



Appeal Decision

Site visit made on 12 February 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/C3810/W/23/3322262

**Crete House, The Beeches, Dappers Lane, Angmering, West Sussex
BN16 4EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S O'Donnell against the decision of Arun District Council.
 - The application Ref is A/216/22/PL.
 - The development proposed is extension of existing dwelling (Crete House) and erection of two detached dwelling on vacant plot to the south, together with new shared access, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, following the deadline for final comments, a revised version of the National Planning Policy Framework (the Framework) was published. Both the Council and the appellant have been consulted on the amended version of the Framework and neither sought to provide additional comments.
3. The appeal proposal is a submission of an amended proposal following the refusal of a planning application¹. The difference between the proposals includes an extended garden area for Crete House, a shared vehicular access for the proposed dwellings and an amended car parking area to reduce the possible effect upon a protected tree.
4. Following the submission of the appeal, two planning permissions² have been granted on land within the appeal site. One for the erection of a detached dwelling, together with access, car parking and landscaping, and, a second for refurbishment, alterations to fenestration and first floor side extension to Crete House. During my site visit it did not appear as though these permissions had been implemented. However, given planning permission has been granted, there is more than a theoretical possibility that this development would take place. I have taken these permitted developments into account in my consideration of the appeal before me.
5. The appellant has submitted an amended Flood Risk Assessment, May 2023³ (FRA), which proposes a new drainage scheme. This scheme was not before the Council when they determined the planning application. The Procedural

¹ Planning Application Ref. A/266/21/PL

² Planning Permission Refs. A/71/23/PL and A/182/23/HH

³ Report Ref. AEG0437_BN16_Dappers Lane_07

Guide⁴ sets out that the appeal process should not be used to evolve a scheme; however, I am mindful of the *Holborn Studio* judgement⁵. The basis of the strategy set out within the FRA is altering the ground and finished floor levels within the site; the proposed levels could be secured by a condition attached to the planning permission. For these reasons, no party would be prejudiced by me considering this evidence as part of the appeal.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether the proposal would provide acceptable living conditions for future occupiers of Plot 1, with particular regard to outlook and privacy, and occupiers of Crete House, with particular regard to the provision of external space;
- whether it has been demonstrated that the proposal would not increase flood risk elsewhere and the proposed houses would be safe from flooding; and
- the effect of the proposal on highway safety, with particular regard to parking provision.

Reasons

Character and appearance

7. Dappers Lane is predominantly a residential road that is characterised by wide grass verges and mature vegetation growing along the roadside. This includes the appeal site's boundary vegetation which fronts the road and is a prominent feature in the street scene. Although nearby properties are of varying design, the appeal site is located on the side of the road where most properties are set back from the road and accommodate large front gardens or driveway areas. Given these features, the area could be defined as a suburban area that is verdant and spacious in character.
8. The ridge height of the proposed dwellings would be similar to neighbouring properties on Dappers Lane. I note that ground levels would be raised as part of the drainage strategy, which would make the dwellings appear taller, but they would still be viewed alongside other two-storey dwellings and would not be significantly taller. Similarly, the proposed dwellings would span almost the entire width of their respective plot, which reflects other properties on this side of the road. Nonetheless, they would be sited much closer to the road and would appear at odds with the prevailing pattern of development. The massing of the proposed dwellings sited close to the road would harm the spacious character of the area.
9. The proposed dwellings would be set back a similar distance from the road as properties located on The Beeches. However, the proposed dwellings would front onto Dappers Lane and would be viewed in the context of its street scene, whereas The Beeches has its own character as a separate cul-de-sac. Properties on the other side of Dappers Lane are sited relatively close to the road, but on this side of the road all properties are set back. Given the context

⁴ Procedural Guide: Planning appeals – England, January 2024

⁵ *Holborn Studio Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (admin)

of properties on this side of the road and the minimal set back, the proposed dwellings would appear incongruous within the street scene.

