



Appeal Decision

Site visit made on 15 June 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2023

Appeal Ref: APP/C3810/W/22/3311814

4 Beechlands Close Site, fronting Montpelier Road, East Preston, West Sussex BN16 1JT

- 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 James Lloyd against the decision of Arun District Council.
 - The application Ref EP/101/22/PL, dated 22 August 2022, was refused by notice dated 20 October 2022.
 - The development proposed is new dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form, albeit with superfluous information not referring to an act of development removed.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of 4 Beechlands Close (No 4), with particular regard to privacy, outlook and daylight, and the occupiers of numbers 17 and 18 Beechlands Court (Nos 17 and 18), with particular regard to outlook, daylight and noise and disturbance; and,
 - Whether the proposal would provide acceptable living conditions for future occupiers of the proposed dwelling, with particular regard to internal space standards.

Reasons

Character and appearance

4. The site is an irregular shaped parcel of land occupying a position beside a pedestrian path between Beechlands Close and Beechlands Court. The surrounding area has an established residential character and appearance. Character Area Two of the East Preston Neighbourhood Plan 2014-2029 (the NP) explains the local character as that of openness with a generally low

- building height. Policy 3 of the NP seeks to maintain a consistent low building height, with no development proposal of more than 1.5 storeys.
5. I saw during my site visit that the dwellings within the vicinity of the site predominately comprise a low-density development pattern of bungalows set back from the road behind garden frontages. This includes No 4, which lies to the south of the appeal site.
 6. In contrast to this predominant pattern of development, there are two-storey buildings of flats at Beechlands Court to the northern and west side of the site, which provides a more intensive and enclosed pattern of development. This is lessened somewhat by the more open character of the appeal site, which together with the set back of flats to the north side of the road, contributes positively to the setting and helps in the transition of the area's spatial character from lower to higher density development.
 7. Whilst a two-storey dwelling on the site would not in itself be out of character with the context of the two-storey buildings at Beechlands Court, the development would noticeably diminish the open character of the site. Furthermore, the proposed dwelling as a result of it spanning across most of the width of the site, its two-storey scale, arrangement with the highway and the irregular shape of the site would appear as a cramped and contrived form of development.
 8. The dwelling would lie close to the pedestrian path, reducing the sense of openness and the skyline between Beechlands Close and Beechlands Court. This would result in an important reduction of visual amenity of the locality.
 9. Consequently, for the above reasons, the appeal scheme would appear as an unsympathetic form of development causing harm to the character and appearance of the area. This would conflict with Policies D DM1 and D SP1 of the Arun Local Plan (2011-2031) (the LP) and Policy 1 of the NP, which together require development to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area.
 10. For similar reasons, there would also be conflict with Part P of the Arun District Design Guide Supplementary Document (January 2021) (SPD), which amongst other things, seeks to ensure development is in harmony with the prevailing character and building pattern.

Living conditions of existing occupiers

11. The proposed dwelling would lie in close proximity of the northeast corner of No 4, increasing the mass of building close to the property. Moreover, its rear garden would be formed over a substantial part of the front garden of No 4 close to the front elevation. In order to ensure privacy for future occupiers the development would likely require a minimum 1.8 metre fence along the newly formed boundary between the appeal site and No 4. This is consistent with the Council's assessment, which is not disputed by the appellant.
12. Due to its proximity and height of the proposed dwelling and the likelihood of a new boundary fence being formed in close proximity, the proposal would be conspicuous in views from No 4 and create a dominant and obtrusive development. This would result in a greater sense of enclosure and would be

- overbearing to the outlook of the occupants of No 4 when viewed from their respective front windows and garden.
13. The rear windows of the proposed dwelling would face southwards, where there would only be oblique views of the front windows and garden of No 4. Consequently, the proposal would not result in significant overlooking of that property.
 14. As the proposed dwelling would be to the north of No 4 and at an angle to it, existing daylight levels would be substantially maintained. Moreover, given the limited openings on the east facing wall of Nos 17 and 18, together with the position of the proposed dwelling at an angle and to the east side, the appeal scheme would not significantly impact on existing levels of daylight at Nos 17 and 18. As such, the proposal would not cause adverse detriment to the living conditions of the occupiers of No 4 and Nos 17 and 18 with regard to daylight.
 15. For similar reasons, having regard to the juxtaposition of the proposed dwelling in relation to the neighbouring properties, the proposal would not harm the living conditions of the occupiers of Nos 17 and 18 with regard to outlook.
 16. The proposed development would result in increased activity at the site, with increased comings and goings. However, despite car parking being proposed at the western extent of the site, given the number of occupants and relatively limited number of traffic movements associated with the residential use of the site, the proposal would be unlikely to cause unacceptable noise and disturbance to the occupants of Nos 17 and 18.
 17. Nonetheless, for the above reasons, I find that the proposal would have a significant harmful impact on the living conditions of the neighbouring occupiers of No 4 with particular regard to outlook. As such, there would be conflict with Policies D DM1 and QE SP1 of the LP, which amongst other things, require development to have minimal impact on users and occupiers of nearby property.
 18. For similar reasons, there would also be conflict with Part H of the SPD, where it seeks to ensure development creates an attractive environment with appropriate spatial definition.

