

n.j.a town planning Ltd

APPLICATIONS & APPEALS SERVICES

**54 ARUNDEL ROAD
LITTLEHAMPTON
BN17 7DD**

**DEMOLITION OF 3NO GARAGES AND
ERECTION OF A FOUR-ROOM HOUSE OF
MULTIPLE OCCUPATION WITH SHARED
FACILITIES AND PARKING FOR 3 CARS
(RESUBMISSION OF LU/125/19/PL)**

**PLANNING, DESIGN
& ACCESS STATEMENT**

NJA/19/273

October 2020



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NJA/1 – Appeal decision reference 3243339

1.0 INTRODUCTION

1.1 Planning permission is sought for the construction of a detached building to replace a set of garages positioned to the rear of 54 Arundel Road, Littlehampton together with use also made of land within the rear garden. The building is intended to provide a house of multiple occupation containing four ensuite bedrooms with communal space arranged over two floors together with the provision of three car parking spaces.

1.2 This Supporting Statement addresses the design and access issues as well as relevant planning policy, having regard to the requirements of Article 8 of the Town and Country Planning (Development Management Procedure) Order 2015. The details of the proposals will be described and appraised having regard to the following aspects:

- **Physical Context** – explains the physical context of the site and its surroundings;
- **Planning Context** – the planning history of the site and broad policy requirements;
- **Use** – the purpose of the proposed additional accommodation;
- **Amount** – the extent of development on the site;

- **Scale** – the physical size of the development;
- **Layout** – the relationship of the proposed extension and alterations to neighbouring properties;
- **Appearance** – details of materials, style and impact upon the visual amenities of the area;
- **Landscape** – impact of the proposal on the existing landscape;
- **Heritage** – the impact of the proposal upon heritage assets;
- **Access** – access to the development and parking provision.

1.3 The Council is requested to consider this Statement alongside the submitted plans and this demonstration that the proposed development accords with the relevant planning policies and is acceptable in all respects. It is hoped that the Council will support the proposal and grant Planning Permission.

2.0 PHYSICAL CONTEXT

- 2.1 The property subject of this application is 54 Arundel Road, Littlehampton, BN17 7DD. The existing dwelling is a traditionally styled, Victorian three storey property orientated to face west and fronts Arundel Road. The property is of brick construction sitting under a pitched tiled roof and has been subdivided into apartments.
- 2.2 The site extends west to east with a good sized rear garden that culminates in a block of three garages that take access from York Gardens to the east. The plot sits at the corner of Arundel Road and York Road which extends along the northern boundary, with the boundary demarcated by a brick and flint wall.
- 2.3 The surrounding area comprises predominately residential properties, mainly Victorian in age but interspersed with later development of a form, massing and external appearance commensurate with the period of build. Properties are mainly arranged in terraces or as semi-detached pairs which provides a varied character to the street scene, to include properties of differing external materials and sitting under pitched, mansard and flat roofs. Many of the properties in the vicinity have been divided into apartments with further

external alterations or extensions evident to view from the public domain. Parking is provided on street but also within rear gardens on hardstanding or in garages.

- 2.4 The site is located within a Built Up Area Boundary but is not within any Conservation Area, nor has any relationship to any heritage assets. The site does contain a tree however this is not covered by any Tree Preservation Order. Furthermore, the site is not within any fluvial flood plain but is at medium risk of flooding from surface water which extends along the highway only.



54 Arundel Road



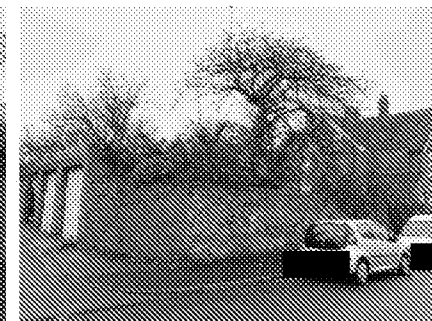
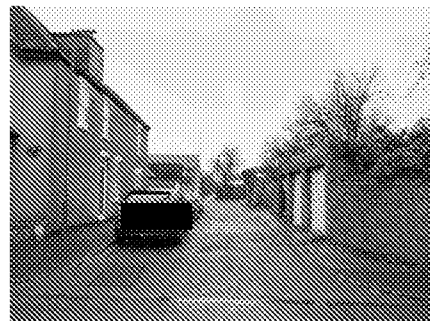
Views along Arundel Road looking south



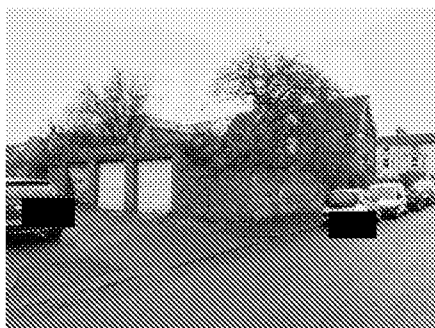
View of site from York Road looking south and west



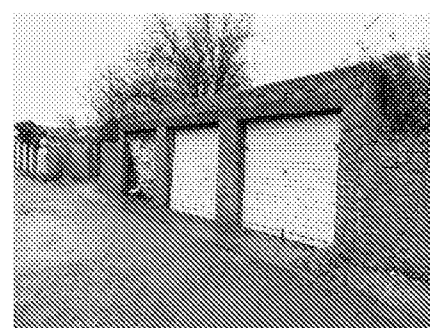
Views east along York Road to the side of 54 Arundel Road



Rear of the appeal site from York Road



Views west along York Road towards Arundel Road



View of site from York Road and York Gardens



View of site from York Road and York Gardens

3.0 PLANNING HISTORY

3.1 24 Arundel Road lies within the administrative area of Arun District Council for planning purposes. An examination of the online planning register reveals the following planning history:

- LU/271/91 – Retrospective application for use of property as seven units of accommodation. Permission granted 11 December 1991.
- LU/125/19/PL – Demolition of 3no. garages and erection 7 room HMO with shared facilities and parking for 3 cars. Refused 19 September 2019 and dismissed at appeal on the 1st April 2020.

3.2 The most recent planning history for the site as detailed above was determined at appeal in April 2020 (See Appendix NJA/1). In considering the appeal, the principle of providing a house of multiple occupation at the site which is located within a Built Up Area was not a matter of dispute. The main issues instead related to the effect of the proposal on the character and appearance of the area and the impact upon the living conditions of 1 York Road and numbers 52 and 54 Arundel Road.

- 3.3 In addressing the impact on the character of the area, the Inspector raised concern that the development, by virtue of its overall size and scale, would 'appear 'squeezed' in the street scene' and as such would impact upon the immediate pattern of development in the surrounding area.
- 3.4 The second area of concern focused upon the relationship of the development to the neighbouring properties having regard to the separation distances of approximately 9.0m to 1 York Road and 10.5m to Nos 52 and 54 Arundel Road. The Inspector concluded that the separation distance in conjunction with the scale of the property build be dominant and overbearing to the outlook from the neighbouring dwellings and would also result in a shading effect reducing the amount of sunlight reaching the properties. The focus of the concerns regarding outlook and shading were upon No 1 York Road and no 54 Arundel Road as opposed to no 52 Arundel Road.
- 3.5 Notwithstanding this, concerns were raised regarding the loss of privacy to no 52 Arundel Road due to overlooking. Concerns were additionally raised to the relationship of the development to the boundary wall which, given the 1m separation distance was also considered to generate a poor internal living environment to the proposed kitchen/living room from restricted natural light. The

proposed development subject of this revised scheme does positively address the concerns raised by the Inspector.

4.0 PLANNING POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 4.1 The NPPF (2019) sets its status within the planning process at paragraph 2 where it states: ***“The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions”***. The NPPF is therefore afforded weight in the decision-taking process whereby it sits as more up to date than the adopted development plan.
- 4.2 The NPPF reinforces the drive for sustainable development within paragraph 7 stating that ***‘the purpose of the planning system is to contribute to the achievement of sustainable development.’*** The pursuit of sustainable development continues to have three dimensions, now expressed as objectives, comprising an economic objective, a social objective and an environmental objective.
- 4.3 Paragraph 9 states that in pursuing sustainable development ***“Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character,***

needs and opportunities of each area.” This paragraph is of paramount importance which identifies that the objectives of sustainable development outlined in paragraph 8 of the NPPF should be taken as a guide when determining what is sustainable, reinforcing that each planning decision has to be made on its own merits having regard to local circumstances.

- 4.4 Paragraphs 10 – 14 of the NPPF set out how sustainable development should be at the heart of the Framework and that a presumption in favour of sustainable development should apply in decision-taking processes. This is pertinent to the consideration of this planning application.
- 4.5 It is stated within Paragraph 11 that where there are no relevant development plan policies which are most important for determining the application are out-of-date, permission should be granted unless:
- ‘i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed, or***
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.

The requirements of paragraph 11 of the NPPF are pertinent to this application having regard also to Footnote 6.

4.6 Paragraph 12 of the Framework states that ***‘Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed’***.

4.7 Chapter 4 of the NPPF addresses decision-taking. Paragraph 38 states that ***‘Local planning authorities should approach decisions on proposed development in a positive and creative way.’***

4.8 Chapter 5 addresses the supply of new homes. This sets out that the Government has the objective to boost supply through strategic policies that identify sufficient housing land to come forward that is deliverable, suitable and available. Paragraph 68 in particular identifies that ***‘small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly’***.

4.9 It is widely publicised that the building of new homes at present rates is not enough to meet demand. The NPPF

therefore reinforces the need to take a positive and proactive approach to increasing the supply of housing. Paragraph 59 of the NPPF makes it clear that a key objective of the Government is to ***‘significantly’*** boost the supply of housing. In this respect, the Framework requires local planning authorities to identify a supply of specific, deliverable sites for housing for years 1-5 of their local plan period together with specific, deliverable sites or broad locations for growth for years 6-10 of the plan (and where possible for years 11-15).

