



Appeal Decision

Site visit made on 6 April 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 28TH April 2022

Appeal Ref: APP/C3810/W/21/3281178
12A The Grove, Ferring BN12 5HZ

- 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 Andrew Bridges against the decision of Arun District Council.
 - The application Ref: FG/46/21/PL dated 17 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is development of a 2-bedroom house set over 2 floors, with the first floor being partially contained within the roof, along with associated parking and amenity spaces.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The copy of the decision notice provided to me appears to have six reasons for refusal, but each of the three reasons has been repeated.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area;
 - b) Whether the proposal would provide satisfactory living conditions for existing and future occupiers, and
 - c) The effect of the proposal on the living conditions of surrounding residents.

Reasons

Issue a) Character and Appearance

4. The appeal site is an area of mainly hard surfaced land used for storage and parking with an existing garage on one side of the site. It lies to the immediate rear of Nos 28-30 Brook Lane, a two storey semi-detached dwelling divided into two units but faces onto The Grove, a cul de sac of mainly single storey bungalows. In the surrounding area, there are a mix of two storey dwellings, chalet dwellings and bungalows. Whilst there are variations in the plot sizes and relationship of dwellings to other dwellings, the properties are generally well spaced, with open frontages.

5. The proposal would introduce a two storey property onto the site. It would be built close to the northern and eastern boundaries leaving a small extent of amenity space on the southern side and provision for parking for two cars at the front.
6. There is no issue in principle with the introduction of a new house given the location within the built-up area of Ferring and within a predominantly residential area.
7. Although plot sizes vary in the local area, the size of the proposed plot would be noticeably smaller than those in the surrounding local area. In addition, the proposed property would cover most of the plot, with limited open space to the south and west. This would further contrast with the more generous relationship of many properties in the local area which enjoy more space around the built form, including to the front. The combined effect of the small size of the plot, the extent of site coverage and the size of the proposed property in relation to the plot size would result in a cramped over development of the site that would be out of character with the more spacious pattern of development in the local area. I have taken into account the information provided by the Appellant regarding plot sizes and spacing, but it is my view that the combination of all the factors set out above would result in a visually obtrusive, cramped form of development which would detract from the local and more spacious pattern of development.
8. I therefore conclude that the proposal would harm the character and appearance of the local area. This would conflict with Policies D DM1 and D SP1 of the Arun Local Plan and Part P of the Arun Design Guide and the National Planning Policy Framework (Framework) and in particular Section 12, all of which amongst other things seek a high quality of design which respects the local context.

Issue b) Living Conditions of Occupiers

9. The amenity space for the proposed unit would be to the south of the property but would be very limited in size, with the maximum width being less than 3m and narrowing to some 2m at the western end. I am also not satisfied, on the basis of the information before me, that the space would not be overlooked from windows at the rear of the properties to the south fronting Brook Lane. It would be a very confined space and the combination of the small size as well as potential overlooking from neighbouring windows would not provide a satisfactory area of private amenity space for the proposed occupiers.
10. Whilst there may be examples of garden areas which fall short of the recommendations in the Arun Design Guide, and to which my attention has been drawn by the Appellant, I do not consider that the size and siting of the only amenity space provided for the proposed unit would be acceptable in size to enable the space to be usable and enjoyable. These other examples do not persuade me to a different view.
11. I am therefore not satisfied that the proposal would create a satisfactory living environment for future residents, with particular regard to the provision of external amenity space. This would conflict with Policies D DM1 (15) and QE SP1 of the Arun Local Plan and Part H of the Arun Design Guide as well as the Framework and in particular Section 12 and paragraph 130 f) all of which

amongst other things seek for a high quality design which respects the amenities of existing and future occupiers.

Issue c) Living Conditions of Surrounding Residents

12. There would be windows at first floor level, serving the two bedrooms, facing to the east and to the west. However, I am satisfied that they have been sited so that they would not lead to material harm to the neighbouring properties in respect of overlooking and loss of privacy. The window facing west would primarily overlook the driveway and garage serving No 24 and the window on the eastern elevation would face towards the garage serving No 1 The Grove.
13. However, I agree with the Council that the scale and massing of the two storey property, so close to common boundaries would be oppressive for the neighbours in terms of their outlook, including the neighbours at No 1 The Grove as well as in the properties fronting Brook Lane.
14. I am not therefore satisfied that the proposed development would protect the living conditions of the immediate neighbours, with particular regard to outlook. This would conflict with Policy D DM1 (3) and (15) of the Arun Local Plan and Part P of the Arun Design Guide as well as the Framework and in particular Section 12 and paragraph 130 f) all of which amongst other things seek for a high quality design which respects the amenities of existing and future occupiers.
15. A concern has been raised regarding access rights in relation to adjoining properties, but this is a private matter that would need to be addressed under other legislation.

Planning Balance and Conclusion

16. It is not clear from the information before me whether the Council is able to demonstrate a 5 year housing land supply. The Appellant suggests that the Council is falling short of its annualised requirement, but no detailed information has been provided to me. The Council has not commented. I am therefore unable to reach a conclusion on this matter.
17. Paragraphs 8 and 11 of the Framework make it clear that there is a presumption in favour of sustainable development which has three dimensions; economic, social and environmental. The proposed development would contribute 1 additional housing unit with associated, albeit small scale, social and economic benefits. However, and even if the Council were unable to demonstrate a 5 year supply of deliverable housing sites, the adverse impacts I have concluded from the proposed development in terms of harm to the character and appearance of the local area, as well as the lack of a satisfactory living environment for future residents and impact on the living conditions of existing neighbours would significantly and demonstrably outweigh the benefits of permitting the scheme to proceed. The proposal is not therefore sustainable development for which there is a presumption in favour.
18. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR