



Appeal Decisions

Site visit made on 3 July 2023

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

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal A Ref: APP/C3810/W/22/3311078

1 Sea Drive, Ferring, West Sussex BN12 5HD

- 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 Saqib Butt of SB24 Ltd against the decision of Arun District Council.
 - The application Ref FG/54/22/PL, dated 14 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is new build dwelling.
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Appeal B Ref: APP/C3810/W/23/3319865

1 Sea Drive, Ferring, West Sussex BN12 5HD

- 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 Saqib Butt of SB24 Ltd against the decision of Arun District Council.
 - The application Ref FG/134/22/PL, dated 3 August 2022, was refused by notice dated 27 October 2022.
 - The development proposed is new build dwelling.
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Appeals A and B Decisions

1. Appeals A and B are dismissed.

Appeals A and B:

Reasons

2. The main issue is the effect that the proposed developments would have on the character and appearance of the surrounding area.
3. Policy Q SP1 of the Arun Local Plan 2011-2031 (LP), which is included in the Council's reasons for refusal in Appeal B, aims to control pollution and to avoid the adverse impacts of incompatible land uses, so it is not a relevant policy.
4. The appeal site is situated in a mainly residential area near the seafront, within the built-up area of Ferring. Mainly open land within the strategic gap between Ferring and Goring lies roughly east, beyond the site's frontage to Sea Lane. The site includes the far end of the back garden of the dwelling at 1 Sea Drive, which lies roughly south, and it adjoins the gardens of the dwellings at 3 Sea Drive to roughly west, and at 108 Sea Lane to roughly north. The frontage is wider than that of the chalet style dwelling at 108 Sea Lane, but the site is shallower and it tapers towards the back.

5. The nearby dwellings include detached mostly 2 storey houses, chalet style dwellings and flats/apartment buildings in a range of styles and sizes, and their gardens are important to the spacious suburban character. Most nearby dwellings on the west side of Sea Lane are set well back from the lane by their gardens and its verges. The openness and greenery in those gardens contribute positively to the street scene in the nearby part of Sea Lane, and to the sense of place.
6. The Appeal A and B proposals include 2 different 3 bedroom dwellings with most living space on the upper floor, and a similar flat roofed single storey garage/garden room and 2 tandem car parking spaces by the south boundary.
7. Planning permission was granted by the Council for an L-plan 2 storey building of 8 flats in place of the existing chalet style dwelling at 1 Sea Drive in 2017, and for a 'second floor, part single, part 2 storey extension and wrap around terrace' (upper floor extension) to the existing dwelling in 2021. The partly built flat roofed part 3 storey dwelling, which is said to be the original but now extended house, has a modern linear appearance, which respects some of the character of the mostly 2 storey Blue Waters development on the opposite (south west) corner in Sea Drive. Blue Waters is an important local feature in westward views along the beach and Marine Drive, but it is largely screened by the present dwelling at 1 Sea Drive in the longer roughly southward views along Sea Lane. The dwelling at 1 Sea Drive projects a little forward from the general building line on the west side of Sea Lane, and the permitted flats building would have projected further still. Even so, as recognised in the Arun District Design Guide Supplementary Planning Document (SPD), more prominent siting can be acceptable for buildings on corner sites.
8. The pitched and flat roofed Appeal A dwelling would be about as tall as the dwelling at 108 Sea Lane; the barn hipped roofed Appeal B dwelling would be a little lower. Even so, whilst there is a modest curve in the lane near the site, most of the bulk of each dwelling in both appeals would be sited well forward of the general building line formed by the nearby dwellings to roughly north in Sea Lane, so both proposals would be harmfully intrusive. A few dwellings further north including 102 Sea Lane are sited a little behind the general building line. However, on the ground, and as shown in the appellant's representations including the urban design tools, the prominent siting of the dwellings in both proposals would be unacceptably at odds with the established development pattern.
9. The dwellings in both appeals would include a tall front facing 2 storey gable at the front of each dwelling, so both proposals would dominate most nearby views. The roof of the gabled part of the dwelling in Appeal A would slope down at the back, and the flat roofed dormer in the back roof slope of the dwelling in Appeal B would be lower than its main ridge. So, from both sides of both dwellings, each would look bulky and unbalanced, and because of their prominent siting and discordant forms, each of the dwellings would be incongruous in views in both directions along the south part of Sea Lane.
10. Due to the extensive areas of buildings and hard surfacing within the site, the minimal room for planting in front of each dwelling, and as much of each dwelling would be sited in front of the general building line to provide room for a back garden, the proposals in both appeals would be unacceptably built-up and squeezed in. So, both proposals would harmfully diminish the important

openness and greenery within the Sea Lane street scene, and the spacious suburban character, to the detriment of the sense of place.

11. Whilst it was not a concern in the Council's reasons for refusal in Appeal A, the dwelling at 108 Sea Lane includes a first floor roughly south facing bedroom window, which is close to the common boundary. Due to the form and siting of both proposals, that window would allow views into nearly all of both proposals' back gardens. Even if the site's south boundary were to be bounded by tall boundary treatment, the second floor windows and balcony in the back of the dwelling at 1 Sea Drive would also allow overlooking into most of both proposals' back gardens, including the parts closest to both dwellings, which are often the most frequently used. However, a degree of mutual overlooking from upper floor windows in nearby dwellings would reasonably be expected within a built-up area. The privacy of the future occupiers in their home would be acceptable, and future occupiers seeking greater privacy in their back garden could choose not to occupy the dwelling. So, whilst the degree of privacy in the proposals' back gardens would be out of character with the immediate surroundings, the overlooking and loss of privacy that could occur would not be likely to harm the future occupiers' living conditions, and so the suggested condition to control landscaping would not be necessary.
12. The appellant says that planning permission has been granted by Order for a building of similar layout and disposition to the proposal in Appeal B, but few of its details have been put to me. Even so, having regard to the limitations and conditions in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the height and bulk of such a building would be likely to differ significantly from the proposals. So, the possible fallback provides little support for these damaging schemes.
13. Therefore, I consider that the proposed developments would harm the character and appearance of the surrounding area. They would be contrary to LP Policy D SP1 which aims for development to reflect the characteristics of the local area, LP Policy D DM1 which seeks, amongst other things, to raise standards of design and to reflect or improve upon the character of the surrounding area, and guidance in the SPD. They would also be contrary to the National Planning Policy Framework (Framework) which seeks well-designed places and sympathy for local character. The proposal in Appeal B would also be contrary to Policy 1A of the Ferring Parish Neighbourhood Plan 2014-2029 which aims to support proposals that accord with relevant development plan policies.

Other matters

14. Matters including biodiversity enhancement and energy efficiency measures could be dealt with by conditions if one or both of the proposals were to be otherwise acceptable. However, as these matters are sought by local policy, they do not weigh in favour of the proposals.
15. The Council cannot demonstrate a 5 year supply of deliverable housing sites, and in the light of my colleague's findings in his appeal decisions ref APP/C3810/W/22/3298192 and APP/C3810/W/22/3301932, the shortfall is significant. So, Framework paragraph 11 d) is relevant. The proposals aim to make more effective use of land, and their other benefits would include a welcome new dwelling within a reasonably accessible location, jobs during construction, and the future occupiers' likely support for local shops and

services. However, as all of the benefits of each of the proposals would be significantly and demonstrably outweighed by the harm identified in my main issue, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusions

16. I have found that each of the proposed developments in Appeals A and B would be contrary to the Development Plan when taken as a whole. The other considerations in these cases, including the Framework, do not outweigh those conflicts.

17. For the reasons given, Appeals A and B should be dismissed.

J Reid

INSPECTOR