Internal space standards

19. Policy D DM2 of the LP explains that the planning authority will require internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. The Nationally Described Space Standards are to be used as a guide.
20. The plans identify three bedrooms on a first floor and a study/guest bedroom on the ground floor. The Council has calculated the overall useable floor space as 90 square metres, that bedroom 1 does not meet the required size of a double bedroom and that none of the other identified bedrooms meet the required size for single bedrooms. Whilst the proposed dwelling would exceed the minimum gross internal floor space standard for a two storey three bedroom house with four person bed spaces, the minimum required floor space for the bedroom spaces would not be met.
21. Although the appellant states that adjustments to internal walls could be made to meet the requirements, this has not been demonstrated on the plans. Given

that none of the proposed bedrooms at the first floor would meet the space standards, it is not certain that there would be sufficient space within the dwelling to accommodate the minimum required floor space for the bedrooms. It is therefore a detail that weighs against the appeal being allowed.

22. The Nationally Described Space Standards set out a minimum required floor space. Consequently, the proposal would fail to provide adequate internal space which would lead to inappropriate living conditions for future occupants. This would conflict with Policy D DM2 of the LP and Part P of the SPD, where it seeks high quality infill development which enhances amenity for new residents.

Planning Balance

23. There would be benefits with the construction of a dwelling in a location with good access to facilities and services to serve the day to day needs of prospective residents. Given the proposal is a single dwelling, the contribution would be limited, and I give this factor limited weight. There would be benefits arising from the construction period and future spend of occupants. Nevertheless, as construction benefits would be short term, and given the scale of the proposal, these factors attract little weight.
24. The National Planning Policy Framework (Framework) advises that planning policies and decisions should support development that makes efficient use of land. However, this should take account of, amongst other things, the desirability of maintaining an areas prevailing character and setting.
25. The proposal would harm the character and appearance of the area and the living conditions of the occupiers of No 4, and would fail to provide adequate internal space for future occupants. The Framework advises that the creation of high-quality buildings and places is fundamental to what the planning process should achieve. It also states that developments should be sympathetic to local character and provide a high standard of amenity for existing and future users. Paragraph 219 of the Framework is clear that the weight to be given to local policies depends on their consistency with the Framework.
26. The proposed development would conflict with Policies D DM1, D DM2, D SP1 and QE SP1 of the LP and Policy 1 of the NP. I give the conflict with these policies substantial weight as they are generally consistent with the Framework.
27. The Council accepts that it is not possible to demonstrate a five-year housing land supply at present.
28. The application of policies in the Framework that protect areas or asset of particular importance do not provide a clear reason for refusing the development proposed, as outlined in paragraph 11d)i. Therefore, the presumption in favour of sustainable development outlined in paragraph 11d)ii of the Framework is engaged.
29. The proposal would align with the aims of the Framework to significantly boost the supply of housing and that small-scale development can make an important contribution to meeting the housing requirement and different types of need (paragraphs 60 and 69). As the proposal is for one dwelling there would be limited benefit.

30. There would be economic and social benefits from the build and occupation of the dwellings as well as support for local services, facilities and the community. The development would make use of underutilised land. Such benefits would be minimal given the size of the development, and I give each limited weight.
31. I give significant weight to the harm that would occur to the character and appearance of the area and to the living conditions of the occupiers of No 4 and to the inadequate internal space for future occupants. The proposal would be contrary to the Framework where it seeks to ensure proposals are sympathetic to local character and provide a high standard of amenity for existing and future users (paragraph 130).
32. Overall, having regard to the above factors, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Other Matters

33. It has been brought to my attention that the appeal follows earlier planning applications and dismissed appeals relating to this site. I have been provided with limited details of those cases and I have considered this application on its merits.

Conclusion

34. The proposal would conflict with the development plan and the Framework as a whole. There are no material considerations identified of such weight that indicate the decision should be made other than in accordance with the development. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR