



Appeal Decision

Site visit made on 4 December 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/C3810/W/23/3320026

Jasmine Court, Sea Lane Gardens, Ferring, West Sussex BN12 5EN

- 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 L Bishop against the decision of Arun District Council.
 - The application Ref FG/147/22/PL, dated 9 September 2022, was refused by notice dated 16 December 2022.
 - The development proposed is the erection of an extension to provide attached single storey dwelling together with parking following demolition of existing garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended drawing has been submitted as part of this appeal to show the garden area of the proposal, as well as details relating to cycle storage. The Council has had an opportunity to review the plan and have confirmed that they no longer wish to defend part of the first reason for refusal relating to the under provision of external amenity space. In addition, the Council consider the cycle parking provision would be acceptable and could be secured by condition. I see no reason to disagree and so need not consider this matter further.
3. A revised National Planning Policy Framework (the Framework) was published in December 2023 accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS and none of the revisions to the Framework would appear to be material to this appeal. Having considered the revisions and in light of the principles of natural justice, the parties have been provided with an opportunity to comment on the revised Framework.

Main Issues

4. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupants of Flat 2, with particular regard to overshadowing.

Reasons

Character and appearance

5. The appeal site comprises a two-storey building and its associated gardens, garages and hardstanding. The site fronts Sea Lane Gardens and is to one side of Measham Close. Development in the locality primarily consists of detached single-storey hipped roof dwellings, which are typically set back from the roads with open frontages giving a spacious feel to the area.
6. The proposal would add a single-storey extension to the side of Jasmine Court to create a one-bedroom dwelling. The dwelling would appear as a contrived addition to the existing building due to its position within a confined space. In addition, the flat roof of the extension, which tapers out to the rear, would jar with the pitched and hipped roofs of the neighbouring properties. Furthermore, the narrow width and position set back towards the rear of the site would comprise a discordant addition to the area and appear incongruous with the surrounding development.
7. The development would not be prominent within the street scene due to its position set back from the front elevation of Jasmine Court to the rear of a sub-station enclosure. I acknowledge that the visual effect of the dwelling on the area would not be significant. However, both local and national planning policies require development to be of a high standard of design and the limited effect on views from the public realm would not make the proposal acceptable.
8. I conclude that the development would harm the character and appearance of the area. The proposal would therefore conflict with Policy D DM1 of the Adoption Arun Local Plan 2011-2031 (2018) (the ALP), which requires development to reflect or improve upon the character of the site and demonstrate a high standard of architectural principles and the Framework, which seeks to ensure that development add to the overall quality of the area and are visually attractive as a result of good architecture.

Living conditions

9. The appeal site consists of four flats spread over two floors. The proposal would abut Flat 2, which occupies part of the ground floor of Jasmine Court. Flat 2 has a window and a set of glazed doors in the rear elevation. The window currently serves a bedroom and is in close proximity to a brick wall. The parties acknowledge that the existing wall affects light levels to Flat 2.
10. The brick wall would be replaced with the proposed dwelling. The dwelling would be significantly higher and extend further to the rear than the existing wall. The substantial height and position close to the window serving Flat 2, in addition to the depth and orientation of the dwelling would result in a significant overshadowing effect. The overshadowing from the unneighbourly scale of the development would be particularly experienced during the afternoons and the winter months when the sun is lower in the sky.
11. The glazed doors are positioned further from the proposed side elevation and serve the living room of Flat 2. Whilst the increase in height in comparison to the wall is significant, the orientation and distance of the doors from the side elevation would ensure that the doors would not be demonstrably overshadowed.

12. The appellant has suggested that the height of the dwelling could be reduced to seek to overcome the harm identified. The reduction in height suggested would result in a lesser degree of overshadowing, however such a reduction would not overcome the harm identified.
13. I conclude that the proposal would significantly harm the living conditions of the occupants of Flat 2. The proposal therefore conflicts with Policies D DM1 and D DM4 of the ALP, which requires proposals to have minimal impact on occupiers of nearby property and does not have an adverse overshadowing effect, and the Framework which requires developments to provide a high standard of amenity for existing and future users.

Other Matters

14. The proposal includes two car parking spaces in accordance with the Arun District Council Parking Standards Supplementary Planning Document (2020). However, I note that the proposal would remove the existing garage block and part of the driveway, which provides car parking spaces for the existing properties and would result in a deficit in respect of the existing properties. The Council consider that there is no control over the parking provision for the existing properties whilst there is capacity for on-street parking within Sea Lane Gardens. I see no reason to disagree with this conclusion.

Planning Balance

15. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the ALP, with the associated conflict reflecting harm to character and appearance of the area and to the living conditions of occupants of Flat 2. The development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
16. There is no dispute between the parties that the council is currently unable to demonstrate at least a five year supply of housing land that the Framework requires. The Council states that it has a 2.3 year supply, which is below the required level of five years.
17. Paragraph 11 d) of the Framework states 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 in the Framework taken as a whole.
18. The proposal would make a positive contribution to housing supply within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwelling is occupied. The dwelling would add to the mix of housing, including housing suitable for the elderly, through a more efficient use of land in an urban area. However, the contribution of a single dwelling to meeting housing need in the District and the associated benefits are limited by the scale of development proposed.
19. In the particular circumstances of this case, I have concluded that the proposal would have a harmful effect on the character and appearance of the area, would significantly harm the living conditions of occupants of neighbouring properties and would conflict with the relevant policies of the development plan and the Framework. The adverse impacts would therefore significantly and

demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development at paragraph 11 d) of the Framework.

Conclusion

20. The proposal would not accord with the development plan as a whole. There are no material considerations, which would indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR