Block 1's south east side by a flat roofed shared circulation space. The south west side of Block 2 is attached to the terraced house at 8 Oxen Court.

4. The proposal would add a second floor to Blocks 1 and 2 and the link, but the terraced houses at 5 to 8 Oxen Court would stay as they are. The proposed upper storey to Block 1 would include a barn-hipped roof with low eaves, part dormers, and several rooflights, the upper storey to Block 2 would include a part hipped and part gabled roof, and the upper storey to the link between them would have a flat roof.

5. Because of its siting at existing roof level and above, increased height, and considerable scale and bulk, the proposal would be harmfully dominant and intrusive. Due to the sloping landform, the proposal would be unacceptably prominent and discordant in the street scene views in both directions along Oxen Avenue, and it would look incongruous from the nearby dwellings and their grounds including Seafields in The Close. Because the form and massing of the proposal would contrast starkly with the simple gabled terraced houses in Oxen Court, and the mostly 2 storey scale of the dwellings close by, the proposal would harmfully disrupt the sense of place. Moreover, because it would erode the important openness above the present Oxen Court roofscape, the proposal would fail to preserve the setting of Shoreham Court.

6. Amongst the other developments referred to by the appellants, those in the southern part of Ravens Road and in Hebe Road are closer to the town centre where the character differs, there are substantial historic buildings near the developments in Buckingham Road, most attic rooms are subservient to the few relevant dwellings in Windlesham Road, and the lie of the land in Old Shoreham Road and at Aston House differs from the sloping landform at and around the site. So, they provide little support for this damaging scheme.

7. The proposed development has taken the opportunity to use the airspace above the existing residential premises. Even so, because it would not be consistent with the prevailing height and form of the neighbouring properties and the overall street scene, it should not be supported.

8. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to Policy 15 of the Adur Local Plan 2017 (LP) which aims for development to respect and enhance the local environment, and to make a positive contribution to local character, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed places, and for development to be sympathetic to local character.

Outlook

9. The proposal would be close to the north east boundary of the site. The dwelling at 4 Oxen Avenue is sited side-on to that boundary, and it is set away from the boundary by its garage and planting. There are no windows in the side of the dwelling facing the site, and its shallow back garden includes a garden building close to the common boundary.

10. Due to the sloping land, Blocks 1 and 2 are sited a little lower than the dwelling at 4 Oxen Avenue. However, Block 2 is close to the boundary along much of the side of the adjoining back garden at 4 Oxen Avenue and it continues beyond it past part of the far end of the adjoining back garden at 25 Windlesham Road. So, due to its siting, height, scale, and its bulk at second floor level and above, the proposal would have an unacceptably overbearing and oppressive impact on the occupiers' outlook from their back garden at 4 Oxen Avenue.

11. Thus, I consider that the proposal would harm the living conditions of the occupiers of 4 Oxen Avenue, regarding outlook. It would be contrary to LP Policy 15 which aims for development to not have an unacceptable impact on the outlook of adjacent properties, and the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

12. The appellants' suggested conditions, including those for materials, cycle parking, electric vehicle charging point/s, and a construction management plan, would not make this unacceptable development acceptable.

13. The appellants say that the Framework's presumption in favour of sustainable development should be engaged for reasons including that the Council has only 4.8 years' supply of deliverable housing land after the 20% buffer has been applied. The benefits of the proposal would include 4 welcome new homes in an accessible location, jobs during construction, and the future occupiers' likely support for local shops and services. However, because the harm to the character and appearance of the surrounding area and to the neighbouring occupiers' living conditions would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, planning permission should not be granted.

Conclusion

14. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.

15. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR