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# Appeal Decision

Site Visit made on 19 October 2021

**by William Cooper BA (Hons) MA CMLI**

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

**Decision date: 29<sup>th</sup> October 2021**

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**Appeal Ref: APP/Y3805/W/20/3262318**

**Swanborough Court, New Road, Shoreham-by-Sea BN43 6RZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Nigel Redfern, Sussex Airspace Developments Ltd against the decision of Adur District Council.
  - The application Ref: AWDM/0817/20, dated 30 May 2020, was refused by notice dated 6 August 2020.
  - The development proposed is construction of a pitched roof in place of a flat roof & the formation of 5no. self-contained dwellings and the in-fill at first floor level of the undercroft to create 1no. self-contained dwelling and alterations to the site layout for vehicular access.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As the proposal is in a conservation area and relates to the setting of a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

## Main Issues

4. The main issues in this case are:
  - Whether the proposal would a) preserve the setting of the Grade I listed building Church of St Mary de Haura, and b) preserve or enhance the character or appearance of the Shoreham-by-Sea Conservation Area (CA); and
  - The effect of the proposed development on the living conditions of neighbouring residents, with particular regard to light.

## Reasons

### *Heritage assets*

5. The CA is focused around Shoreham-by-Sea town centre, on the northern side of the River Adur. The appeal site fronts onto the western part of New Road,

which is characterised by compact street space and predominantly two-storey dwellings with pitched roofs and rendered walls. This contributes a distinctive, relatively intimate, historic residential scale and character to this part of the CA. Tarmount Lane, which bounds the northern side of the appeal site, has a more mixed character and scale, that includes the telephone exchange building.

6. The listed building is a church with flint cobblestone walls and stone dressings, that dates from around the twelfth century. Located at the heart of the CA, its church tower is a local landmark. The tower is noticeable from various viewpoints, including looking up Tarmount Lane in views alongside and in the vicinity of the northern and eastern boundaries of the appeal site. As such, the appeal site sits within the listed building's eastern foreground.
7. From what I saw during my site visit and the evidence before me, the CA's significance, insofar as it relates to this appeal, lies in the historic townscape which reflects the town's evolution from the medieval period to the early twentieth century. Given the above, I consider the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the legibility of its historic Sussex town centre, landmark architecture.
8. The appeal site comprises two apartment blocks on an approximately triangular plot, situated prominently towards the eastern entrance of the CA at the junction of New Road and Tarmount Lane. The appeal buildings have a three-storey, flat roof profile. Angular bay windows at first and second floor level contrast with the more traditional bay window forms in the vicinity that rise up from ground floor level and have chamfered corners. The appeal buildings have substantial expanses of vertical brown tiles that alternate with stretches of render. At ground floor level, they have considerable expanses of street-facing, blank buff brickwork facade, and undercroft parking on their inner face. These elements together contribute to the appeal buildings' late twentieth century modernity that appears incongruous among the older townscape elements of the CA.
9. The proposal would entail the addition of pitched roofing, containing loft flats, on top of the blocks. The change from flat to pitched roofs, with associated removal of parapet walls and reduction of eaves level, would go some way to dilute the discordant late twentieth century angularity of the appeal buildings, at roof level. It would provide a less abrupt transition from the north-western block to older pitched roof buildings to the north-west. Also, the 'landmark' presence of the listed church's tower in middle distance views along Tarmount Lane would endure.
10. However, the proposed substantial roof mass on top of the appeal buildings would increase the height of the apartment blocks by almost half. The approximately thirty dormer windows would further increase the bulk of, and draw attention to, the proposed roofscape and resultant enlarged building mass. Also, the various alternating patterns of dormers and pairs of dormers would combine with and reinforce the sense of alternation of tiled and rendered stretches of late twentieth century facade. Consequently, the concentration and proliferation of the proposed roofscape with dormers on the appeal buildings would appear uncharacteristically intense in this part of the CA.
11. The above combination of factors would emphasise the discordant modernity of the appeal buildings, and contrast awkwardly with the distinctive intimacy of

townscape scale and the more historic building styles along the western part of New Road, and in the vicinity of the junction of New Road and Tarmount Lane. Consequently, the proposal would, overall, accentuate the discordant modernity of the appeal buildings within the CA.

12. That some other dwellings in the locality have modern dormers of various styles, some of which distract from the historic character of the area, and the nearby telephone exchange is apparently around 0.75m taller than the proposed enlarged blocks, does not negate the adverse impacts identified.
13. Drawing the strands together, the endurance of the legible historic landmark character of the church tower would result in the proposal having a neutral impact on the setting of the listed building. Also, I appreciate the appellant's intention to provide new dwellings in a way that is appropriate to the CA. However, for the reasons given above, the proposal would harm the character and appearance, and significance of the CA. Therefore, I cannot agree that the proposal would amount to a beautiful addition.
14. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the CA to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal.
15. The proposal would contribute to housing land supply in the district, in the form of six one-bedroom flats. It would dilute the discordant angularity of the appeal buildings' roof form. It would also provide a less abrupt transition to buildings to the north-west, albeit within the context of the identified harm to the character and appearance of the CA. The public benefits in these respects are limited in scale and do not outweigh the great weight given to the conservation of the CA, and the less than substantial harm to its significance which I have identified.
16. In conclusion, while the proposal would preserve the setting of the listed building, it would fail to preserve or enhance the character or appearance of the CA.
17. As such, in respect of the CA, the proposal would conflict with Policies 15 and 17 of the Adur Local Plan (LP) which together seek to ensure that proposals conserve the historic environment. Furthermore, this would not accord with the approach of the Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

#### *Living conditions of neighbouring residents*

18. The Daylight, Sunlight and Overshadowing Report and supplementary letter provided to the appeal by the appellant's light consultant together indicate that the proposed development would not significantly alter daylight and sunlight received by neighbouring properties on New Road, Tarmount Road and at Swanborough Court. While I do not underestimate residents' concerns, I find no reason to doubt the accuracy of this expert evidence.

19. I therefore conclude that the proposal would not harm the living conditions of neighbouring residents in terms of light. As such, it would not conflict with Policy 15 of the LP and the guidance in the Adur Development Management Standard No.2 Extensions and Alterations to Dwellings Supplementary Planning Guidance, which together seek to ensure that development safeguards residents' living conditions.

### **Other Matters**

20. The absence of harm in relation to living conditions of neighbouring residents in respect of light is a neutral factor which does not weigh in favour of the proposal.
21. Some local residents have expressed concerns regarding privacy, parking and highway safety, which go beyond the reasons for refusal. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

### **Conclusion**

22. The public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of the CA.
23. Accordingly, I confirm that the proposed development would be contrary to the development plan and Framework, and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

*William Cooper*

INSPECTOR