



Appeal Decision

Site visit made on 17 December 2019

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/C3810/W/19/3233230

Land to the rear of 1-6 The Cottrells, Angmering BN16 4AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr A Dodd (AM Homes (Sussex) Ltd) against the decision of Arun District Council.
- The application Ref A/158/18/PL, dated 23 November 2018, was refused by notice dated 24 January 2019.
- The application sought planning permission for the reconfiguration of existing car parking area for 1 No flat with 5 No car-barns below (resubmission following A/8/16/PL). This application affects the character and appearance of the Angmering Conservation Area without complying with condition 1 attached to planning permission Ref A/8/18/PL, dated 8 September 2019.
- The condition in dispute is No 1 which states that: the development shall be carried out in accordance with the approved plans: Location and Block plans ADC962/LP, Elevations and Section ADC962/14 A, Floor Plan & Roof plan ADC962/13 Rev B, Ground Floor Plan ADC962/04 Rev A and Comparison Plan ADC962/18.
- The reason given for the condition is: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

Decision

1. The appeal is allowed and planning permission is granted for the reconfiguration of existing car parking area for 1 No flat with 5 No car-barns below at land to the rear of 1-6 The Cottrells, Angmering BN16 4AF, in accordance with the application Ref A/158/18/PL, dated 23 November 2018, without compliance with condition number 1 previously imposed on planning permission Ref A/8/18/PL, dated 8 September 2019 and subject to the conditions set out in Annex A.

Procedural Matters

2. The plans approved in the 'origin' permission were retained under A/173/16/PL and substituted by drawings: Location and Block plans ADC962/LP, Elevations and Section ADC962/14 A, Floor Plan & Roof plan ADC962/13 Rev B, Ground Floor Plan ADC962/04 Rev A and Comparison Plan ADC962/18 in Decision Notice A/8/18/PL. This appeal seeks the substitution of approved drawings: ADC 962/04 Rev A, and ADC 962/13 Rev B, with the submitted drawings: ADC 962/20 and ADC 962/21.

3. I note the existence of condition 3 contained within Decision Notice A/8/18/PL which precludes alterations to the layout of the building without a grant of planning permission. A variation of this condition is not being sought, but it is implicit that the applicant is seeking approval to retain the 'as built' layout of the development.
4. The description used in Decision Notice A/8/18/PL is not an act of development. Therefore, my formal decision uses the description of development provided in the original permission A/105/16/PL.

Main Issue

5. The main issue is whether the internal layout shown on the submitted plans provides an acceptable living environment for occupiers of the development, with regard to external amenity space.

Reasons

6. The appeal site is located in a tight-grain residential area of two-storey dwellings to the rear of 'The Cottrells', Angmering. The development has been completed with the required allocated and unallocated parking spaces. However, the internal layout is not in accordance with the approved plans and the dwelling appears to be set-out as a 3-bedroom dwelling. Notwithstanding that the submitted plans show the provision of two-bedrooms and a first-floor study, there are two rooms on the first-floor and one further room with an en-suite on the ground floor, all of which, if required by future occupiers, could reasonably be used as bedrooms. Moreover, I noted that the kitchen has been installed at first-floor level as part of an open plan lounge/kitchen/diner. The compact garden space is accessed via the hallway door and has a paved area, with planters and seating.
7. I appreciate that the amenity space would not be attractive to every household, particularly families with children. Nevertheless, it may suit single occupiers or couples, including older persons and those who find gardening a chore. Although compact, the amenity space is useable for activities such as clothes drying, small-scale gardening, dining and sitting out, and it is accessible without going through a bedroom. Space for refuse and cycle storage and parking is available to the front of the dwelling. Although the Council makes reference to suitability for ball games, there is little practical difference between the approved 2-bed dwelling and as-built 2-bed dwelling with study (or third bedroom), in terms of the theoretical ability to accommodate a small family. Ultimately, it is a matter of choice for prospective occupiers and does not justify dismissal of the appeal.
8. The disputed condition was imposed in the interests of amenity of future occupiers and the environment. However, at my site visit and from the 'facts on the ground' the re-configuration of the internal layout has not created an unacceptable living environment. Moreover, I have not been directed to any minimum standards for external amenity space. As such, whether the provision is adequate is a matter of planning judgement.

9. Therefore, while the outdoor space is not ideal, it is sufficient for day to day activities, as set out above, in respect of either a two or three-bedroom dwelling. Consequently, the proposal accords with Policy DDM1 of the Arun Local Plan which says, amongst other things, that development should make the best possible use of the available land, and Paragraph 127 of the National Planning Policy Framework which indicates that development should have a high standard of amenity for existing and future users.

Other Matters

10. I acknowledge concerns raised by interested parties regarding other family type development in the area, and the appeal decision presented by the Council¹ which includes reference to smaller outdoor spaces. However, I have limited evidence before me regarding those schemes in order to draw any reasonable parallels, and in any case, I have considered the development on its own planning merits.
11. The site is located within the Angmering Conservation Area which is defined as the historic core of the village. Nonetheless, the Councils' Conservation Officer has advised that internal alterations will have a neutral impact upon the Conservation Area, and I see no reason to disagree.

Conditions

12. I have considered the suggested conditions against Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance. In the interest of certainty and to protect the amenity of future occupiers, I have imposed conditions related to the substituted plans and the internal layout and use of the development.
13. To ensure the privacy and amenity of neighbouring occupiers, and consistent with previous permissions, I have attached a condition that prevents extensions and alterations without a further grant of permission. It is also necessary to attached conditions to ensure the retention of cycle-parking spaces, on-site parking and landscaping is also imposed by condition
14. As the development has been completed, I have not applied the pre-commencement condition related to external finishes.

Conclusion

15. For the reasons given above, I conclude that the appeal should succeed.

J E JOLLY

INSPECTOR

¹ APP/C3810/W/18/3209973

Annex A – Conditions

1. The development hereby approved shall be occupied in accordance with the following approved plans: ADC 962/20 (Ground floor plan) and ADC 962/21 (First floor plans and roof plan).
2. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) or external alterations to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the layout of the building shall not be altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.
4. The covered and secure cycle parking spaces approved by the Local Planning Authority under A/64/17/DOC shall be retained for the lifetime of the development."
5. The vehicle parking and turning spaces approved by the Local Planning Authority under ADC962/04A shall be retained for the lifetime of the development."
6. The landscaping details approved under A/64/17/ DOC has been carried out. Any trees or plants which, within a period of five years from the date of this permission, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

***** End of Conditions *****