



Appeal Decision

Site visit made on 15 February 2022

by S Harley BSc(Hons) M.Phil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 18th February 2022

Appeal Ref: APP/C3810/W/21/3278915

4 Beechlands Close, Montpelier Road, East Preston BN16 1JZ

- 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 Robert Saunders, RSP Architects Ltd against the decision of Arun District Council.
 - The application Ref EP/10/21/PL, dated 22 January 2021, was refused by notice dated 25 March 2021.
 - The development proposed is the provision of two, two bed dwellings and the demolition of an existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states the site location as set out above but the site also includes land east of No 18 Beechlands Court. The Council decided the application on this basis and I shall consider the appeal in the same way.
3. In July 2021 a revised National Planning Policy Framework was published. The Parties have had the opportunity to comment on the relevance of this.
4. For clarity in this decision notice I have referred to the proposed westerly property as Plot 1 and the proposed easterly property as Plot 2.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the surroundings;
 - whether satisfactory living conditions would be provided for future occupiers of the proposed houses taking particular account of the proposed external amenity space and outlook and light;
 - the effect of the proposed development on the living conditions of occupiers of No 4 Beechlands Close; and
 - whether adequate drainage facilities would be provided.

Reasons

Character and appearance

6. The site is in a residential area. New dwellings would be acceptable in principle provided other planning policies and material considerations are satisfied.
7. Character Area Two of the East Preston Neighbourhood Plan 2014 (the NP) describes the local character as that of openness with a generally low building height. Policy 3 of the NP requires a low building height for new properties, with any first floor mainly accommodated in the roof space, because the area is predominantly a bungalow development.
8. The proposed development would be seen from the predominantly single storey Beechlands Close. However, from the appeal site end of the cul de sac, the backdrop is that of the two storey buildings on Beechlands Court. The proposed houses would face Beechlands Court and would be some distance from Beechlands Close. On this basis I consider that a two storey building in this case, whilst contravening the requirements of Policy 3, would not be so unacceptable in terms of local character as to justify refusal for this reason alone. The external design of the dwellings would be similar to those on the other side of Beechlands Court and would be appropriate to the area.
9. Due to the shape of the plot the proposed houses would be at an angle to Beechlands Court with relatively small, roughly triangular, shaped garden areas to the front. This is not a dissimilar arrangement to the adjacent flats. However, the area for Plot 1 would be dominated by parking which would require an awkward arrangement with one vehicle parallel to the house and the other at right angles to it, requiring two vehicular crossover points. The area would also accommodate a cycle rack. This would not function well or amount to good design because of the limited space available for soft landscaping and because such prominent cycle storage might not be secure. In these respects the proposed layout would not create the welcoming streets and spaces sought by Part H of the Arun District Design Guide 2021 (the Design Guide).
10. Parking for Plot 2 would be accessed from Beechlands Close. Again this would be somewhat contrived with one parking space parallel to the rear of the garden at Plot 1 and the other at right angles to the rear boundary of the garden of Plot 2. This would not function well and there would be little space for effective landscaping.
11. The appeal site appears to comprise garden and parking areas although that garden part adjoining Beechlands Close may be disused at present. Garden and parking areas are good uses of land in their own right. The proposal would make use of this land but the proposal for two dwellings on this relatively small awkward shaped site would appear as cramped over development and would not provide an appropriate density on the site. Accordingly it would not amount to efficient use or sustainable development.
12. For the above reasons I conclude that the proposal would not be visually attractive in terms of layout or landscaping and would not function well: it would not amount to good design. I therefore conclude the proposal would have a harmful effect on the character and appearance of the surroundings. Accordingly the proposal would conflict with Policies D DM1; D SP1 and QE SP1

of the Arun Local Plan 2018 (the LP); Part P of the Design Guide and Policies 1 and 3 of the NP in so far as they seek good design and layout.

