

Appeal Decision

Site visit made on 10 February 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2023

Appeal Ref: APP/C3810/W/22/3301519

**4 Beechlands Close and east of 18 Beechlands Court,
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 RSP Architects Ltd against the decision of Arun District Council.
 - The application, Ref. EP/157/21/PL dated 10 November 2021 was refused by notice dated 20 January 2022.
 - The development proposed is the erection of a two bedroom three person dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed development on the character and appearance of the street scene, and (ii) the effect on the living conditions for the occupiers of No. 4 Beechlands Close as regards outlook.

Reasons

3. The appeal application follows three earlier applications for the residential development of the site, including a dismissed appeal for two dwellings in February 2022. On the first issue, the Council's objection is that the proposed two storey dwelling would be overly dominant. As such it would have a cramped and overdeveloped appearance that would be out of keeping and jarring in the street scene.
 4. I saw on my visit that in the approach along Montpelier Road towards Beechlands Court the aspect changes from the lower density development pattern of bungalows to the higher density two storey blocks of flats at Beechlands Court. This increase in building footprint and mass has the effect of funnelling the dwellings into a narrower and far more intensive development pattern with minimal front building lines around the cul-de-sac head.
 5. The effect this has on the street scene is alleviated in part by the tapered garden area frontage of Beechlands Court dwellings on the north side of the road, but also by the absence of built form on the appeal site. Whilst the combination of fencing, hardstanding, and a shed on the site does not make a positive contribution to the street scene, the land is essentially open in character and thereby assists in the transition of the area's spatial character from lower to higher density.
-

6. The proposed dwelling would noticeably diminish this open character and with the house at an awkward angle and its north east corner positioned hard to the pavement, would appear as having been 'squeezed in' to a site that is both awkward in shape and too small in area.
7. Furthermore, the present view along Montpelier Road towards the buildings of Beechlands Court is dominated by the large flank gable of No. 18. The absence of a first floor window results in a somewhat featureless wall, but this is alleviated by the introduction of render and it does provide a logical focal point.
8. In the view along the road, the introduction of the appeal dwelling in the foreground and at an angle to the highway would result in an awkward visual relationship between the eastern flank of the new dwelling and that of No. 18, which is likely to have a jarring effect on the street scene. In addition, the loss of openness and the skyline between the footpath link to Beechlands Close and No. 18 would represent an important reduction of visual amenity.
9. The appellant has drawn attention to the comments of the Inspector in the dismissed appeal. I agree with their comments that a two storey building on the site would not in itself be out of character with its context of the two storey Beechlands Court, including when seen from Beechlands Close. However, whilst the two storey building is not in principle inappropriate, it is the combination of the height with the size, siting and awkward shape of the site that serve as a constraint and would be perceived as a somewhat contrived development.
10. Overall on this issue, I find that the appeal scheme would harm the character and appearance of the street scene of Montpelier Road and Beechlands Court. This would be in conflict with Policies D DM1 & D SP1 of the Arun Local Plan 2011-2031 adopted in July 2018 ('the Local Plan'); Policy 1 of the East Preston Neighbourhood Plan 2014-2029 insofar as design and layout, and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021 ('the Framework').
11. Turning to the second issue, the rear garden of the proposed dwelling would be formed from a substantial part of the existing front garden of the bungalow at No. 4 Beechlands Close. I consider that the officer's report is correct to observe that the erection of a 1.8m high fence to ensure privacy for the occupiers of the new building would, because of its proximity, have a significant adverse effect on the outlook from the front windows of the bungalow.
12. Again, I have had regard to the comments of the previous Inspector. In that case there was concern as to the development having an overbearing and overlooking impact on No. 4. The conclusion was that it did not apply in that case and it is not alleged that it applies in the current proposal. From the information before me I am unsure whether the necessity for fencing at least 1.8m in height in such close proximity to the front elevation of No. 4 applied in that proposal and if it did, whether the Inspector's attention was drawn to it. Be that as it may, I am satisfied that in this case it is a detail that weighs against the appeal being allowed.
13. On this issue I therefore conclude that the proposed development would have a harmful impact on the outlook from No. 4 Beechlands Close. This would conflict with Local Plan Policies D DM1(15) & QE SP1 and with Paragraph 130f) of the Framework.

Other Matter

14. The appellant has drawn attention to the fact that the Council is unable to demonstrate a 5 year supply of housing land supply in Arun District. Accordingly, the presumption in favour of sustainable development in paragraph 11d) of the Framework applies on the basis that the policies for the provision of housing should be regarded as being out-of-date.
15. Paragraph 11d)ii says that in these circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Framework Policy 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 adds that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

Conclusions

16. I have taken these policies into account. I also acknowledge that the appeal site is in a sustainable location and that the current scheme has sought to overcome the objections of the earlier proposal dismissed at appeal. This is as regards both a reduction from two dwellings to one and in respect of consequential amendments in terms of design, siting and layout.
17. However in my view, the constraints of this small and awkwardly shaped site in close proximity to existing dwellings are such that the development as proposed would significantly and demonstrably outweigh the benefit of an additional dwelling, when assessed against the policies of the Framework taken as a whole.
18. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR