The Planning Inspectorate

Appeal Decision

Site visit made on 16 March 2021

by G Roberts BA (Hons) MRTP

an Inspector appointed by the Secretary of State

Decision date: 06 April 2021.

Appeal Ref: APP/Y3805/W/20/3260455
88 Crabtree Lane, Lancing, BN15 9PN

- 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 Ms Charlotte Munn against the decision of Adur District Council.
- The application Ref AWDM/1953/19, dated 19 December 2019, was refused by notice dated 2 April 2020
- The development proposed is construction of 3-bedroom two storey detached chalet bungalow in the rear garden with associated parking, storage and access (existing attached garage to be demolished).

Decision

1. The appeal is allowed and planning permission is granted for construction of 3-bedroom two storey detached chalet bungalow in the rear garden with associated parking, storage and access (existing attached garage to be demolished) at 88 Crabtree Lane, Lancing, BN15 9PN in accordance with the terms of the application, Ref AWDM/1953/19, dated 19 December 2019, and the plans submitted with it, and subject to the conditions listed in the annex to this decision.

Procedural Matters

2. I have adopted the description of development as it appears on the decision notice, as it better describes the proposal.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the character and appearance of the area, and (b) the living conditions of the occupiers of neighbouring properties in respect of noise, fumes and disturbance.

Reasons

Character and appearance

4. The proposed dwelling would be located within the rear garden of 88 Crabtree Lane (No.88). The surrounding area, specifically this section of Crabtree Lane, comprises a mixture of residential properties, which vary in terms of their size, layout and design. As well as two storey detached properties, there are single storey bungalows, with rooms in the roof and a block of flats, known as The Hollies, which immediately abuts the appeal site to the west.

5. The surrounding area is also characterised by a variety of plot sizes. The frontage to most of the properties on this part of Crabtree Lane are relatively uniform in terms of their size, and are used as a garden or for off-street parking or for both. However, the rear gardens to these properties do vary in size. Whilst the rear garden to the appeal site is relatively long, the rear gardens immediately surrounding it are smaller. The latter include the gardens to 86 Crabtree Lane (No.86) and Emmaus House (fronting Grand Avenue) to the east of the appeal site. Also, the garden to The Hollies of which a large portion is taken up by an existing car park serving that development.

6. Within the above context, the subdivision of the appeal site to accommodate the proposed dwelling would not be out of keeping or out of character. Whilst I note that No's 94 – 98 Crabtree Lane have long rear gardens, similar to that on the appeal site, these are not viewed in the same context as the appeal site and are physically separated from it by the access road and large car parking area to The Hollies.

7. Furthermore, the submitted plans indicate that during the determination of the application the proposed scale, height and footprint of the new dwelling was reduced to address concerns that had been raised. The result, in my judgement, is a modest chalet style design that would assimilate well with the variety of architectural styles, layouts and built form that are to be found in this part of Crabtree Lane and Grand Avenue. It also results in a development that would not be visually prominent in its surroundings.

8. Whilst I accept that the introduction of a new dwelling in this location would result in change, I am satisfied that the appeal site is of sufficient size to accommodate the new dwelling and that combined with its proposed design and siting, as well as the retention of mature boundary trees/hedging, the proposal would not materially harm the character and appearance of the area. The new dwelling would sit comfortably on the rear part of the site and integrate well with the pattern of development on adjoining sites. As a consequence, the appeal proposal would represent an appropriate form of development on this garden land.

9. The Council contend that the appeal proposal would erode local distinctiveness and the contribution the appeal garden makes to the character of the area. For the reasons set out above, I do not agree. As I have found, the immediate context to the appeal site exhibits a similar grain of development, which appears to emanate, in part, from historic backland development as well as other forms of redevelopment including the prominent flatted development to the west.

10. Reference has also been made to the precedent that the appeal proposal would set. However, I can only consider the proposal that is before me having regard to the individual circumstances of the case and the merits of the proposed development itself. Any future proposals that may come forward on other sites in the area would similarly be considered on their individual merits and with regard to the prevailing development plan policies.

11. Accordingly, I find that the proposal would not harm the character and appearance of the area, and would represent appropriate development on garden land. It would, therefore, comply with Policy 15 of the Adur Local Plan 2017 (Local Plan) and the corresponding policies of the National Planning Policy Framework (February 2019) (Framework). Policy 15 seeks, amongst other

requirements, to ensure that new development delivers a high quality of design that respects and enhances the character of the surrounding area.

Living conditions – neighbours

12. The proposed layout includes provision for two parking spaces and a turning head to serve the new dwelling. These would be accessed via a new road created through the demolition of the existing single storey garage on the western side of the host property. This new access would run along part of the shared boundary with The Hollies and parallel to the existing access that serves the rear car park to that block of flats. The boundary between the two access roads would initially comprise a demarcation kerb and then a 1.8 metre high close boarded fence.

13. Whilst I accept that the proposal would introduce additional vehicular activity into the rear garden of the appeal sit, there is already a high level of activity taking place in this location from the use of the rear car park to The Hollies. As I observed on my site visit, this car park extends further back than the parking for the appeal proposal and appears to be able to accommodate up to 10 vehicles. Added to this is the activity generated by visitors to the dentist practice located to the east and on the corner of Crabtree Lane and Grand Avenue, as well as the background traffic noise generated by the busy Crabtree Lane, and to a lesser extent by traffic on Grand Avenue.

