



Appeal Decision

Site visit made on 25 April 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/C3810/W/22/3310478
17 Cherry Croft, Littlehampton BN17 7NT

- 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 David J Hobden against the decision of Arun District Council.
 - The application Ref: LU/167/22/PL dated 9 June 2022, was refused by notice dated 5 August 2022.
 - The development proposed is erection of new self-contained dwelling at side of existing terrace house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the street scene, and
 - b) The effect of the proposal on the living conditions of the occupiers of Nos 19-25 Cherry Croft.

Reasons

Issue a) Street scene

3. The appeal property is the end of a terrace of three storey houses in a predominantly residential area within the built up area of Littlehampton, with a mix of two storey and three storey terraces as well as two storey attached houses. Along the side of the appeal property is a pedestrian footpath connecting through to Colebrook Road. There is a terrace of two storey houses (Nos 19 – 25 Cherry Croft) fronting the footpath on its southern side and approximately opposite the appeal property and its garden. These properties have pedestrian access from the footpath and some appear to have access to the rear via a parking and garage courtyard to the rear.
4. The proposal would seek to introduce an additional dwelling by continuing the terrace across the side garden of the appeal property. It would be slightly narrower than the rest of the houses in the terrace, but it would appear to continue the terrace in terms of scale, design and materials. It would bring three storey development up to the line of the footpath.

5. In continuing the terrace, the proposed additional dwelling would sit comfortably with the predominant pattern of development where the terraces of both two and three storey developments are of different lengths. In terms of the position of the terraces, some are positioned closer to the next one whilst others are set further apart with areas of open space or planting in between. Whilst the development would extend closer to the footpath and development at Nos 19-25 Cherry Croft, I do not consider that this reduction in spacing would appear out of character with the varied pattern of development in the immediate local area.
6. In terms of street scene views, I am satisfied that the proposed development would integrate with the local character and appearance of the immediate area. It would therefore respect the street scene. There would be no conflict with Policies D SP1 and D DM1 of the Arun District Local Plan, the Arun Design Guide and the National Planning Policy Framework, with particular reference to Section 12, all of which amongst other matters all of which amongst other matters seek a high standard of design which respects the local context.

Issue b) Living Conditions

7. The properties in the two storey terrace at Nos 19- 25 Cherry Croft face onto the side of the appeal property with short gardens to the front and the footpath between. Within this terrace Nos 25 and 23 face directly towards the side wall of the appeal property with Nos 19 and 21 further to the east facing towards the rear garden of appeal property across the footpath. The outlook from these two properties at the eastern end of the terrace would not be materially affected as a result of the proposed development, albeit the boundary treatment to the rear garden may change.
8. I agree with the Appellant that the neighbours at Nos 23 and 25 benefit from a south facing outlook at the rear and south facing rear garden. However, and although the full details have not been provided, they would also appear to have habitable rooms facing northwards towards the appeal property. Notwithstanding the tall boundary treatments planted adjoining the footpath, particularly at No 25, the proposed development would bring the flank wall of the new house within less than 9 metres of the front face of the two houses at Nos 23 and 25, on the basis of the Council's figures. I agree with the Council that the flank wall of the three storey house in such close proximity to the windows in the two storey properties would be overbearing and detract from their outlook and so harm the neighbours' living conditions.
9. Although the pedestrian access from both Nos 23 and 25 onto the footpath does not appear to be used at present, the development if permitted would endure for potential changes of occupiers. If used, the footpath entrance to these two houses would be very oppressive and overbearing, becoming very narrow because of the proximity of the three storey flank wall to the new house. Although only for a limited length, I also agree that as a result of the three storey development and its proximity adjacent the footpath, the footpath would become generally less attractive to be used by others in the local community, particularly during hours of darkness.
10. I have taken into account that there would only be a landing window at first floor level in the flank elevation of the proposed dwelling, compared with the several windows in the existing property. However, given their greater distance, this potential benefit to reduce overlooking and loss of privacy would

not outweigh the harm I have already concluded to the living conditions of these neighbours, from loss of outlook by way of over dominance.

11. I therefore conclude that the proposal would materially harm the living conditions of the neighbours at Nos 23 and 25 Cherry Croft through loss of outlook. This would conflict with Policies D SP1 and D DM1 of the Arun District Local Plan, the Arun Design Guide and the National Planning Policy Framework, with particular reference to paragraph 130, all of which amongst other matters seek a high standard of design which respects the amenities of existing and future occupiers.

Other Considerations

12. Local residents have raised concerns about parking issues in the local area. The proposal would include for an off street parking space at the front and cycle parking to the rear which the Council advises would accord with policy. The Council's Highway Officer raised no objections and parking issues were not a reason for refusal. I have no reason, based on my site visit and the information before me, to take a different view.
13. Local residents have raised a concern as to whether the proposal would be built wholly on land within the control of the Appellant, but such matters would need to be addressed under other legislation.

Planning Balance

14. The Council acknowledges that it cannot demonstrate a five year housing land supply of deliverable land and that it can only demonstrate a 2.42 years' supply which represents a worsening position from the previous year. Accordingly, paragraph 11(d) of the Framework is engaged.
15. The proposed development would provide 1 additional residential unit with the attendant social and economic benefits and would be in a generally accessible location to shops and services. The Appellant has referenced that the proposal would assist with the provision of much needed low cost housing in the district, but there is no further information provided to substantiate that claim. Whilst I am satisfied that the proposal would respect the street scene, I have found that the proposed development would materially harm the living conditions of nearby residents, particularly at Nos 23 and 25 Cherry Croft.
16. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the scheme fails to accord with the development plan taken as a whole, and there are no material considerations, including the Framework, that indicate a decision other than in accordance with the development plan. Therefore, this appeal should be dismissed.

L J Evans

INSPECTOR