



Appeal Decision

Site visit made on 27 March 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/C3810/W/22/3302673

Land between 32 Downs Way and 2 Ambersham Crescent, East Preston, West Sussex BN16 1AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Omar Rafique against the decision of Arun District Council.
 - The application Ref A/253/21/OUT, dated 30 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is the erection of a single bungalow dwelling with off street parking and private amenity space.
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Decision

1. The appeal is dismissed.

Preliminary matters and main issues

2. The application for outline planning permission was made with all matters, that is, layout, scale, appearance, access, and landscaping, reserved for future consideration. The indicative details included on the application plans were submitted for illustrative purposes only.
3. Any 'Stopping Up' to extinguish existing highway rights at the site would require a separate application made under other legislation.
4. The main issues are the effect that the proposed development would have on:
 - the character of the surrounding area, and
 - the living conditions of the future occupiers regarding private outdoor space.

Reasons

Character

5. The appeal site is situated on the roughly south west corner of the junction of the west end of Ambersham Crescent with Downs Way. The site includes a largely open mainly grassed area, which is partly bounded by the back edge of the footpath in both roads and crossed by another footpath. It is close to the sides of the dwellings at 32 Downs Way and 2 Ambersham Crescent, which face north and east respectively.
6. The site is situated within a well-planned housing estate in the built-up area. The estate is mainly characterised by similar pairs of pitched roofed bungalows set well back from the roads, a few detached bungalows of similar style and siting, and linear terraces of broadly uniform 2 storey dwellings set well apart

from one another, in a spacious network of grass verged roads, footpaths, and courts. Some dwellings have been extended but the overall uniformity in their character has endured. The estate has a strong 'open plan' ambience, and it is enhanced by the trees dotted throughout it.

7. The openness at the site contributes positively to the lengthy open eastward vista along the western part of Downs Way, which can be appreciated nearly all the way from Station Road. This important vista is consistently contained by the broadly uniform siting of the bungalows on both sides of the road, and it is terminated by the taller terraces including 34 and 36 Downs Way, and by the trees by and beyond them, some of which provide a partial sylvan backdrop.
8. By the junction of Ambersham Crescent with Downs Way, the vista opens out. The bungalows at and between 27 and 45 Downs Way step back to follow the gentle bend in the road, and the bungalow pair including 32 Downs Way is set back a little further from Downs Way to lead into Ambersham Crescent, where the nearest terrace including 34 Downs Way and the dwelling at 2 Ambersham Crescent are set well back from the road. So, the openness at the site is important to the eastward vista along the western part of Downs Way, to the spacious character where the west end of Ambersham Crescent meets Downs Way, and thus, to the character of the estate.
9. It is sometimes acceptable for buildings on corner plots to be sited closer to the roads, and thus, more prominently, than other nearby buildings. However, here, any dwelling and/or associated tall boundary treatment nearer to Downs Way than the front of 32 Downs Way would be unacceptably intrusive in the important eastward vista, and any dwelling and/or associated tall boundary treatment nearer to Ambersham Crescent than the front of 2 Ambersham Crescent would harmfully erode the important spaciousness about the junction between the 2 roads. So, there would only be scope for a dwelling and any tall boundary treatment to be situated in the south west part of the site, behind the fronts of the dwellings at 32 Downs Way and at 2 Ambersham Crescent.
10. Due to the modest scale and shape of the space available within the site for the dwelling and its tall bounded grounds, the narrow form and squeezed-in siting of the proposal would be harmfully out of character with the bungalow pairs and terraced dwellings close by. Moreover, irrespective of whether future occupiers would be older people, the modest scale of any private outdoor space enclosed by tall boundary treatment would be harmfully at odds with their reasonable expectations in a suburban area such as this. Because the proposal would be unacceptably incongruous, it would damage the sense of place, and so, it would not make more efficient use of the land.
11. The site specific circumstances of the proposal in appeal decision ref APP/C3810/W/21/3268934, including its relationship with the existing dwellings, differ from those in this appeal. So, it provides little support for this damaging scheme.
12. Therefore, I consider that the proposed development would harm the character of the surrounding area. It would be contrary to Policy D SP1 of the Arun Local Plan 2011-2031 (LP) which aims for proposals to reflect the characteristics of the site and local area, LP Policy D DM1 and Policies HD5 and HD6 of the Angmering Neighbourhood Plan 2014-2029 which together seek high quality design and respect for context, and guidance in the Arun District Design Guide Supplementary Planning Document (SPD). It would also be contrary to the

National Planning Policy Framework (Framework) which seeks the creation of high quality, beautiful and sustainable buildings and places.

Living conditions

13. I have considered the orientation of the site, its relationships with the nearby dwellings, and the overshadowing effects of the proposed dwelling and solid boundary treatment tall enough to offer privacy. However, for the reasons given in my first main issue, there would be insufficient scope to provide an outdoor space where the future occupier or occupiers and a visitor or 2 could, amongst other things, sit outside and take the air and enjoy the sun in privacy, hang washing, and grow some plants. So, the private outdoor space would not be reasonably useable. Also, if a private outdoor space were to be bounded by tall vegetation, that planting could not reasonably be controlled by condition for more than a few years. So, it could not be relied upon to provide the future occupiers with privacy in their outdoor space in the long term.
14. Thus, I consider that the proposal would harm the living conditions of the future occupiers regarding private outdoor amenity space. It would be contrary to LP Policy D DM1, guidance in the SPD, and the Framework which seeks a high standard of amenity for future users.

Other matters

15. The Council cannot demonstrate a 5 year supply of deliverable sites for housing, and the shortfall is significant. So, the presumption in favour of sustainable development in the Framework is engaged. The benefits of the scheme would include one welcome new home in a reasonably accessible location, jobs during construction and the future occupiers' likely support for local shops and services. However, as the harm identified in the main issues would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

16. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR