



Appeal Decision

Site visit made on 10 September 2019

by Christopher Butler BA (Hons) PG Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/C3810/W/19/3225912

55 Milton Avenue, Rustington BN16 2PL

- 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 Michael Carter against the decision of Arun District Council.
 - The application Ref R/182/18/PL, dated 23 July 2018, was refused by notice dated 3 January 2019.
 - The development proposed is demolition of garage and construction of 2-storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The ground of refusal in the Council's Decision Notice references Policy S SP1 of the Arun Local Plan 2011-2031, adopted July 2018 (ALP). However, the Council's Officer report related to the consideration of the planning application did not reference this policy. Clarification on this matter was sort at the outset of the appeal and the Council advised Policy S SP1 of the ALP isn't referred to in their Officer's report and that they believe the decision notice should have referenced Policy D SP1 of the ALP, which is referenced in their Officer's report.
3. The appellant's Statement of Case (SoC) refers to Policy D SP1 of the ALP and sets out how, in the writer's opinion, the development conforms with this policy. Indeed, the only reference to policy S SP1 of the ALP in the appellant's SoC is where the ground of refusal is quoted verbatim at paragraph 3.2.
4. It is clear to me that both main parties have considered Policy D SP1 of the ALP in their submission documents and that no party has been disadvantaged by the Council referring to policy S SP1 in their decision notice, rather than policy D SP1 of the ALP. As such I shall proceed to consider this appeal on the basis that Policy D SP1 of the ALP is the relevant policy in this regard.

Main Issue

5. The main issue is character and appearance, with particular regard to the streetscene.

Reasons

Character and appearance, with particular regard to the streetscene.

6. Milton Avenue is urban in its nature and comprises a mixed character with detached and semi-detached single and two storey properties set back from the highway and located in modest sized plots. The adjoining streets, Milton Close and The Crescent comprise predominantly semi-detached bungalows. Indeed, Character Area 6 of the Rustington Village Design Statement, within which the site lies, describes the area characterised by detached and semi-detached bungalows finished in brick with painted brick construction, under predominantly clay tiled roofs.
7. No.55 Milton Avenue, forms the northern half of a pair of two storey dwellinghouses located on the eastern side of the road. This pair of dwellings has east/west gable ends and dormer windows in the north/south roof slopes. The appeal site lies between No.55 Milton Avenue and the two storey detached house that lies to the north, No.53 Milton Avenue, which has an unusual two storey semi-circular rear projection with windows at both ground and first floor levels that curve around almost its whole 180 degrees. The appeal site currently contains a small area of landscaping located at the front of the site, behind which is a hardstanding parking area, a detached garage with shallow pitched roof and part of the rear garden area to No.55 Milton Avenue. The detached garage abuts the shared boundary with No.53 Milton Avenue.
8. The proposed development seeks to demolish the detached garage, mentioned above, and construct a 2-storey dwelling. Bearing in mind the character of the surrounding area and the fact that the surrounding dwellings are predominantly set in modest sized plots, the proposed development would appear as out of context with its surroundings due to the relatively narrow width of the plot and the proposed mass and bulk of the development. This mass and bulk would be emphasised by the proposed dwellings narrow width and accentuated by the development's height, depth and overall design.
9. I acknowledge that the appellant considers that the development would not be unduly apparent in public views so as to cause any overriding demonstrable harm to the street scene. However, the proposed development would still be visible and I consider that the development would appear as unusually cramped and at odds / out of character with the surrounding streetscene in general. As such, the proposed development would be contrary to Policies D SP1 and DDM1 of the ALP and paragraph 127 of the National Planning Policy Framework, which seeks among other criteria to ensure that development is: sympathetic to local character and history, including the surrounding built environment and landscape setting; and maintains a strong sense of place.

Other Matters

10. I have had regard to the points made by the appellant in regard to providing a family sized dwelling whilst making the best use of land and their comments regarding the mixed character of the area and the fact that the appeal site has a greater width than other dwellings in the area. Irrespective of these issues, none of them outweigh the harm that results from the development, as detailed above.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Christopher Butler

INSPECTOR