The Planning Inspectorate

Appeal Decision

Site visit made on 10 June 2014

by Susan A F Simpson LLB Solicitor (N-P)

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

Decision date: 24 June 2014

Appeal Ref: APP/Y3805/A/14/2216428
York Lodge, 47-51 South Street, Lancing, West Sussex BN15 8AN

- 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 F Scanlon against the decision of Adur District Council.
- The application Ref AWDM/1056/13, dated 22 August 2013, was refused by a notice dated 23 October 2013.
- The development proposed is described in the application as the erection of 2 No one bed flats to rear. Resubmission of AWDM/0713/13.

Decision

1. The appeal is dismissed.

Procedural matter

2. When I visited the appeal premises, I saw that the Council's spelling of York Lodge is correct. I, therefore have used this version in the heading and throughout my decision.

Main Issues

3. The main issues in the appeal are the effect of the development upon:-

   - the character and appearance of the area;
   - the living conditions for both future occupiers of the flats and existing residents of York Lodge with specific reference to privacy, outlook and noise and disturbance.

Reasons

Character and appearance

4. The appeal site comprises the curtilage of York Lodge which is a large detached building that has been converted into 4 flats. It fronts onto South Street where there is a diverse mix of building styles and a range of residential, commercial and community uses. A pedestrian path to the side of York Lodge and adjacent to its single storey neighbour (Scout Hall) enables occupiers of the flats to gain access to the rear of the building, two outbuildings and the communal garden.

5. I note that the proposed development has been designed to complement the architectural form of York Lodge and to address the Council's objections to a previous scheme on the site for 2 No two bedroom flats. The new building would be sited on part of the communal garden to the rear of the Scout Hall and to the south east of York Lodge. It would face towards the existing communal garden and back onto the playground belonging to the nearby Youth Centre.

6. There are other examples of buildings in the area having been erected behind frontage development but most of these were single storey and, therefore, relatively discreet in these locations. Although the two storey terrace of housing along Penhill Road is the exception, it does present an attractive frontage when viewed via its access adjacent to 27 Penhill Road and, therefore, makes a positive contribution to the street scene.

7. Here, the proposed two storey building would be large with a ridge height of approximately 7.8 m. It would lie in proximity to the corner of York Lodge and tower above the single storey Scout Hall. Its main elevation would face towards the north and, as a result, there would be a bleak expanse of flank wall exposed to South Street. From the public domain, these aspects of the proposal would result in it appearing poorly related and constituting a congested form of development that would be unduly prominent and obtrusive in the street scene.

8. It follows from this conclusion that the development would fail to be in keeping with and enhance the existing local environment contrary to policy AH2 of the Adur District Local Plan (LP) 1996. It, also, would be contrary to government policy in the National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living conditions

9. The ground floor flat at the southern end of York Lodge has windows facing onto the side path but any views into its lounge by passing residents of the other flats are prevented by the presence of net curtains. In the light of this current use, I do not consider that the level of activity associated with 2 No one bedroom flats would unduly disturb, or lead to an unacceptable diminution in the levels of privacy currently enjoyed by, residents of the flat adjacent to the path.

10. Views from the bathroom and kitchen windows in the new development would be available across to the rear parts of the flats in York House. However, given the relatively limited use of these rooms and the oblique nature of the views, I am of the opinion that there would not be any serious loss of privacy to residents of the existing flats.

11. The lounge and bedroom of each of the two proposed flats would face towards the boundary wall with, and playground at, the Youth Centre. Due to the proximity of the wall and the playground with its high level external lighting, prospective occupiers of the ground floor flat would experience a bleak and oppressive principal outlook and those at first floor level would, on occasions, be subjected to a degree of light intrusion which, overall, would result in a level of outlook which would fall below that which can be expected in this location.

Occupiers of both flats would, during some week day summer evenings when windows/doors are more likely to be open, experience noise from the use of the playground which would be disturbing.

12. The height, width and proximity of the building to the host dwelling would loom large and create an uncomfortable sense of enclosure to occupiers of the rooms to the rear of York Lodge and, also, overshadow the remaining garden area and make it a much less pleasant place within which to enjoy periods of relaxation.

13. Drawing all these matters together, I conclude that, cumulatively, they would result in a form of development that would have an adverse and unneighbourly effect on the living conditions of existing residents and would fail to provide an adequate standard of residential amenity for future occupiers. It follows from this conclusion that the development would be contrary to Policy AH2 of the LP and one of the core principles contained within the Framework which states that, planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

14. Having regard to the various references that have been made to government policy in the Framework and, in the absence of firm evidence to the contrary, I have attached considerable weight to the appellant's submissions that the flats would make a small but valuable contribution towards the stated shortfall in the Council's 5 year housing supply.

15. In addition, the development would be located close to public transport facilities, shops, services and community uses and, as such, would constitute a sustainable form of development in a highly sustainable location. This matter also weighs heavily in favour of the proposal. However, having taken these material factors into account, I do not find them to be sufficient in weight to overcome the identified harm caused to the character and appearance of the area and the living conditions of existing residents of York Lodge and those of future occupiers of the proposed development.

Other Matters and Overall Conclusion

16. In arriving at my conclusions I have considered the Council's views that the development would fail to respect the character and appearance of the host building and that the proposal would comply with the Council's standards regarding the provision of internal space, amenity area and cycle storage. Having taken into account these matters and all others raised, I find that none alter my conclusion that, for the reasons given above, the appeal should fail.

S A F Simpson

INSPECTOR