10. The proposal includes the creation of a single shared access, which would necessitate the removal of some of the boundary vegetation. The previously refused proposal included two accesses; as such, this proposal has sought to minimise the extent of the vegetation removal. Nevertheless, the construction of a formalised residential access, alongside the removal of vegetation, would be at odds with the verdant character of the road. This alongside the proposed increase in residential activity and domestic paraphernalia would have an urbanising effect on the area. However, I acknowledge that the principle of a new formalised access has been established through the planning permission for a new dwelling. Therefore, the weight ascribed to this harm is very limited.
11. Views of the proposed development from Dappers Lane would be partially screened by the boundary vegetation; however, there would still be some views from public areas, above and through the vegetation, and from neighbouring private land. As such, harm to the character and appearance of the area would persist.
12. I conclude that the proposal would have an unacceptable harmful effect on the character and appearance of the area. As such, the proposal would be contrary to Policies D DM1 and D SP1 of the Adoption Arun Local Plan 2011-2031, July 2018 (LP), and Policies HD5, HD6 and HD7 of the Angmering Neighbourhood Plan 2014-2029 (NP). These policies indicate that when considering proposals, the Council will have regard to whether the development reflects or improves upon the character of the site, and that new development must integrate with the character of nearby development and reflect local distinctiveness, amongst other things. Moreover, it would not be in accordance with the guidance set out in the Arun District Design Guide Supplementary Planning Document, where it explains that development should respect the existing townscape.

Living conditions

13. Crete House is a two-storey dwelling, its rear elevation would be in proximity to the rear garden of Plot 1. Due to the orientation of the plots, the rear elevation of Crete House would span almost the entire length of the rear garden and beyond. Given the height and massing of Crete House, alongside a proposed separation distance of less than 3 metres, it would create a sense of enclosure and would be overbearing on future occupiers of Plot 1, when using their rear garden.
14. The planting of vegetation along the boundary could soften the appearance of Crete House. However, it would take time for the vegetation to mature, and the extent of the vegetation cannot be guaranteed in perpetuity as it could be subject to pruning or removal. As such, the planting of vegetation would not mitigate the overbearing nature of Crete House.
15. The proposed alterations to Crete House include the removal of a window at the first-floor level closest to the proposed dwelling in Plot 1. Nonetheless, the windows in the middle, upstairs bedroom would directly overlook the rear garden of Plot 1 from a very short distance. Given the upper floor window and the limited separation distance, the harm arising from overlooking would be significant and future occupiers of Plot 1 would not experience an appropriate level of privacy when using their rear garden.

16. The proposed rear garden for Crete House would be irregular in shape and includes a section which extends to the boundary with Plot 2. It would be moderate in size, but the protected oak tree would restrict the practical use of a large section of the garden due to overshadowing of that area. Nonetheless, whilst the remaining area would be modest in size, it would be appropriate for a 4-bedroom dwelling, particularly the section which extends to Plot 2.
17. I therefore find the proposal would not provide acceptable living conditions for future occupiers of Plot 1, with particular regard to outlook and privacy. However, it would provide acceptable living conditions for occupiers of Crete House, with particular regard to the provision of external space. Overall, the proposal would conflict with LP Policy QE SP1 which indicates that the Council requires that development does not have a significantly negative impact upon residential amenity.

Flooding

18. The proposal would increase the extent of the impermeable surface on site. The FRA proposes to lower three sections of the site to provide compensatory flood storage and it seeks to demonstrate that the proposal would provide a net gain of flood storage. However, part of Compensatory Flood Storage Area 3 would be in an area that would flood in a 1 in 1000 year event. This has not been factored into the calculations for the proposed flood storage. It therefore has not been demonstrated that the proposal would provide appropriate compensatory flood storage and that it would not increase flood risk elsewhere.
19. The appeal site is at risk of pluvial flooding and a large section of the site would flood in a 1 in 100 year event, and parts of the western boundary would flood during a 1 in 30 year event. It is forecasted that the extent of this flooding would be up to 600mm. To ensure the proposed dwellings are safe from flooding the finished floor levels of plot 1 would be 600mm and plot 2 would be 900mm above the existing ground levels, this would ensure both properties are 300mm above the flood waters during extreme weather events. Further flood resilience measures could be secured by condition.
20. I therefore find it has not been demonstrated that the proposal would not increase flood risk elsewhere; however, it has been demonstrated that the proposed houses would be safe from flooding. Overall, the proposal would be contrary to LP Policies W DM2 and W DM3. These policies indicate that development in areas at risk from flooding will only be permitted where new site drainage systems are designed to take account of events which exceed the normal design standard, and that to increase the level of water capture all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems appropriate to the size of the development.