4.10 In respect of car parking provision, Chapter 9 of the Framework states that if setting local parking standards, Local Planning Authorities should take into account the accessibility of the development, its type, mix or use, the availability of and opportunities for public transport, local car ownership levels and an overall need to reduce the use of high emission vehicles.

4.11 Chapter 11 of the NPPF requires that development makes effective use of land with Paragraph 117 advocating that ***“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living***

conditions”. Paragraph 121 requires that a positive approach is taken to applications for alternative uses.

4.12 This drive to make effective use of land is continued within Paragraph 118 which seeks to **‘promote and support development of under-utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively)...’.** Paragraph 121 also requires that local planning authorities **‘....take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs’.**

4.13 A key message from Chapter 11 is expressed within Paragraph 121 which requires that a positive approach is taken to applications for alternative uses. Paragraph 122 also states that ‘Planning policies and decisions should support development that makes efficient use of land....’.

4.14 The NPPF also places great emphasis upon the creation of high quality buildings and places within Chapter 12. Paragraph 124 sets out that **‘Good design is a key aspect of sustainable development, creates better places in**

which to live and work and helps make development acceptable to communities’.

4.15 Paragraph 127 additionally sets out a number of tests for achieving high quality development set out within paragraph 127, which includes ensuring that developments (in summary):

- a) function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character, including the surrounding landscape setting.

4.16 Chapter 15 of the NPPF gives consideration to the natural environment. Paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils, by recognising the wider benefits of eco system services and by minimising impacts on biodiversity. This is continued within paragraph 174 which refers to biodiversity and states that local planning authorities should preserve and enhance biodiversity. It is also required that new

development should adequately mitigate against any potential harm, with encouragement given to incorporating biodiversity enhancements in and around new development.

- 4.17 In reinforcing the publicity that the building of new homes at present rates is not enough to meet demand, the NPPF promotes the need to take a positive and proactive approach to increasing the supply of housing and confirms the need for local planning authorities to significantly boost the supply of housing land. For decision taking, the NPPF states that this means approving development that accords with the development plan without delay.
- 4.18 The Framework requires the delivery of a wide choice of high quality homes in areas where people want to live, creating sustainable, inclusive and mixed communities. The intrinsic character and beauty of the countryside should also be recognised (paragraph 17).

Local Planning Policy

- 4.19 The local Development Plan comprises the Arun Local Plan 2011 – 2031 which took effect in July 2018.

Arun Local Plan 2011 – 2031

- 4.20 The relevant Local Plan policies to this development proposal comprise:
- Policy SD SP1 – Sustainable development
 - Policy SD SP1a – Strategic Approach
 - Policy H SP1 – The Housing Requirement
 - Policy H SP2 – Built Up Area Boundary
 - Policy D SP1 - Design
 - Policy H SP4 – Houses in multiple occupation
 - Policy D DM1 - Aspects of form and design quality
 - Policy D DM2 - Internal Space Standards
 - Policy ECC SP2 – Energy and Climate change mitigation
 - Policy T SP1 - Transport and Development
 - Policy ENV SP1 – Natural Environment
 - Policy ENV DM5 – Development and biodiversity
 - Policy W DM1 – Water supply and quality
 - Policy W DM3 - Sustainable Urban Drainage Systems .
- 4.21 Policy SD SP1 (Sustainable development) states that a positive approach will be taken to development proposals that reflect the presumption in favour of sustainable development and will work proactively to find solutions to secure development.

- 4.22 Policy SD SP1a (Strategic Approach) seeks to meet the needs of the community through sustainable growth which supports the main coastal towns whilst also enabling development that provides for the growth of sustainable villages in the countryside, to meet the housing needs of the community by delivering 20,000 homes and protecting the natural and built environment.
- 4.23 Policy H SP1 (The Housing Requirement) confirms that within the plan period of 2011-2031, at least 20,000 new homes will be accommodated within the District.
- 4.24 Policy H SP2 (Built Up Area Boundary) focuses development to within Built Up Area boundaries indicating that these will be permitted subject to consideration against other Local Plan policies.
- 4.25 Policy D SP1 (Design) requires that new development makes efficient use of land whilst reflecting the characteristics of the local area in all aspects of design.
- 4.26 Policy H SP4 (Houses in multiple occupation) provides for such properties where these do not adversely affect the character of the area, the balance of housing, parking demands and that these provide adequate open space.
- 4.27 Policy D DM1 (Aspects of form and design quality) sets required criteria for the assessment of new development, having regard to character, appearance/attractiveness, impact, innovation, adaptability, crime prevention, trees and woodland, solar gain, public realm, layout, public art, density, scale and form.
- 4.28 Policy D DM2 (Internal Space Standards) requires development to be of an appropriate size to meet changing needs.
- 4.29 Policy ECC SP2 (Energy and Climate change mitigation) requires all new residential development to be energy efficient having regard to matters such as energy efficiency measures, design and layout and low carbon technologies.
- 4.30 Policy T SP1 (Transport and Development) requires development to minimise the use of the car, to provide for appropriate parking, and encourages healthy lifestyles.
- 4.31 Policy ENV SP1 (Natural Environment) encourages and promotes the preservation, restoration and enhancement of biodiversity and the natural environment through the development process.

