

Appeal Decision

Site visit made on 17 November 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/C3810/W/22/3296422

25 River Road, Littlehampton, BN17 5BZ

- 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 Hall Homes Ltd against the decision of Arun District Council.
 - The application Ref LU/151/21/PL, dated 5 May 2021, was refused by notice dated 12 October 2021.
 - The development proposed the demolition of existing car garage and the erection of 2 no. two-storey residential buildings comprising 5 no. flats with associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on a) the character and appearance of the locality and b) living conditions for neighbours.

Reasons

Character and appearance

3. The appeal property is a semi-derelict former commercial garage building that takes up a large part of the appeal site which, through wrapping around a pair of semi-detached small villas on the River Road corner, also has a frontage to Terminus Road. The locality contains several traditional cottages and dense Victorian dwellings along with modern buildings. The area is of established residential character with, for the most part, a very attractive appearance. The appeal proposal is as described above. One of the blocks would front on to River Road, the other to Terminus Place; both would have semi-underground parking and be rendered with pitched roof elements.
 4. The site lies within the Littlehampton River Road Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected within Arun Local Plan (LP) Policies HER DM3 and HER SP1 which also include a range of design criteria for proposals within Conservation Areas.
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5. I agree with the Appellant's analysis of the locality as one being suited for a relatively dense scheme which need not be judged by standards or guidance which would apply to sites in, for example, suburbia. I find the 'two block' approach a good one in principle for introducing some open area and for enabling buildings to directly address both street frontages. I shall deal with amenity later but in pure elevational terms I consider that the planned approach towards Terminus Place would, because of the make-up of that road, not look ill at ease with the modern stance taken, nor with the visibility of parking below the block. This street already accommodates block type development and considerable parking areas open to the eye.
6. Regrettably the situation is quite different in River Road. My opinion here is that the planned front elevation neither draws anything directly from what is around nor, alternatively, is of sufficient quality or interest as a modern idiom to justify divergence and make a positive contribution to the streetscene. It would look jarringly out of place. Furthermore, I do fully appreciate the fact that with flood protection necessary floor levels would not match the adjoining properties but would have thought that there was a more subtle way of handling this in elevational terms. Finally, I am very concerned that the underground void and its parking would be a dominant feature in this stretch of street where such an arrangement would look completely alien. It would simply lack the finesse which is called for especially when rear access might be available or use made of the Council's stated flexibility on parking standards in the town centre. It would be an unnecessary and quite inappropriate prominent hole punched in this length of existing, and potentially, pleasantly built-up streetscene close to the back edge of the footway.
7. Given the above aesthetic concerns I conclude that the proposal would run contrary to the aims of S72(1) of the Act and conflict with LP Policies HER DM3 and HER SP1. At the same time, I conclude that the appeal scheme would not accord with LP Policies D DM1 and D SP1 which, taken together and amongst other matters, call for high standards of design with recognition of character of the local area and appropriate architectural detailing, layout, massing, and streetscape.

Living conditions

8. In terms of amenity for neighbours, being cognisant of the scope for a legal agreement relating to a light well for No 27 River Road along with the wider Light Survey Report submitted by the Appellant, I would conclude that the scheme would not unduly impinge upon daylight levels. However, I do consider that there would be an unacceptably uncomfortable sense of being hemmed-in by the bulk, mass and proximity of built form, for residents in, most particularly, No 8 Purbeck Place (a little less for No 9) and those with nearest main windows in Arun Court flats. Being symptomatic of over-development the scheme would be over-bearing for these neighbours, markedly more so than even the existing buildings. I am not persuaded that from the neighbours' perspective the benefit of removing the prospect of future commercial use of the present structures would outweigh this harm.
9. LP Policies D DM1 and D SP1 are also pertinent on this issue. Taken together and amongst other matters, they seek to ensure that new development would protect standards of residential amenity for neighbours. Given the foregoing I

would conclude that the appeal scheme would conflict with these policies in this regard.

Other matters

10. I do share the Appellant's wish to see this site redeveloped and I note that the Council rightly did not raise concerns on a number of technical and aesthetic factors. The Council seemingly refers to concerns over future occupants' residential amenity on the Decision Notice but that contradicts the Officer's Report and I would go along with the latter. Amenity space in the wider context is suitably available.
11. I appreciate that the scheme would add to the housing supply, which is in a shortfall situation, and I recognise the considerable impetus which is applied to this. However, the addition to the stock would be relatively minimal and it is important that matters of character, appearance and amenity are carefully considered and not set to one side by a housing provision argument being unduly over-riding. Whilst this is an accessible location, I would not deem this particular proposal to be sustainable development because of the environmental issues I have cited.
12. The Appellant understandably and rightly underlines a number of public benefits arising from the scheme including, in summary, five homes; eyesore removal; flood risk resolution; site decontamination and; contribution to the economy during and beyond construction stage. I have carefully considered these and all the other points raised by the Appellant but these matters are significantly and demonstrably outweighed by the harm relating to the main issues identified above.
13. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be would not outweigh this harm. Furthermore, there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.

Overall conclusion

14. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects upon the character and appearance of this locality which is a Conservation Area and on living conditions for neighbours. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR