



Appeal Decision

Site visit made on 28 August 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2019

Appeal Ref: APP/Y3805/W/18/3217578

20 Firle Road, Lancing, BN15 0NZ

- 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 Anthony Bell (representing the executors of the will of the grandfather of the late Mr Derek Bell) against the decision of Adur District Council.
 - The application Ref: AWDM/1942/17 dated 15 December 2017, was refused by notice dated 12 July 2018.
 - The development proposed is residential development comprising the demolition of the existing chalet bungalow, new access road, 9 houses of 2 x 2-bed houses, 5 x 3-bedroom houses and 2 x 4-bedroom houses, 27 off street private parking spaces, 7 visitor car parking spaces (34 parking spaces in total), play area and an ecology corridor surrounding the development with a pedestrian access to the South Downs.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description in the banner heading is taken from the application form. During the course of the determination of the planning application for the proposed development the proposed pedestrian access to the South Downs was removed from the proposals in response to the comments of the South Downs National Park Authority. In addition, the 'play area' had been intended as a natural copse rather than a formal play area. To reflect the removal of the pedestrian access from the proposals and to avoid confusion over the term 'play area', the description of development was amended by the deletion of the references to the access and play area. This revised description was the basis on which the Council determined the application and on which I have determined this appeal.

Background and main issues

3. The site is located within the Built-Up Area Boundary identified for Lancing in the Adur Local Plan 2017 (ALP) and it is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) as being suitable in principle for residential development. However, the SHLAA recognises the sensitivity of the site and it is still necessary to assess development proposals against other relevant policies of the development plan.
4. The main issues in this appeal are therefore; i) the effect of the proposed development on the character and appearance of the area and ii) the effect on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

5. The appeal site is in North Lancing, which mainly comprises bungalows in a regular pattern of development. Many of these bungalows have flat or pitched roof dormers but their original pitched roof forms are still predominant and contribute significantly to their form and character.
6. The proposed dwellings would be 2-storeys high, some with projecting single-storey elements, on level platforms created by cutting into the rising ground on the north side and building up the land on the south side. The principal accommodation would be at first floor level with large picture windows to the south to take advantage of the extensive views. The dwellings would have a box-like form and appearance with shallow mono-pitched sedum roofs.
7. Notwithstanding that the proposed dwelling No. 2 would be of comparable height to Nos. 20 and 22 Firle Road, the proposed dwellings would be starkly different to, and not in character with, the development on Firle Road and elsewhere in the vicinity of the site in terms of form, design and appearance.
8. I am not persuaded either that the proposed development would successfully relate to the character of the South Downs, the boundary of which abuts the northern and western boundaries of the site. Although I acknowledge that the South Downs National Park Authority raised no objection to the proposed development, this was subject to a detailed scheme of landscape measures being agreed. Whilst no physical boundaries are proposed for the frontages of the proposed dwellings these areas would still have a significant degree of formality with the proposed paths and parking areas. At ground floor level the gaps between the proposed dwellings would be substantially filled by the single-storey elements, bicycle stores and walled courtyards. I am not persuaded therefore that the South Downs would 'tumble' or that the landscape would 'flow' between the buildings.
9. The proposed development would involve a substantial amount of remodelling of the existing land form to provide level platforms for the dwellings and an acceptable gradient for the access road. I accept that the site has already been subject to a degree of levelling and understand that the volumes of cut and fill are approximately equal and that it is not proposed to remove any excavation material from the site. Nevertheless, the excavation and deposition of approximately 2,900 m³ is a significant degree of earthworks and remodelling that would not respect and enhance the character of the site nor respect its natural features.
10. I acknowledge that the northern and western boundaries of the site have dense vegetation and consequently views into the site from the publicly accessible land to the north and from the public right of way to the west (PROW 2953) are restricted. However, my site visit was undertaken when the vegetation was in full leaf and it is possible that the site would be more visible during other seasons.
11. From the south, there are glimpses of the site between the properties on the north side of Firle Road. There are longer distance views towards the site from Lynchmere Avenue and the A27 to the south and from Titch Hill to the west. There may be potential other long distance views from the south but these