- 4.32 Policy ENV DM5 (Development and biodiversity) requires that new development seeks to achieve a net gain in biodiversity and protects existing habitats on site. Regard is additionally given to ensuring that protected species is given appropriate consideration within development proposals.
- 4.33 Policy W DM1 (Water Supply and Quality) ensures that development can be provided with a sufficient water supply which does not cause detriment to supplies elsewhere.
- 4.34 Policy W DM3 (Sustainable Urban Drainage Systems) seeks to ensure that proposals incorporate SUDS within private areas of development. This can include the provision of green roofs, permeable driveways and parking, soakaways and water harvesting.

5.0 DETAILS OF THE PROPOSAL: USE, AMOUNT & SCALE OF DEVELOPMENT

- 5.1 In considering the principle of the proposed development, it is pertinent to first consider the legal framework within which planning decisions are made. Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 When considering whether or not a proposed development accords with a development plan, it is not necessary to say that it must accord with every policy but whether it accords overall with the development plan (Stratford on Avon v SSCLG [2014] JPL 104). Even if a proposal cannot be described as being in accordance with the development plan, the statutory test requires that a balance be struck against other material considerations. The courts have emphasised that a planning authority is not obliged to slavishly adhere to the development plan and should apply inherent flexibility as set out within Cala Homes (South) Limited v SSCLG [2011] JPL 1458 and Tesco Stores Ltd v Dundee City Council [2012] 2 P.&C.R. 9.
- 5.3 The Arun Local Plan Policy SD SP1 provides a positive approach to new development that represents sustainable

development and also meets the needs of the community through growth of existing settlements. This includes meeting the housing needs whilst also protecting the natural and built environment (Policy SD SP1a) and focusing development to within the Built Up Area Boundaries. In particular, Policy H SP1 of the Local Plan confirms that over the plan period it will be providing at least 20,000 new homes, to include 847 windfall sites.

- 5.4 The site at Arundel Road falls within the Built Up Area of Littlehampton and by making efficient use of land contributes towards achieving sustainable development objectives and the windfall housing requirement. Notably the principle of development was not disputed within the previous application nor at appeal and therefore it is similarly deemed to be acceptable within this revised scheme in the absence of any planning policy changes in the interim.

Housing land supply

- 5.5 The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These

objectives seek to balance growth and local community needs against protection of the natural, built and historic environment.

- 5.6 In providing for sustainable development, the NPPF requires Local Planning Authorities to identify a five year supply of specific deliverable sites to meet housing needs. This is emphasised within paragraph 59 of the NPPF which states that 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
- 5.7 Paragraph 65 requires local planning policies to identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. In particular, planning policies should identify a supply of specific, deliverable sites for years 1 to 5 of the plan period and specific, developable sites or broad locations for growth for years 6-10 and where possible, for years 11-15 of the plan. It is also recognised at paragraph 68 that small and medium sized sites can make an important

contribution to meeting the housing requirement of an area and such sites can often be built out relatively quickly.

- 5.8 In examining housing need, the most up to date Authority Monitoring Report is that of 2018-2019 (published December 2019). This states that the Council's land supply position sits at 3.7 years supply at the 31st March 2019 however subsequent decisions of the Council for housing development, for instance application WA/30/20/PL states that 'the current data confirms that the Council has a 2.7 years housing land supply' (permission granted 04 August 2020) suggesting a worsening position.
- 5.9 With the reported position, even referring to the Monitoring Report, as being the most up to date available data, the Council is unable to demonstrate the provision of the required 5 years housing land supply. The most important policies for determining housing distribution, comprising Policies SD SP1a, SD SD2 and H SP1 should therefore be afforded reduced weight in the decision-taking process with greater weight afforded to Paragraph 11 of the NPPF with a proactive approach to housing as set out in Paragraph 14 of the NPPF and a presumption in favour of sustainable development.

5.10 The presumption in favour of sustainable development in relation to housing has also received judgement at the highest level, by the Supreme Court in the cases of *Suffolk Coastal District Council v Hopkins Homes Ltd* and *Richborough Estates Partnership LP v Cheshire East Borough Council* [2017]. These cases examined the (then) paragraph 49 of the NPPF and clarified that in the absence of a five year housing land supply, the (then) paragraph 14 presumption in favour of sustainable development will be triggered.

5.11 The Supreme Court reinforced that it is a matter of planning judgement as to the weight housing policies are given; however policies affecting housing supply will have reduced weight in the tilted balance with there being an overriding need to boost the supply of housing except where the benefits are 'significantly and demonstrably' outweighed by the adverse effects. The judgement considers that, in the absence of a five-year supply of housing land, the decision-taker can apply a tilted balance and proportionally apply weight to secure an adequate supply of housing rather than applying a rigid approach to the development plan.