Living conditions for future occupiers of the proposed dwellings

13. The proposal would provide sufficient internal living space. This is to be expected of any development.
14. The rear garden length of Plot 1 would meet the depth of garden required by the Design Guide. However, it would be limited in width and the contrived dog-leg shape would be awkward to use. Moreover, the area directly outside the patio doors would be adjoined on the shared boundary by the side wall of the house at Plot 2. This would project some 2m beyond the rear wall of the house at Plot 1 at full two storey height. In order to ensure privacy a fence, or other boundary treatment, would be required. This, together with the side wall of No 4, would further overshadow this area. In combination the wall of No 4, the wall of the proposed dwelling at Plot 2, and the necessary boundary treatment would create a gloomy and oppressive outlook for users of the living room and garden at Plot 1.
15. The rear garden for Plot 2 would be wider but, at about 7.7m deep, would fall short of the Design Guide requirements and would be unlikely to provide the necessary space for domestic day today outdoor living requirements for those who would live in the proposed house. The appellant has indicated the parking area to the rear could be landscaped carefully to allow it to be incorporated into the amenity space when not required for parking. However, this seems an improbable solution as the rear gardens would need to be enclosed for privacy purposes and the small areas that may become available beyond the boundary are unlikely to be either attractive or practical as useable private amenity space.
16. I consider neither garden would provide the appropriate size and shape sought by the Design Guide. I acknowledge that the Design Guide applies different standards in respect of the amenity space required for flats. However, that does not justify the failure to provide satisfactory amenity space for new houses where expectations of living conditions are different.
17. I conclude that, satisfactory living conditions would not be provided for future occupiers of the proposed houses. Accordingly the proposal would conflict with Policies D DM1(15) and QE SP1 of the LP and that Part H Design Guide that seeks to ensure good living conditions for occupiers of land and buildings. These shortcomings are further indications that the proposal amounts to cramped over development of the site.

Living conditions for occupiers of No 4 Beechlands Close

18. The windows in the rear elevation of the proposed dwellings would face southwards along their own garden spaces. There would be only oblique views of the front windows and front garden of No 4. Accordingly the proposal would not result in significant overlooking of that property. Nor, as the proposed houses would be to the north, and some distance away, would there be significant over shadowing or over bearing effect. Sufficient private amenity space would be kept available for occupiers of No 4.
19. I conclude that the proposed development would not have a harmful effect on the living conditions of occupiers of No 4. Accordingly I find no conflict with

Policies D DM1 and QE SP1 of the LP or the Design Guide in seeking, amongst other things, to ensure development does not have a significant harmful effect on occupiers of adjacent land or buildings.

Drainage

20. Private landowners are responsible for their own drainage. The application form indicates that surface water would be disposed of to a soakaway.
21. As part of the planning application the Council's Engineering Officer indicated that a 5m easement from the building to soakaway(s) must be provided and that soakaway(s) must be a minimum of 2.5m from property boundaries and 5m from the highway boundary. I have seen no information to demonstrate that a suitable infiltrating surface water drainage solution could be provided for each property. Highway soakaways should not be used for the discharge of private water and it appears that Southern Water would be unlikely to accept surface water discharge to any foul sewer. Third Parties have also raised concern about any foul sewer connection.
22. As part of the appeal information relating to the clearance of gullies and drains in/near car parks at Beechlands Court has been submitted. However, this does not demonstrate how the proposed development would be adequately and safely drained.
23. I have considered whether conditions such as those cited by the appellant would overcome the issues I have identified. However, given the limited space that would be available around the proposed building I consider more certainty about the way in which satisfactory drainage could be provided is necessary before the proposed layout could be permitted.
24. For the reasons set out above I conclude that it has not been demonstrated that adequate drainage facilities would be provided. Accordingly the proposal would conflict with Policies W DM2 and D DM3 of the LP and Policy 9 of the NP which together seek appropriate drainage in the interests of public health and to reduce the risk of flooding.

Other Matters

25. The Highways Authority indicate that a second vehicle crossover point to the same property may not be acceptable which could result in the proposal being unimplementable. Whilst this is not a determinative matter for this appeal had my conclusions on the main issues been otherwise I would have sought more information as to whether the proposed parking would be likely to be able to be provided within the site.
26. The appeal proposal is a revised scheme submitted to overcome the reasons for refusal of planning Ref EP/115/20/PL. However, I have considered the proposal on its own planning merits and the fact that amendments have been made does not lead me to any different conclusions on the main issues.
27. Some support has been expressed locally for houses rather than flats and the appellant indicates that there is a high demand for small units. However, I have seen no evidence that there is a particular demand for small units so I give these matters little weight in the context of this appeal.

Planning Balance and Conclusion

28. The Framework makes it clear that the three overarching objectives of sustainable development should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision should be judged. Nevertheless, the proposal would provide employment during construction and future residents would add spend within the local economy. Two additional dwellings would be added to the local housing supply in an accessible location and would help meet housing shortages. However, these benefits are tempered by the small scale of the development proposed. I give these benefits moderate weight in favour of the proposal.
29. I have found that the proposal would amount to a cramped overdevelopment of the site that would have a harmful effect on the character and appearance of the surroundings and that satisfactory living conditions would not be provided for future occupiers. Moreover it has not been demonstrated that adequate drainage facilities would be provided. There would be conflict with the LP, the NP and the Design Guide in these respects. I give these matters significant weight. I conclude that the benefits of the proposal would not outweigh the harms I have identified.
30. In failing to comply with the Policies of the development plan set out above the proposal cannot be said to comply with the development plan as a whole. I have found insufficient material considerations to outweigh the conflict with the development plan.
31. For the reasons given above I conclude that the appeal should be dismissed.

S Harley

INSPECTOR