
Appeal Decision

Site visit made on 19 May 2020

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/C3810/W/20/3245004

Land rear of 1 The Heathers, Arundel Road, Angmering BN16 4LE

- 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 and Mrs Woods against the decision of Arun District Council.
 - The application Ref A/146/19/PL, dated 18 October 2019, was refused by notice dated 13 January 2020.
 - The development proposed is demolition of existing building and construction of 3-bedroom chalet bungalow with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) The character and appearance of the area; and
 - (ii) The living conditions of future occupiers, having particular regard to rear garden space.

Reasons

3. The appeal site is located in a residential area. It contains a single storey building used to store domestic and commercial items, positioned in one corner of an open yard. There is a pedestrian side gate entrance and a public footpath¹ passes by the site boundary at the front. The existing building would be demolished, and the site redeveloped to provide a detached chalet bungalow and garden, with parking and landscaping.

Character and Appearance

4. The site is part of a discrete strip of 'service land' surrounded by two storey houses that front nearby roads, including the end of a new terrace on the opposite side of the twitten. It contains long, narrow blocks of garages which are relatively low in height, with either flat or low pitched asymmetrical roofs. The garages are arranged in a regimented way, forming part of a sequence of open garage courtyards, surface car parking and access roads within the service land.

¹ This type of footpath is known colloquially in Sussex as a 'twitten'.

5. The building on the appeal site has a slightly taller pitched roof but still forms part of an identifiable pattern of existing low level development and, in particular, spaciousness in the service land behind the existing houses. It is locally distinctive and can be glimpsed in public views from Lloyd Goring Close and Lansdowne Way, though more obviously and directly from the twitten as well as from within the semi-public garage courtyard areas and access roads.
6. The siting of the proposed chalet bungalow (as it appears on a plan) would otherwise form an adjunct to the new terrace of houses. These have already established a closer knit pattern of housing on the land to the rear of Lloyd Goring Close and Lansdowne Way, next to (but not in) the service land. The resulting plot size would be smaller than nearly all of the houses in the vicinity of the appeal site, but not unsuitable or unsatisfactory per se for the proposed development, including means of access, circulation space and internal living conditions.
7. However, whilst the appeal site abuts one facing rear garden, the development would nonetheless introduce residential use into this area behind the existing houses where there are currently no residential properties. It would therefore be at odds with the prevailing nature and use of the service land. In addition, the new chalet bungalow would occupy nearly the full width of the appeal site and as a consequence be sited extremely close to the garage blocks on both sides. This would therefore result in an unexpected juxtaposition of these uses and an awkward, cramped conjunction of built form.
8. Furthermore, the height of the chalet bungalow (to eaves and ridge), and its overall scale and massing, would also result in a significantly taller and more extensive building on the appeal site, including large areas of vertical side gable elevation under a larger and steeper pitched roof. As a result, there would be a sudden prominence of built form on the appeal site protruding above the much lower 'flanking' garage blocks on either side (which would not conceal this upper exposed part of the development) and therefore a significant erosion of spaciousness at this point.
9. Whilst there are chalet bungalows in the wider vicinity of the appeal site, including in Lansdowne Way, the relative location and distance of these to the appeal site and, in particular, intervening built form would prevent these from being observed in any meaningful context together with the chalet bungalow on the appeal site. The proposed chalet bungalow form would therefore be out of keeping with the surrounding two storey houses.
10. Accordingly, the proposed chalet bungalow would be a clear departure from local distinctiveness and would not be compatible with the immediate surrounding area. It would appear as an unexpected use and an unduly conspicuous building on the site in these local views and stand out as an undesirable element in this location.
11. Consequently, the proposed development would cause material harm to the character and appearance of the area. It would therefore conflict with Policy D DM1 and Policy QE SP1 of the Arun Local Plan, July 2018 (the LP) and conflict with Policy HD5 and Policy HD6 of the Angmering Neighbourhood Plan 2014-2029 (the NP). These policies include that development should reflect the character of the site and the surrounding local area having regard to scale, massing, siting, layout and local distinctiveness. It would also conflict with the

National Planning Policy Framework, 2019 (the Framework) paragraphs 124, 127(a)(b) and (c) and 130.

