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## Appeal Decision

Site Visit made on 2 September 2021

**by J Reid BA(Hons) BArch(Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 September 2021**

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**Appeal Ref: APP/Y3805/W/21/3275187**

**Land opposite 17-19 Victoria Road, Shoreham BN43 5LA**

- 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 David Abbott against the decision of Adur District Council.
  - The application Ref AWDM/1999/20, dated 2 December 2020, was refused by notice dated 7 April 2021.
  - The development proposed is Erection of a single two double bedroom family dwelling and associated landscaping.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr David Abbott against Adur District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.

### Reasons

4. The irregular shaped appeal site is a piece of open land including hardstanding. It is roughly south of a private lane reached solely by the narrow access off the west side of Victoria Road, just north of the railway bridge. The site's roughly south boundary edges the foot of the tall steep well-vegetated embankment of a former railway line, with land related to the 'Riverside' development and the south coast railway line beyond it. To roughly east, the land narrows towards the bridge and includes parking and vegetation by the embankment. To roughly north, a row of 3 pairs of semidetached traditional style 2 storey pitched roofed dwellings, set in mainly open front gardens (some of which include parking) and good-sized back gardens, face the lane. Roughly west are the 3 storey pitched roofed Buckingham Street apartment buildings beyond their garage block and beyond the end of the lane.
5. The nearby dwellings are a similar distance from the base of the embankment as the opposing dwellings are from one another in the nearby north part of Victoria Street, but their back gardens are deeper. So, despite parked vehicles in some of their former front gardens and on the other side of the lane, and its closeness to the town centre, the modest enclave in the lane has a leafy suburban character.

6. The proposed 3 storey dwelling would be sited towards the west side of the site, roughly opposite and facing No 19 Victoria Road. Its upper floor would be within its pitched roof and flat roofed dormer. Its footprint would be similar to the footprints of most nearby dwellings, and, apart from the dwelling and the hard-surfaced path and parking spaces by the lane, most of its private garden would be edged by its wall by the lane. The proposal would have a contemporary appearance, but the dwelling's roof form aims to complement the nearby dwellings.
7. However, because the dwelling and its shallow front path would be as deep as its plot, it would look squeezed in by the embankment. The dwelling would also be much closer to the front of No 19 than the opposing nearby dwellings north of the railway bridge in Victoria Road. So, the dwelling would be dominant, and its obscured glazed front facing windows (to protect the privacy of occupiers of No 19) would be unwelcoming, in stark contrast to the open outlook from the bay windows, porches and mainly open front grounds of the nearby dwellings.
8. The dwelling would be roughly as deep, and roughly as tall, as the nearby dwellings. However, as it would only be about half the width of the nearby semidetached pairs, its narrow form would look incongruous. Moreover, because the proposal, including the dwelling and its largely walled grounds, would be a self-contained unit that would enclose nearly all of its shallow site, its massing would be harmfully at odds with the semidetached dwellings set in their mainly open front gardens.
9. Thus, due to its siting, form, and massing, the proposal would have a built-up character and dissonant appearance that would unacceptably erode the important verdant openness that contributes positively to the sense of place in the lane.
10. The future occupiers would have reasonable access to the town centre and local services, and, amongst other things, the dwelling would satisfy the nationally described space standard. However, the acceptable matters do not outweigh the harm that the proposal would cause. I have also had regard to my colleague's appeal decision ref APP/Y3805/W/20/3266076, and as the scheme before my colleague was for a similar proposal at the site, my findings are consistent with hers. The other appeal decision that was drawn to my attention, ref APP/Q1445/W/19/3226126, dealt with a dwelling in a different local planning authority area. Because there were several other modern looking dwellings in the immediate area and a large flat roofed extension close by, its circumstances differ materially from the proposal before me. The appellant has also referred to 2 other developments permitted by Adur District and Worthing Borough Councils in Lancing and West Tarring, but as they are both some way from the site, where their site specific circumstances differ, they do not weigh in favour of this damaging scheme.
11. I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy 15 of the Adur Local Plan 2017 which aims to respect and enhance the character of the site, and the prevailing character of the area, in terms of form, massing and siting, and to enhance the local environment. It would also be contrary to the National Planning Policy Framework (Framework) which seeks to achieve well-designed places, including at Framework paragraph 130 c) to ensure that

developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

### **Other Matters**

12. The new home would be a welcome windfall, and thus, a social benefit, and its economic gains would include construction jobs and future occupiers' likely support for local shops and services. However, as the environmental harm that the proposal would cause to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, the proposal would not benefit from the presumption in favour of sustainable development, so planning permission should be refused. The appellant's concerns about the Council's handling of the application are not relevant to my findings. It is also a well established principle that the advice of its officers cannot bind the decision of the Council.

### **Conclusion**

13. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
14. For the reasons given above, the appeal should be dismissed.

*J Reid*

INSPECTOR