Highway safety

21. As per the Parking Standards SPD⁶ the expected level of parking provision for the two proposed dwellings and extended Crete House would be 9 parking spaces. Crete House currently accommodates 2 off-street parking spaces, and the proposal includes a further 5 off-street spaces associated with the two proposed dwellings. There is a shortfall of 2 spaces when compared to the expected level of parking provision.

⁶ Arun District Council, Parking Standards Supplementary Planning Document, January 2020

22. There are a few amenities and facilities which are accessible by sustainable transport modes and a moderate provision of public transport close to the site. However, not to the extent that would be able to reasonably service future occupiers' everyday needs. Therefore, it is likely that future occupiers would be reliant on private motor vehicles and the proposal would lead to on-street parking.
23. Nonetheless, this section of Dappers Lane is not subject to any parking restrictions. Whilst it is a relatively narrow lane, cars would be able to park on one side of the road and vehicles would be able to manoeuvre past safely. From the evidence, I understand that there has been an increase in traffic on Dappers Lane due to the construction of nearby developments. However, there is no substantive evidence before me which indicates that the area is suffering from parking stress or accident data which would indicate that the road is unsafe. Given the scale of the proposal, it would lead to a very modest increase in on-street parking which could be accommodated safely on Dappers Lane.
24. The proposed off-street parking areas are small. There is no evidence before me which demonstrates that vehicles would be able to use the proposed spaces and enter and exit the site in a forward gear. It does not appear possible to utilise the parking space nearest to the proposed house in Plot 1, without entering or exiting the site in reverse gear. Nevertheless, there is sufficient space within the plot, outside of the tree protection area, to accommodate two off-street parking spaces. A condition could require details of the off-street parking arrangements, showing it is possible to enter and exit the site in a forward gear, to be submitted to and approved by the local planning authority.
25. There is no substantial evidence before me to demonstrate that the modest increase in traffic generated by the proposal would have an unacceptable impact on highway safety or that the residual cumulative effect on the road network would be severe. Furthermore, the siting of the proposed access would be a sufficient distance away from the accesses to the Beeches and the industrial estate and would provide sufficient visibility for drivers exiting the appeal site. In addition, the principle of a formalised access to the site has been established as part of the planning permission for a single dwelling.
26. I therefore find the proposal would not have an unacceptable harmful effect on highway safety, with particular regard to parking provision. As such, it would be in accordance with LP Policy T SP1 and NP Policy HD8. These policies indicate that the Council will support development which incorporates appropriate levels of parking taking into consideration the impact of development upon on-street parking and encourage all new development to follow West Sussex County Council's parking standards.

Planning Balance

27. An additional couple of houses, located in an accessible location, would bolster the overall supply of housing and the additional population would support the local economy. Moreover, there would be economic benefits associated with the construction of the proposal. Given the Council can only demonstrate 2.36 years supply of deliverable housing sites and has under delivered in terms of the housing delivery test, these benefits attract considerable weight.
28. The LP and NP date from 2018 and 2014, respectively, but the weight to be attached to these plans does not hinge on their age. Paragraph 225 of the

Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework indicates that planning decisions should ensure that developments are sympathetic to local character and create places with a high standard of amenity. Therefore, the conflict between the proposal and LP Policies D DM1, D SP1, QE SP1, W DM2, and W DM 3 and NP Policies HD5, HD6, and HD7 should be given significant weight in this appeal.

29. There are no policies in the development plan that support development which would be harmful to the character and appearance of the area, harm the living conditions of future occupiers and increase the flood risk elsewhere. Therefore, there would be a conflict with the development plan as whole.
30. Although the Council is unable to demonstrate a five year supply of deliverable housing land, the presumption in favour of sustainable development addressed by paragraph 11 of the Framework, would not be engaged in this instance. This is due to paragraph 11(d) of the Framework setting out that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 to paragraph 11 clarifies that these policies would include those in the Framework relating to areas at risk of flooding.

Conclusion

31. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

J Hobbs

INSPECTOR