5.12 With this position in mind, it is considered that weight should be afforded to a presumption in favour of development recognising the positive contribution that this proposal would make to the overall housing land supply deficit within the District. The provision of this windfall site forms a valuable contribution towards the local housing stock and would not have any adverse harm to the implementation of other development plan policies. Furthermore this site is also available and deliverable in the short term as a further positive of the scheme and makes efficient use of land without any significant or demonstrable harm arising to the character and appearance of the area.

Houses of multiple occupation (HMOs)

5.13 Policy H SP4 of the Local Plan positively provides for the form of accommodation as proposed at 54 Arundel Road with the policy recognising that HMOs 'contribute to the creation of sustainable, inclusive and mixed communities'. The principle of this form of accommodation also raised no concerns within the consideration of the previous development under reference LU/125/19/PL, nor was this an issue raised by the Inspector at appeal. As such, whilst the proposal has been notably reduced in scale with the

number of rooms now at four, it would continue to sit in an area containing a mix of property types and sizes ranging from large detached houses to smaller flats.

- 5.14 The Local Plan Policy whilst favourably considering the provision of HMOs does contain a number of criteria which should also be met within a development proposal. These are set out and responded to below.

Policy H SP4 - Houses in multiple occupation

Where planning applications for houses in multiple occupation (HMOs) are not already covered by permitted development rights, they will be favourably considered where the proposals contribute to the creation of sustainable, inclusive and mixed communities and meet the following criteria:

1. Do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing;

- 5.15 To accord with criteria 1, the proposal has been reduced in scale to that previously considered to have the external appearance of a detached single dwelling occupying a good sized plot and of a design that has regard to the character of the area and the form of development that sits within the vicinity of the site. The proposal would sit comfortably within the different types of housing that are seen both within Arundel Road and its surrounding streets, particularly to the

east with later developments at Cornwall Gardens and York Gardens. The development would not result in the loss of any family housing or erode the balance of housing in this area.

2. Do not contribute to the generation of excessive parking demands or traffic in an area;

- 5.16 Neither the Local Planning Authority or the Inspector raised any concerns to the previous application at this site on the grounds of parking or traffic within the area, with the previous proposal seeking permission for a 7 bed HMO with three parking spaces. This proposal has been reduced to a 4 bed HMO so consequently would have reduced traffic generation, but continues to provide for three parking spaces. Notably the site is located within a predominately residential area that has adequate on street parking with low levels of traffic as such the traffic demands associated with the 4 bed HMO can be accommodated on the highway network. The development therefore accords with criteria 2.

3. Provide adequate areas of open space.

- 5.17 Criteria 3 to the Policy does not set out a minimum required provision of open space, simply requiring this to be 'adequate'. Notably the quantum of outdoor open space

provided on the site within the previous scheme was not a specific matter of concern within the consideration of the previous scheme at the site which provided for a courtyard garden. With the footprint of the proposal not extending any further west than the previous scheme, a similar area of outdoor space is to be provided to meet the needs of a reduced number of occupants.

- 5.18 The continued provision of the courtyard garden is considered to be adequate in size and would also be enclosed from the public domain to ensure that the space is private. The area would also be sufficient for outdoor seating as well as for the storage of cycles and bins. The proposal therefore accords with criteria 3.

Sustainable development

- 5.19 In addressing the objectives of sustainable development, the proposal would bring economic benefits associated with the construction process and also a contribution towards local services and facilities from use by future occupiers. There is also likely to be local spending as a new occupier makes the space their home. Socially, the proposal would provide a form of much needed accommodation that is small in scale and as such

affordable to persons within the local community. Finally, the development would adopt current energy efficient standards fulfilling the environmental objective. All three strands of sustainable development can therefore be met simultaneously from permitting this development.

Scale and amount

- 5.20 54 Arundel Road is located within an area containing a high density of residential properties to comprise Victorian villas and terraces as well as backland development which fills corner plots and thus contributes to the built form in the street scene. There are also variable separation distances between properties as well as differing roof heights and massing giving a mixed character, with properties rising to three storeys and having variable designs commensurate with the period of build.
- 5.21 Concern was raised within the context of the previous application as to the scale and massing of the proposal in relation to the character and appearance of the area and its relationship to the neighbouring properties, most notably no 1 York Road and nos 52 and 54 Arundel Road. This current scheme notably addresses the concerns raised by the Inspector by significantly reducing the overall

footprint and massing of the property by approximately a third taking the size of the unit from a 7 bed HMO to a 4 bed HMO.

5.22 This amended design ensures that the proposed property sits subservient in scale, height and massing to 52 and 54 Arundel Road but also sits with a lower ridge height to 1 York Road. To achieve this, the width of the building is reduced by 3.5m at the first floor and 5.0m at the ground floor level from the removal of the under-croft parking and thus increases the separation between the facing elevations to 1 York Road.