14. Within the above context, the noise, disturbance and fumes generated by vehicles accessing and exiting the appeal site would be on a much smaller scale. I am not convinced that the additional activity the appeal proposal would generate, over and above existing vehicular activity and background noise, would be at such a level as to justify on its own the refusal of planning permission. The difference in the level of activity would not, in my judgement, be material or harmful.

15. Even so, I note that during the determination of the application the proposed car parking spaces were moved away from the eastern boundary and that the submitted plans show the retention of the existing 3 metre high hedge to this boundary. The latter would provide an effective noise screen between the proposed dwelling and No. 86. A similar noise screen would be secured by the proposed 1.8 metre close boarded fence to the boundary of the rear garden to the host property.

16. The Council refer in their Delegated Report to the two first floor windows on the host property facing the new access "*which could suffer some disturbance*". However, due to the small number of movements that would be generated and the presence of the car park access to The Hollies, I am satisfied that any increase in activity would not be material or harmful in this respect. Overall, there is no evidence before me to indicate that the noise, disturbance and fumes generated by the proposed dwelling would be significant or material when compared to existing.

17. For the above reasons, I find that the impact on neighbours living conditions, with particular regard to noise, disturbance and fumes would, on balance, be acceptable and would not result in any material harm to neighbouring occupiers. Accordingly, the appeal proposal complies, in this respect, with policy 15 of the Local Plan and the corresponding policies of the Framework. Policy 15 seeks to ensure, amongst other requirements, that new development

does not have an unacceptable impact on the living conditions of neighbouring occupiers.

Other Matters

18. Concerns have been raised regarding road safety, construction, loss of privacy and light, and the impact on trees/shrubs and biodiversity. There is no detailed evidence before me to suggest that any of these concerns would result in material harm and I note they are not maters that the Council have raised in relation to this appeal. Even so, the submitted plans show that the majority of the existing boundary trees and hedging would be retained. In relation to light and privacy, as I confirmed above, during the determination of the application the scale, design and siting of the proposed dwelling was amended to address any such concerns and the Council have not objected to the appeal proposal on these grounds. Whilst the Council's Delegated Report does indicate that the proposed dwelling would be 21 metres from the projecting extension to the host property, below the 22 metres recommended in the Council's standards, this does not form part of their reasons for refusal and the shortfall of 1 metre is in my judgement minimal. I am satisfied therefore that there would be no material loss of privacy in this respect.

19. There are a number of benefits to the appeal proposal, including promoting effective use of the site, boosting the supply of housing within a sustainable location and contributing to the mix of available family housing. Whilst I acknowledge that the contribution to housing delivery is small, in that only one dwelling is proposed, these benefits are supported by various policies in the development plan and by the policies of the Framework, including paragraph 59. I attach, therefore, moderate weight to these benefits, and they add further support to the findings I have reached above.

Conditions

20. The Council has suggested a number of conditions which I have considered against the advice in paragraph 55 of the Framework and the Planning Practice Guidance (Guidance) on the use of planning conditions.

21. Conditions relating to details of external materials; details and implementation of cycle parking, electric charging points and car parking; details and implementation of a Construction Management Plan and water consumption; provision of obscure glazing to a rear dormer window and compliance with the submitted plans; are necessary and reasonable in order to secure a high-quality sustainable development and in the interests of protecting the living conditions of the occupiers of neighbouring properties.

22. I also consider a condition that takes away permitted development rights to extend, enlarge or alter the new dwelling is necessary and reasonable. Whilst the Guidance advises that such rights should only be removed in exceptional circumstances, in my view, those circumstances exist here. Although I have found the appeal proposal to be acceptable, the relationship of the new dwelling to the host building, adjoining properties and their private amenity areas is such, that any future proposals to extend, enlarge or alter the new dwelling should be subject to further assessment against the prevailing policies.

Conclusion

23. The proposal would accord with the development plan when considered as a whole. There are no material considerations that indicate a decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex - conditions

1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

2) No development above slab level shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the building 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.

3) No part of the development shall be first occupied until covered and secure cycle parking facilities have been provided in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained solely for the purpose of storing bicycles.

4) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

5) No part of the development shall be first occupied until electric vehicle charging points have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and/or re-enacting that Order), the proposed dwelling shall not be extended, enlarged or altered by means of any development as set out within Classes A, AA, B and E of Part 1 to Schedule 2 of that Order.

7) Works of construction or demolition, including the use of plant and machinery, necessary for the implementation of this consent shall be limited to the following times: Monday – Friday 08:00 to 18.00 Hours; Saturday 09.00 to 13.00 Hours; Sundays and Bank Holidays no work permitted.

8) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted

to the following matters: the anticipated number, frequency and types of vehicles used during construction; the method of access and routing of vehicles during construction; the parking of vehicles by site operatives and visitors; the loading and unloading of plant, materials and waste; the storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding; a commitment to no burning on site; the provision of wheel washing facilities; details of public engagement both prior to and during construction works; methods to control dust from the site.

9) The new dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day. The dwelling shall not be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

10) The dormer window in the rear (north) of the dwelling hereby approved shall at all times be obscure glazed (except that part which is above 1.7 metres above the floor of the room in which the window is installed) and it shall not subsequently be altered in any way.

11) The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision: AD-191-03/A, AD-191-01/B, AD-191-02/A, AD-191-07/A, AD191-06 and AD-191-04.