



Appeal Decision

Site visit made on 9 July 2019

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

an Inspector appointed by the Secretary of State

Decision date: 14th August 2019

Appeal Ref: APP/C3810/W/19/3226561

Land rear of Beechlands Cottages, Beechlands Close, East Preston, BN16 1JT

- 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 Dearden Homes Ltd. against the decision of Arun District Council.
 - The application Ref: EP/185/18/PL dated 14 December 2018, was refused by notice dated 28 February 2019.
 - The development proposed is the demolition of existing buildings and erection of 3 dwellings with associated parking, alterations to the existing access and relocation of staircase to flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on i) the character and appearance of the area and ii) the living conditions of the occupiers of neighbouring properties, with particular regard to the outlook and privacy of the occupiers of 125 North Lane (No 125).

Reasons

Character and appearance

3. The appeal site is located within an area comprising a mixture of mainly residential and commercial properties reflecting its position in the centre of East Preston. The form of development varies with terraced, semi-detached and detached buildings. The appeal site is a back land site with a parade of shops with flats above to the west, No. 125 to the north, Beechlands Court and Beechlands Close to the east and Beechlands Cottages to the south.
4. Whilst the plot widths of the proposed dwellings would be comparable with those of Beechlands Cottages, the plot depths would be shorter, and substantially smaller than those of the dwellings on Beechlands Close and North Lane. The overall plot sizes of the proposed development would therefore be smaller than the prevailing plot sizes around three sides of the site. Furthermore, the rear garden depths of the proposed development would not reflect those of the neighbouring dwellings and the overall pattern of development in the area, which is important to its character and appearance.

When these factors are taken together, the proposed development would be unduly cramped.

5. I therefore conclude that the proposed development would be detrimental to the character and appearance of the surrounding area and thus conflict with Policy DDM1 of the Arun Local Plan 2011-2031 (2018) (ALP) in this regard and with Policy 1 of the East Preston Neighbourhood Plan (EPNP), which safeguard character and appearance. The proposed development would also not accord with the National Planning Policy Framework (the Framework) in so far as it seeks to achieve well-designed places.

Living conditions

6. The rear elevations of the proposed dwellings would all face towards the side boundary of the rear area of No. 125. The staggered form of the proposed development would result in the rear of the closest dwelling to No. 125 (on Plot 3), being approximately 9 metres (m) from that boundary, and that of the furthest dwelling from No. 125 (on Plot 1) being approximately 6.2 m from that boundary.
7. The north facing elevation of the proposed dwellings are shown with oriel windows to the rear bedrooms at first floor level, with glazing only on the side facing away from No. 125. The sides facing more directly towards this neighbouring property would be of solid construction. However, it would still be possible to overlook its rear area from the proposed dwellings on Plots 2 and 3. With the restricted lengths of the gardens on these plots I do not consider that the degree of overlooking would be acceptable.
8. I acknowledge that the dwellings on Plot 1 and, to an extent, on Plot 2 would address an existing large building at the end of the rear curtilage of No. 125. However, I consider that the proximity of the proposed dwellings to the rear curtilage of No. 125 and the sense of encroachment engendered by the staggered form would be overbearing for the occupiers of that property and harmful to their living conditions.
9. I conclude that the proposed development would result in unacceptable harm to the living conditions of the occupiers of No. 125 by way of outlook and privacy. It would therefore conflict with Policy QESP1 and with Policy DDM1 of the ALP in this regard, which safeguard the living conditions of occupiers of nearby properties.

Other matters

10. Planning permission was granted in June 2018 under Ref: EP/7/18/PL for the demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL (the approved scheme). The matter raised regarding the delivery of this approved scheme falls beyond what I can consider in this appeal. In planning terms, I consider that the approved scheme is a realistic fall back.
11. However, the proposed development differs significantly from the approved scheme in that the rear gardens of the proposed development would be smaller than those of the two properties in the approved scheme, significantly so in respect of Plots 1 and 2. Accordingly, the proposed dwellings would be closer to the rear garden of No. 125, which I have considered would result in an

unacceptable loss of outlook and privacy. These detrimental effects would not be overcome by the facts that the proposed development would be slightly shorter in length, lower in height and incorporate oriel windows, compared to the approved scheme. Overall, I consider that the proposed development would be more harmful than the approved scheme and therefore is not justified by the fallback position.

12. The rear garden of Plot 1 would be particularly restricted in depth at only 6.2 m. The appellant has drawn my attention to the existing development in the wider area with smaller plot sizes, including the Matrons Cottages development, and to the comments of the Inspector in allowing the related appeal¹. These demonstrate that smaller garden sizes are broadly acceptable in the area in principle and the rear garden of Plot 1 would provide adequate space for sitting out, playing and drying clothes. I note that the Council has not referred to the size of the garden being inadequate to provide acceptable external space in its reasons for refusal, as regards the living conditions of the proposed development's future occupiers.
13. The appellant refers to the Government's objective to significantly boost the supply of homes as set out in the Framework and to the facts that the appeal site is previously developed land and has good access to shops and facilities and public transport. I acknowledge that these factors lend a degree of support to the proposed development but given that it would only result in one additional dwelling compared to the approved scheme, they carry only limited weight that does not outweigh the harm I have identified.
14. I accept also that the Council has not raised concerns about the proposed development in other respects, but this fact does not outweigh the concerns the Council has raised in respect of character and appearance and the living conditions of the occupiers of No. 125, with which I have concurred.

Conclusion

15. For the reasons given above, and having regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR

¹ APP/C3810/W/15/3011926