5.23 The reduction in massing also extends to the roof where the eaves are reduced by 0.5m, the ridge by 0.45m and there is additionally a reduction in roof pitch. Furthermore, the loft accommodation has been removed therefore cumulatively the proposal now provides more space about the roofscape as seen from the public domain. This is particularly apparent within the street scene views at Figure 1 and the elevations provided at Figure 2.

5.24 The reduction in the scale and massing and an alteration to the design results in a property that adopts a more traditional scale and appearance commensurate with the Victorian development within the immediate context. It also

reduces any perception of a cramped appearance in the street scene to overcome the concerns raised by the Inspector. The development would therefore have a positive contribution to the street scene addressing a corner plot in a manner similar to how other properties have maximised use of available land in this area.

Figure 1: Street scene views to York Road



Application LU/125/19/PL



Proposed scheme (previous scheme outlined in red)

6.0 LAYOUT, DESIGN & APPEARANCE

- 6.1 The NPPF sets out that the Government attaches great importance to the design of the built environment (paragraph 56). Local Plan Policies D SP1, D DM1 and D DM2 consider matters of design, requiring new development to be of a high quality, with an attention to detail. These policies place weight upon the effect of new development upon its surroundings having regard to matters of design, scale, materials, siting and layout as well as the relationship to neighbouring development and the setting in the landscape.
- 6.2 Policy D SP1 draws upon the character of an area and its defining characteristics. Arundel Road and its surroundings are distinctly residential in land use with predominately Victorian properties fronting highways to form strong street patterns with a regular density. Dwellings are mainly terraced and rise to two or three storeys with second floor accommodation either provided within the roofspace or as a full height property. The Victorian properties are mainly faced in brick sitting under tiled roofs although to the west of the appeal site, terraces are faced in white render. Further render can be found along Connaught Road to the south.

- 6.3 To the north and rear of the appeal site there is evidence of post Victorian construction for instance at Cornwall Gardens and York Gardens. This sits in conjunction with backland development which has occurred, for instance where corner plots benefit from a dual frontage to the public domain, such as the junction of Arundel Road to Mantling Road and the junction of Arundel Road and Connaught Road.
- 6.4 Development within the area additionally benefits from planting to the highway frontages in the form of landscaped front gardens, although the streets are additionally defined by strong hard boundaries in the form of walls of brick or brick and flint. Gardens are of varying depths with this being more limited for flats where gardens are communal, or where properties return on corner plots, these are provided as courtyards.

Layout

- 6.5 In addressing the layout of the development, the Inspector previously stated that there was 'an overall sense of spaciousness' to the character of the immediate area which was harmed by the scale of the previous design. As such, the reduced scale seeks to ensure that this spacious

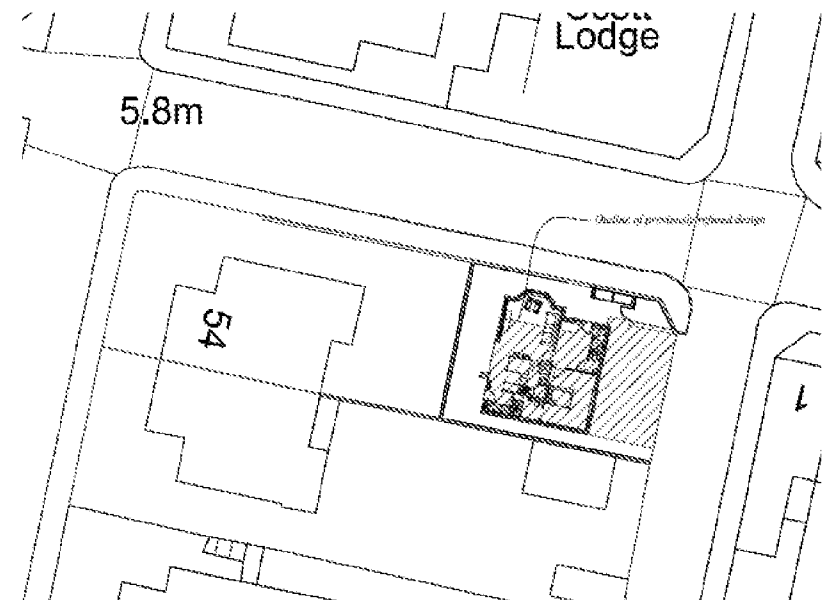
context is retained within the character of the area and whilst the density would continue to be increased through the subdivision of the plot, the revised massing would ensure that the proposal does not create any cramped layout.

6.6 The provision of the additional contribution to the local housing stock seeks to make the best possible use of land derived from a residential curtilage to the existing property. At the current time, the land to the rear of 54 Arundel Road is already divided with the area closest to the property forming a communal garden to the existing flats which would be unaffected by the development. Land to the rear of the site forms both underused garden land and space containing garages which are in variable states of repair. The siting of the development would reuse the land and would positively address the corner of York Road and York Gardens without resulting in overdevelopment. This is in the same manner as the buildings set to the north east and east of the site which similarly address their respective corner plots visible to the street scene.