Living Conditions

12. The proposed rear garden would be on level ground and a conventional height timber close board panel fence already exists at the intended far end. It would also be satisfactory in width and overall area. I also observed that the rear gardens of some nearby houses are bordered by the garage blocks. However, those gardens are mostly of relatively generous length and the garages close only a narrow end boundary or, in one case, a side boundary (but only in part). Whereas, the proposed rear garden would be relatively short, and the entire length bordered both sides by the intractable immediacy of the rear party walls of the two adjoining garage blocks,² which both noticeably exceed (for the intended domestic setting) the typical height of a 1.8 or 2 metre high wall or fence.
13. Even if planting or structures could be attached to or placed in front of these walls, this might alleviate their stark functional appearance but would not ameliorate height or their combined overbearing presence. There would, therefore, be undue enclosure of the proposed garden – a palpable and unwelcome experience of being hemmed in, therefore undermining suitability for a range of normal domestic activity and a clear departure from usual expectations, eg as is normally achieved by fences or walls as described above.
14. The perimeter arrangement of the surrounding houses and the otherwise secluded location of the appeal site would provide some relief from noise and disturbance from nearby road traffic. It is also not uncommon (or unacceptable per se) for a garden to be sited near or next to a garage block or court and access road, as I observed in the immediate vicinity of the appeal site. However, while there is no objective evidence on noise before me in this appeal – and even if the garage block provided some acoustic attenuation, as well as visual screening – the proposed garden could not be in any appreciably closer proximity to a garage block, garage courtyard and access road on both sides. This unsatisfactory amalgam of existing and proposed uses and activity would therefore cause abnormal noise or disturbance.
15. Consequently, and even if there was no harmful noise or disturbance, the proposed development would cause material harm to the living conditions of the occupiers of the proposed chalet bungalow in terms of the rear garden space proposed. It would therefore conflict with LP Policy D DM1 and LP Policy QE SP1. These policies include that development should reflect the characteristics of the site and local area in layout, be informed by usability, health and well-being considerations and have minimal impact on occupiers (including by avoiding unacceptable noise and disturbance). It would also conflict with the Framework paragraphs 124, 127(a) and (f) and 130.

Other Matters

16. I appreciate that the proposed development would have no material effect on the living conditions of occupiers of adjoining properties. However, the absence of such harm is only a neutral consideration and counts neither for, nor against, the appeal.

² Except for a single garage on one side which would be altered into a car port.

17. The chalet bungalow would be of high quality design and materials, would not increase the density of housing development significantly in the immediate area and would make an efficient and otherwise creative use of the appeal site for housing on previously developed 'brownfield' land. The development would also afford some surveillance of the twitten, meet the Government's Nationally Described Space Standards and Building Regulations, be resource efficient, provide new landscaping and make satisfactory provision for car and cycle parking and for refuse storage and recycling. However, these benefits of the proposed development are of limited weight and do not lessen or outweigh the material harm that I have identified in the main issues above.
18. I do not have full details of the development at The Cotterells and Red Admirals Bungalows,³ or any details of the 'numerous' examples of dwellings in Angmering located adjacent to garage compounds.⁴ I was able to view both of these named sites from public land and they can be distinguished from the appeal site as neither is located between two blocks or rows of terraced garages, garages courts or access roads. I also note that the appellant has tried to work positively with the Council, including by submitting amended plans, and had been led to believe that a planning officer supported the proposed development; but that was not the formal decision of the Council. These matters do not therefore have any weight in my consideration of this appeal which, in any event, I have determined on its planning merits.
19. The appellant asserts that the Council cannot demonstrate a 5 year housing land supply (5YHLS).⁵ This is not disputed by the Council, though there is no evidence before me in this appeal about the quantum of deficit in supply. In the absence of such evidence, any conclusion on the extent of shortfall would be hopelessly speculative. However, even if the scale of shortfall was substantial, the proposed development for a single dwelling on the appeal site would make only a modest contribution to housing delivery and so this benefit has only limited weight.

Conclusion

20. As explained in the reasoning above, the proposed development would result in harm to the character and appearance of the area and harm to the living conditions of future occupiers of the development and I give this substantial weight in determining this appeal.⁶ Even if the Council cannot demonstrate a 5YHLS,⁷ the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.⁸ Accordingly, the presumption in favour of sustainable development (the so called 'tilted balance') is not engaged in support of this appeal.
21. For the reasons given, the appeal does not succeed.

Robin Buchanan

INSPECTOR

³ Appellant's appeal statement of case (ASoC), paragraph 3.4.

⁴ ASoC - paragraph 5.7.

⁵ ASoC - paragraph 1.13.

⁶ Section 38(6), Town and Country Planning Act 1990.

⁷ Framework paragraph 11, footnote 7.

⁸ Framework paragraph 11(d)(ii).