



Appeal Decision

Site visit made on 5 February 2013

by David Richards BSocSci Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 February 2013

Appeal Ref: APP/C3810/A/12/2187003

115 - 117 Sea Road, East Preston, Littlehampton, BN16 1NX

- 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 Oakhurst Developments Ltd against the decision of Arun District Council.
 - The application Ref EP/40/12/, was refused by notice dated 17 October 2012.
 - The development proposed is 9 flats with associated parking and amenity space following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effects on: the character and appearance of the area; the living conditions of neighbours; the provision of retail accommodation in the locality; provision for the affordable housing needs of the District; and the adequacy of parking provision.

Reasons

Character and appearance

3. East Preston has two retail and commercial centres. The appeal site lies in the southern centre, closest to the sea front. The frontage of the site is occupied by a two storey commercial building, with residential accommodation above. On the southern side of the building there is an access to a long rear yard, currently occupied by an assortment of storage/warehouse buildings and a block of garages. The southern boundary of the site is a flint and brick wall varying in height between two metres to three metres towards the rear of the site. Beyond that lies a two storey cottage-style dwelling, No 121 Sea Road, and a terrace of cottages. To the north of the site there are maisonette style dwellings above retail premises, which overlook the site.
4. The existing buildings on the site are of no particular merit, and there are no objections in principle to their demolition on grounds of their contribution to the character and appearance of the area. However the site occupies a prominent position in the streetscene next to Parade Mansions, a mixed use development with retail and commercial uses on the ground floor with three stories of accommodation above. Although not included in the Council's Local List of Buildings of Interest, it is nevertheless a striking building of considerable

character, which contributes significantly to the distinctiveness and sense of place of this part of East Preston. Its centrepiece is the Clockhouse Bar on the corner of the parade, which takes its name from the attractive clock tower above. The frontage to Sea Road retains traditional shop fronts with regular rhythmical divisions framing the window openings, and which, together with the chimneys provide some vertical articulation. Visual interest is added by decorative timbering at first floor level, and the two banked rows of dormers set into a mansard roof above.

5. While it would be inappropriate to require a design which replicates this style of building, the site calls for a design which respects and complements the existing building, and the distinctive sense of place which it contributes to the locality. The National Planning Policy Framework (the Framework) requires development which, amongst other things establishes a strong sense of place which responds to local character and history and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way to functions.
6. The design of the appeal scheme fails to pay sufficient regard to its context. While the roof line has been lowered following refusal of a previous proposal, the crown roof of the frontage block would be almost the same height as Parade Mansions. The elevation facing Sea Road would compete in scale with Parade Mansions, but exhibits little in the way of distinctive design detail that would respond in a positive way to the characteristics of its neighbour. The ground floor treatment, with small domestic scale windows facing the street alongside the vehicle access, offers a bland and uninteresting appearance which represents a loss of visual interest in contrast with the shop front it would replace. The asymmetric gable facing Sea Road and the small gablet above the site entrance are weak features which contrast adversely with the strong detailing of Parade Mansions. Notwithstanding the use of contrasting materials, the south elevation of the main frontage block would present a somewhat featureless wall which would be prominent in views from the south and in the outlook from the rear of Coastguard Cottages.
7. I acknowledge that the character of development in the locality is mixed, and that the existing buildings on the site are of no particular merit. Redevelopment could deliver some environmental benefits, particularly in respect of the poor quality buildings at the rear. However I conclude that the appeal scheme would not contribute positively to the sense of place, and accordingly would conflict with the design requirements of the Framework. It would also conflict with Policy GEN7 (ii) of the Arun District Local Plan 2003 (LP) which is only supportive of development that responds positively to the character and appearance of its locality.

Living Conditions

8. The Council's particular concern in this respect appears to be with the potential for overlooking of the flats at Willowhayne Crescent, and the rear of Coastguard Cottages.
9. The first floor flat in the rear block (Flat 7) would have two windows facing east, primarily over the car amenity space and car parking area proposed for the development. There would be some potential for oblique views to the

amenity space and windows at the rear of the Willowhayne Crescent flats. However, these areas are already overlooked by neighbouring flats in the block, and I do not consider that there would be any material loss of privacy to occupiers. The south facing windows of Flat 7 would look towards the side of No 121 Sea Road, but as there are no windows in the north wall of the dwelling, there would be no significant potential for overlooking.

10. The proposed flats on the first floor of the central two-storey flat roofed linking section are located so as to have potential to look over the area to the front of No 121 Sea Road, which includes a garage, parking area and courtyard garden, and the rear of Coastguard Cottages beyond. The main garden area of No 121 lies to the east of the dwelling, and would not be affected by views from these windows. I note that this section of the proposed development would have canted windows, with obscure glazing facing towards the west elevation of No 121, so there would be no direct overlooking of windows in the elevation. Nevertheless the need for this arrangement emphasises the very close relationship between the existing dwelling and the proposed new flats. Notwithstanding the obscure glazing I consider that the proximity of these windows would give rise to a perception of loss of privacy which occupiers of No 121 would find intrusive.
11. The effect of this central element on Coastguard Cottages would be less harmful, due to the greater separation distance between the proposed flats and the rear windows of Coastguard Cottages. The privacy of these windows and the gardens would be protected by intervening walls and some screening vegetation, which I saw to be reasonably effective even in winter. However the first and second floor flats in the front section would have bedroom windows facing over 125 Sea Road and this end of Coastguard Cottages. These windows would be significantly closer than the habitable room windows in the existing building on the site to be demolished. They would allow an unacceptable degree of overlooking which would be harmful to the living conditions of neighbours.
12. While I accept that the design has attempted to reduce the impact on neighbouring residents, I conclude that there would be harm to the living conditions by reason of actual and perceived loss of privacy which would conflict with the requirements of Policy GEN 7 (iv) of the LP.

Provision of retail accommodation

13. The premises is occupied by what I have no reason to doubt is a thriving business, which would have to relocate if the development were to proceed. It provides business services, but also presents an active frontage to Sea Road. Buildings at the rear are used for storage by another business. Policy DEV30 of the LP states that planning permission will not be granted where it has not been demonstrated that a retail use to be lost to another use is no longer a viable business.
14. I acknowledge that East Preston has a diverse range of local retail and service provision, and there are a number of supermarkets within a reasonable distance. Relocation of the existing business would involve some disruption to the business, and it may be that there would be no suitable premises that would allow the contribution it currently makes to vitality and the range of activity in East Preston to be retained in the locality.

15. Nevertheless this is a matter which is capable of being outweighed by the potential to contribute housing on a previously developed site. While I acknowledge that there would be some loss to the vitality and diversity of East Preston this matter would not of itself be a sufficient reason for refusal were I to find that the development was acceptable in other respects.

Affordable Housing

16. The Appellant recognises a need to make provision for affordable housing in accordance with the Council's Interim Housing Policy 2010, in the form of a financial contribution. There have been some obstacles to signing the Obligation which have meant it has not been submitted in accordance with the appeal timetable. As it is not before me in an executed form I cannot take this into consideration in determining the appeal. However I recognise that this is a matter which is capable of being resolved, if I had found that the development was acceptable in other respects.

Parking

17. The proposed layout includes parking for 9 vehicles. The Council has published parking standards as Appendix 2 to the LP. These set out a maximum requirement of 1 space per dwelling for flats and bedsits plus 0.2 of a space for visitors and service vehicles, giving a maximum provision of 11 spaces for the development. That level of provision would not be exceeded by the appeal proposal. While there are garages at the rear of the site which might previously have been rented out, the Appellant states that none are presently used for parking cars, so there would be no issue of displacement.
18. There was no objection to the parking arrangements from the Highway Authority consultee. I saw on my site visit that on-street spaces in this part of East Preston were well used at low season, and there may well be additional pressures in the warmer months, given the location close to the seaside. Nevertheless the development would make satisfactory provision within the site for vehicle parking which accords with the Council's published standards and would not exceed the maximum requirement set out in the LP..

Conclusion

19. For the reasons given I conclude that the development would cause unacceptable harm to the character and appearance of the locality and the living conditions of neighbours. While the parking arrangements and affordable housing provision are capable of being overcome, and the loss of the retail/business premises should not stand in the way of permission being granted of the development was acceptable in other respects, these considerations do not outweigh the harm I have identified.
20. For the reasons given above I conclude that the appeal should be dismissed.

David Richards

INSPECTOR