6.7 This arrangement does not result in any overly cramped appearance in the streetscene where space remains between the original property and its nearest neighbours,

with this space in fact increased between the elevations to 1 York Road. The layout therefore represents a positive response to the concerns raised by the Inspector and would accord with the strategic policy D SP1 (Design) which requires that new development makes efficient use of land whilst reflecting the characteristics of the local area.

Figure 2: Proposed block plan



Design and appearance

- 6.8 To address matters of design and appearance, Policy D DM1 (Aspects of form and design quality) is particularly relevant and sets out a criteria based approach to ensure that development meets the high standards required by the Local Planning Authority. As such the criteria are set out and individually addressed below.

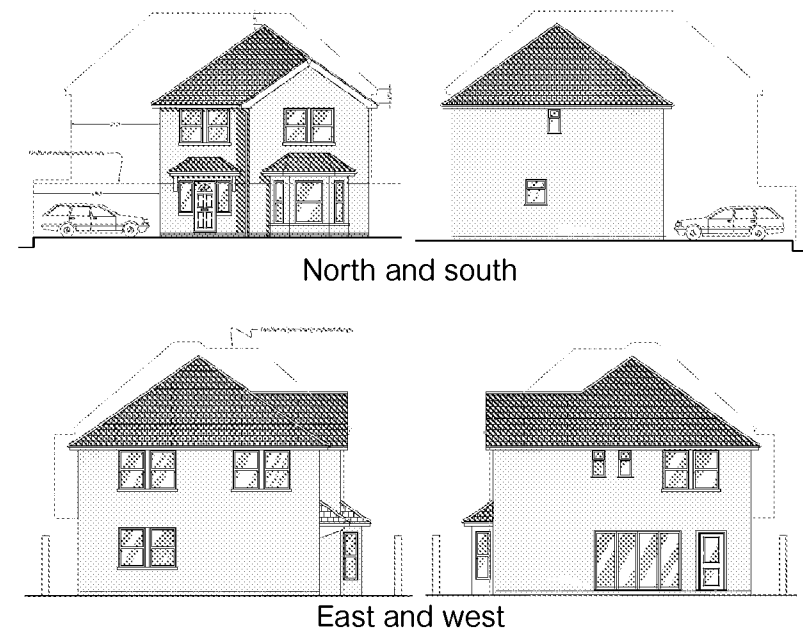
Aspects of form and design quality

When considering any application for development the Council will have regard to the following aspects:

- 1. Character - Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.*
- 6.9 The proposed development would make efficient use of the land by reusing an underused area of the garden derived from the host dwelling which contains garaging that is a mixed state of repair. The existing garaging makes no positive contribution to the street scene therefore its removal would be a positive benefit to the appearance of the area. The use of the land would be commensurate with the surroundings and unlike other corner developments

within the vicinity, the development would not fill the site but separate the existing and proposed buildings. This separation is increased within this revised scheme, both at the street level and also within the roofscape.

Figure 3: Proposed elevations



- 6.10 The development seeks to improve the current appearance of the site by providing a building that addresses the corners to York Road and York Gardens. The design of the property has been reduced in its massing to ensure that this better reflects its immediate context and relationship to York Road with the amended design reflecting the local character. The property would be constructed from brick and tiles being materials common to the area with the retention of the boundary walls to the public domain. The development therefore accords with Criteria 1.

2. Appearance/attractiveness

Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area.

- 6.11 The development sits within an area that, whilst dominated by Victorian buildings in fact has a mixed architecture with later developments visible to the public domain particularly from vantage points along York Road. The design of the building has been amended to reflect detailing of the more historic character with inclusion of a fully hipped roof, protruding gable, good sized double windows and at the ground floor, the inclusion of a bay window. As such the proposal would not appear discordant in the street scene. The building would be constructed from traditional building

techniques and make use of quality materials and hard landscaping to ensure that the character of the area is respected. The development would accord with criteria 2.

3. Impact

Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

- 6.12 The impact of the development upon the nearest residential properties was a matter of concern to the Inspector when determining the appeal, drawing attention in particular to overbearing impacts and loss of light to 1 York Road and 54 Arundel Road and a loss of privacy to 52 Arundel Road. These concerns have been given very careful consideration when revising the design of the property.
- 6.13 In first addressing concerns of an alleged overbearing impact, the overall scale and massing has been notably reduced to ensure that there is greater physical distance to 1 York Road. Similarly to number 54 Arundel Road, the reduction in scale and mass, most notably within the roofscape, would increase the perception of space thus reducing any overbearing impacts to an acceptable level. As such, whilst the property would be visible from the rear

or side elevations of dwellings in the vicinity, the space about the property is commensurate with surrounding development.