- would be at such a distance from the site that any visual impact from the proposed development would not be significant.
12. Policy 15 of the ALP requires, in summary, development to be of a high architectural quality and to respect and enhance the character of a site and the prevailing character of the area. Paragraph 127 c) of the National Planning Policy Framework (the Framework) requires planning decisions to ensure that developments are sympathetic to local character, whilst not preventing or discouraging appropriate innovation or change.
 13. Due to their form, design and appearance the proposed dwellings would not respect and enhance the prevailing character of the area. They would not make a positive contribution to the sense of place, local character and distinctiveness of the area, nor respect the natural features of the site. The development would not represent appropriate innovation or change as allowed for by the Framework.
 14. The appellant refers to support for the proposals from the Council's Design and Conservation Architect, but I have not been provided with a copy of any comments from this Officer and there is no reference to any such comments within the Planning Officer's Report. I am aware that the proposed development was recommended for approval by the Council's officers. However, the members of the Planning Committee were entitled to come to a different conclusion on the acceptability of the development in respect of character and appearance, and I agree with that conclusion.
 15. I note the appellant's concerns over the manner in which the members of the Committee came to their decision, as recorded in the transcript of the meeting provided by the appellant which I have read, but this is a matter outside the scope of this appeal. I also note the appellant's contention that the reasons for refusal stated on the Council's Decision Notice were not the reasons debated during the Committee meeting. However, I have determined this appeal on the basis of the formal reason for refusal before me and my observations during my site visit.
 16. That said, I conclude that the proposed development would conflict with Policy 15 of the ALP in respect of character and appearance and paragraph 127 c) of the Framework.

Living conditions

17. In addition to protecting character and appearance, Policy 15 of the ALP requires development not to have an unacceptable impact on adjacent properties, including unacceptable loss of outlook or privacy. Although not a matter specifically identified in the Council's reason for refusal or Statement of Case, concerns have been expressed by third parties about overlooking and consequent loss of privacy. This matter is relevant to this issue and Policy 15.
18. The proposed dwellings would be in an elevated position relative to the existing dwellings to the south and the large windows in the south elevations could potentially afford views of the rear elevations and gardens of Nos. 22 – 40 Firle Road. However, it is common ground between the main parties that the distance between the front elevations of the proposed dwellings and the rear elevations of Nos. 22 – 40 exceeds 40 m at their closest point. With this

extent of separation, they would not be overbearing nor cause an unacceptable loss of outlook for the occupiers of Nos. 22 – 40 Firlie Road.

19. The proposals include the establishment of an 'ecology corridor' which would reinforce the existing vegetation to the southern boundary of the site. I accept that it is likely that future occupiers of the proposed dwellings would wish the height of the vegetation in this corridor not to constrain their views towards the sea. However, it is also likely that those occupiers would be concerned about their own privacy and would thus wish to maintain some form of screen between their properties and those to the south. Accordingly, the proposed development would not result in an unacceptable loss of privacy for the occupiers of the dwellings to the south.
20. I therefore conclude that there would be no conflict with Policy 15 of the ALP in respect of the living conditions of the occupiers of neighbouring dwellings.

Other matters

21. I acknowledge the Government's objective of significantly boosting the supply of housing as set out in the Framework and that the Framework recognises the contribution of small and medium sites to housing supply and encourages the making of efficient use of land. I also accept that the provision of additional housing would help achieve the social and economic objectives for sustainable development as set out in the Framework. The proposed ecology corridor and the proximity of the site to a public transport service and some local facilities and services would contribute to the achievement of the environmental objective of sustainable development.
22. However, the appellant does not specifically contend or provide any evidence that the Council cannot demonstrate an adequate supply of deliverable housing land. Accordingly, the Framework's approach to housing supply is not sufficient a material consideration to outweigh the conflict with the development plan that I have identified. Furthermore, the harm to the character of the area that I have identified would outweigh the proposed development's contribution to the environmental objective of sustainable development.
23. I am aware that the proposed development has given rise to a very substantial number of objections from local residents and organisations, which I have carefully considered. I have, however, also been mindful that there were no objections to the development from the Council's advisers on highway matters, drainage, ecology or archaeology subject in each case to the imposition of planning conditions. Furthermore, the only matters cited in the Council's reason for refusal were those I have considered and concluded upon above.
24. I also acknowledge the support for the proposed development from two members of the public.

Conclusion

25. For the reasons given above, and having had regard to the other matters raised, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR