The Planning Inspectorate

Appeal Decision

Site visit made on 2 May 2017

by Claire Victory BA (Hons) BPl MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/Y3805/W/17/3169390
29 Kings Walk, Shoreham-by-Sea, West Sussex BN43 5LG

- 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 R Huxtable against the decision of Adur District Council.
- The application Ref AWDM/1080/16, dated 14 July 2016, was refused by notice dated 8 September 2016.
- The development proposed is the erection of 2 no. detached dwellings following the demolition of the existing property and annex accommodation. Re-submission of planning application ref AWDM/1302/15.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:

    - The effect of the proposal on the character and appearance of the surrounding area; and
    - The effect of the proposal on the living conditions of neighbouring occupiers, by reason of outlook and privacy.

Reasons

Character and appearance

3. The host dwelling is positioned centrally within an unusually wide plot compared with others in the vicinity. Kings Walk is formed of two storey detached and semi-detached houses of brick and render and with hipped roofs, and many properties have balconies to the front elevation at first floor level, reflecting the seafront location. To the rear of the appeal site are houses and bungalows on Havenside.

4. The overall ridge height of the dwellings would not be higher than that of No 28 and would be lower than a previously submitted scheme. The dwellings would also be positioned further forward in the site than the existing house, and broadly level with the properties on either side. Nevertheless, the eaves height of the two dwellings would be significantly greater in height than that of the adjacent properties on Kings Walk, where eaves heights are broadly similar. I saw that No 39, towards the eastern end of Kings Walk has roof accommodation with glazing within the front gable, but the scale of the property remains sympathetic to the surrounding context. This would not be

the case with the appeal scheme. Consequently, the development would be inconsistent with the character of the area.

5. The appellant considers that the character of the area is evolving, and that the proposed 'coastal style' with integrated garages at ground floor and sail forms to the roofs would be appropriate to the seaside location. There are many examples of similar properties along the south side of Brighton Road between Lancing and Shoreham, but none within Kings Walk itself. The sail form of the roof would be incongruous with the predominant building form of hipped roofs and thus the proposed dwellings would not reinforce local distinctiveness. I acknowledge that there are some three storey apartment blocks within the wider area, including on Woodards View and Ormond Way, but the proposed three storey dwellings would be isolated features on Kings Walk at odds with the prevailing form of development.

6. For the above reasons I conclude that the proposal would conflict with policies AG1 and AH2 of the Adur District Local Plan (LP) (1996), insofar as they require that the appearance, character and scale of development on infill sites enhances the existing local environment.

Living Conditions

7. The windows within the flank elevations of the proposed houses facing existing dwellings would serve bathrooms or en-suite rooms, and could be obscure glazed to prevent a loss of privacy. An appropriate condition to require that such obscure glazing is retained as such thereafter would prevent any undue overlooking of these properties.

8. Plot 1 would have a room identified as a kitchen/diner at first floor with principal windows facing onto the rear garden, and both Plots 1 and 2 would have a bedroom/office at second floor, although in practice, many of the habitable rooms could be used for study or other ancillary domestic use. Nonetheless, the proposed dwellings would be positioned further forward in the plot than the existing house, so that there would be about 20 metres separation between them and the nearest properties on Havenside. This would be adequate to avoid any unacceptable overlooking of these neighbouring properties, even taking into account the greater height of the houses.

9. The view experienced by the occupants of Nos 28 and 30 from windows in the flank walls of these dwellings towards the appeal site would change due to the more advanced position of the dwellings within the plot, but there would be adequate separation between the existing and proposed dwellings such that it would not warrant dismissal on this matter alone. Likewise, the outlook from first floor windows in properties to the north would be altered as the development would have a greater height and width, but as the dwellings would be much further away than the existing house the harm would not be so great as to make the development unacceptable in this respect.

10. I therefore conclude that the proposal would not harm the living conditions of neighbouring occupiers, and there would be no conflict with LP policies AG1 and AH2, insofar as they state that new development should not have an unneighbourly effect on existing dwellings by reason of loss of privacy or outlook.

Conclusion

11. I have found in the appellant's favour in respect of living conditions, but the harm to the character and appearance of the area is decisive.

12. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR