The Planning Inspectorate

Appeal Decision

Site visit made on 20 June 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/C3810/W/19/3223637
21 Ocean Drive, Ferring BN12 5QN

- 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 Andrew Shapcott against the decision of Arun District Council.
- The application Ref FG/191/18/PL, dated 22 October 2018, was refused by notice dated 24 January 2019
- The development proposed is the erection of 2 new 3 bed chalet style dwellings with associated parking, landscaping and bin store located in garden land to the north of 21 Ocean Drive.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: -

   i) the character and appearance of the area; and

   ii) the living conditions of existing and future residents, with particular regard to the provision of outdoor amenity space and noise and disturbance.

Reasons

Character and appearance

3. The area is primarily linear in form with a range of bungalows and chalet bungalows set back from the road in rectangular plots. In contrast, 21 Ocean Drive (No 21) is a substantial two storey property in a backland location accessed via a driveway between 19 and 23 Ocean Drive. Whilst there are other developments off the main routes in the form of small cul de sacs and properties not on the same alignment, No 21 is somewhat unique in terms of the scale and form of the plot.

4. The appeal site is irregular in shape and comprises the large side garden to No 21. It contains a range of trees and vegetation and has a secluded feel. This provides a pleasant backdrop and screening for the neighbouring properties which abut the appeal site along all its boundaries.

5. Due to the mainly low-profile form, and separation between the existing properties along Ocean Drive and Chalet Close I am not convinced, as suggested by the appellant, that the development would not be seen from the surrounding roads. Currently, trees and vegetation within the site can be seen

between buildings, together with glimpsed views of housing beyond. Much of the existing garden would have to be cleared to accommodate the development, and whilst described as chalet bungalows both proposed properties have two-storey gabled forms to the front, and the only element of reduced eaves would be in the form of a catslide to the eastern side of plot 2.

6. I accept that the properties have been designed to limit overlooking through the positioning of the windows and use of obscure glazing. However, due to height and bulk of the properties, their juxtaposition and the irregular shaped plot there would be limited separation between the proposed properties, the boundaries, and the neighbouring dwellings. In my view the scale of development and somewhat contrived layout fails to respond to either the simple linear form of the prevailing character of area or the more spacious character which No 21 currently exhibits. I acknowledge that many of the properties in the area have been altered and extended close to their boundaries, nevertheless the overall prevailing character is retained.

7. The general design and proposed materials would be in keeping with the area, however, by virtue of the scale, siting and form of development I conclude that the proposal would result in a cramped form of development and out of keeping with the character of the area. Thus, the proposal would be contrary to Arun Local Plan policies D DM1 and D SP1 together with Ferring Neighbourhood Plan policy 1A which require good design and seek developments which reflect or improve the character of the site and surrounding area.

Existing and future residents

8. The appellant indicates that the amenity space for plot 1 would be 200sqm and plot 2 160sqm. It is not clear how this has been calculated but it would appear to include the areas to side of the properties which are unlikely to provide much usable amenity space. Nevertheless, the Council have no specific space standards for outdoor space requirements and each property would be served by an area to the rear which would provide an appropriate garden space commensurate to other garden sizes in the locality.

9. No.21 is a substantial property and the loss of the existing side garden would significantly reduce the plot size. Nonetheless it would retain a private garden area to the other side of the property which comprises a patio and lawn, and a large driveway area to the front of the property. Therefore, whilst the level of amenity space would be more restricted, I do not find that it would be so limited to be harmful to the occupiers living conditions.

10. Located to the east of the appeal site is 2 Chalet Close, an extended bungalow which occupies a modest plot. Both proposed properties would be sited in close proximity to its boundary and whilst the upper floor windows are to serve bathrooms, I find the relationship would result in the development having an enclosing and overbearing impact on this property. Additionally, as the proposed properties would be located to the southwest of 2 Chalet Close there would also be a level of overshadowing.

11. The development would also result in some overlooking of the rear garden of 11 Ocean Drive. Whilst an element of mutual overlooking is expected in residential areas the irregular plot shape and layout of the development would introduce additional angles of views between properties.

12. Access to the site would be via the existing single width driveway which is bound to both sides by boundary fencing/walls. Nos 19 and 23 Ocean Drive have extensive side facades immediately adjacent to the driveway, both of which contain windows; this includes first-floor windows and a balcony to No 19. The access and parking area would also extend along the rear of Nos 17 and 19 which have limited rear gardens. The level of activity along the drive will inevitably increase serving three dwellings, and in my view would result in an unacceptable level of noise and disturbance having an adverse impact on the privacy and quite enjoyment of these adjoining properties and gardens.

13. Overall, despite finding that the proposal provides satisfactory outdoor amenity space for future residents, including the reduced plot for No 21, the development would fail to minimise the impacts on the neighbouring properties contrary to Arun Local Plan policy D DM1 (3).

14. The reason for refusal also refers to Arun Local Plan policy QE DM1 which relates to noise pollution. Whilst I consider the form and layout of development would cause harm to the living conditions of the neighbouring properties through increased disturbance this is in relation to residential amenity. There is no evidence before me that the development would generate a level of noise in excess of acceptable NEC levels and as such, I do not find direct conflict with this policy.

Other matters

15. The appellant has referred to differences between the concerns raised at pre-application stage and within the Case Officer's report. However, such correspondence is not binding on the Council and I have, in any event, considered the appeal scheme on its own merits.

16. I accept that the site is within the identified settlement boundary and that the development would make a positive contribution to the housing land supply. The development would also bring with it economic benefits associated with the construction phase and spending by the occupiers. However, these modest benefits do not outweigh the identified harm to the character of the area and neighbour's amenity.

Conclusion

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

G Ellis

INSPECTOR