6.14 The Inspector additionally raised concern to the impact of the previous (and larger) proposal would have on levels of daylight to 1 York Road and 54 Arundel Road. It would remain that the development would alter the levels of sunlight and daylight from the presence of new massing, however the revised proposal seeks to ensure that the impact arising is resolved to an acceptable level.

6.15 1 York Road is set to the east of the site whereby the shade cast by the new property would only extend towards this neighbouring dwelling in the afternoon hours. The most notable change is that the extent of any shade would be reduced given the reduction in massing of the building to its eastern side and within the roof. The proposal would therefore cast significantly less shade in an easterly direction ensuring that no adverse harm arises to the amenity of this neighbour.

6.16 To the west sits 54 Arundel Road which would similarly have levels of sunlight and daylight altered by the proposal. However the impact upon this property is only

for the morning hours and again, with the reduction in the massing to the roof, the proposal would ensure that an increased level of daylight is achieved to the rear outdoor space and to rear facing habitable rooms to this property. The proposal would therefore not generate such overriding demonstrable harm as to adversely impact the enjoyment of the internal habitable spaces of these nearest dwellings and overcomes the concerns of the Inspector in this regard.

6.17 Finally the Inspector raised concern as to the harm to privacy generated by this development from the positioning of high level windows as well as full length windows positioned within protruding bays in the east and west elevations at the first floor level. These windows were identified as causing harm again to 1 York Road and 52 and 54 Arundel Road. This matter has been given careful consideration within this revised scheme.

6.18 To address the concerns arising, the internal layout of the first floor accommodation seeks to minimise the impact of the development upon neighbouring privacy. In particular, the protruding bays have been removed and to the southern elevation facing the rear garden of number 52, the only window is to serve an ensuite which can be

obscure glazed. To the east elevation facing 1 York Road, whilst first floor windows are retained, there is an increased separation between the respective properties to 12.5m to reduce any harmful intervisibility and a separation of 12m to 54 Arundel Road is also provided.

6.19 Finally, criterion 3 gives consideration to matters of noise and disturbance. The proposed building would be for a residential use commensurate with the surroundings therefore any post construction noise generated by the development would be of a residential nature and be heard against the existing background noise. The noise generated would therefore not be unusual nor unacceptable within this built up area. The development would therefore accord with criteria 3.

6.20 The neighbouring properties would receive some disturbance during construction works but this would be over a short duration and therefore not be adversely harmful.

4. Innovation

Raise standards of design by embracing appropriate innovative design, new technologies and construction techniques, where a development proposal has the potential to do so.

6.21 The development does provide a new building that is of a design appropriate to the wider character of the area. It is expected that traditional building techniques would be employed however there would be opportunity to ensure that new technologies are embraced as appropriate to meet with Building Regulations.

6.22 The development will also ensure that required standards of energy efficiency are met as set by Building Regulations. This would include having consideration to fixtures and fittings to ensure sustainable water use. The proposal would therefore be energy efficient in terms of layout, design and technologies as required by Policy DCC SP2 of the Local Plan. The proposal accords with Criteria 4.

5. Adaptability

Acknowledge diversity and difference. Buildings and places should be flexible to future adaptation, including the changing needs of occupants (for example ageing users, family circumstances), changes in wider work and social trends, and be able to accommodate potential differing uses of public space.

6.23 The property would meet accessibility requirements set out within Building Regulations, which would enable the property to be adaptable in perpetuity as the needs of

occupants change. The proposal therefore accords with criteria 5.

6. Crime prevention

Provide security measures that make places feel safer. This shall be achieved through natural surveillance and human presence by locating buildings and play areas along public routes and spaces, and making a clear division between private and public land to foster a mutual protection through territorial belonging. With respect to crime prevention, regard shall be had in particular to the document 'Secured by Design' and the 'Safer Places - The Planning System and Crime Prevention'.

- 6.24 The property is provided with fenestration that would provide for natural surveillance across the clearly defined public and private areas of the site. The defined boundaries to the street would continue to remain with the property also to be constructed with appropriate security fixtures in place. The proposal would accord with criteria 6.

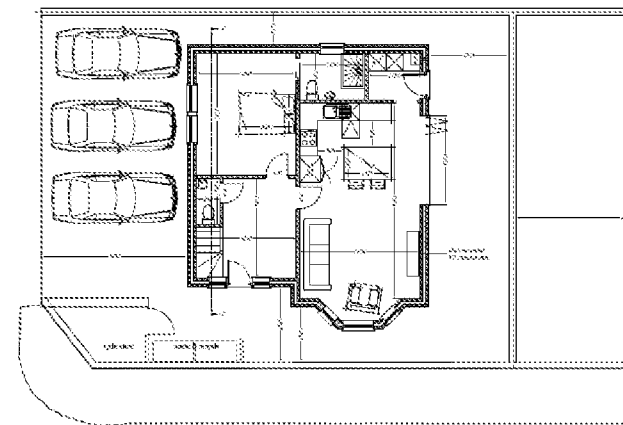
7. Trees and woodland

All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals.

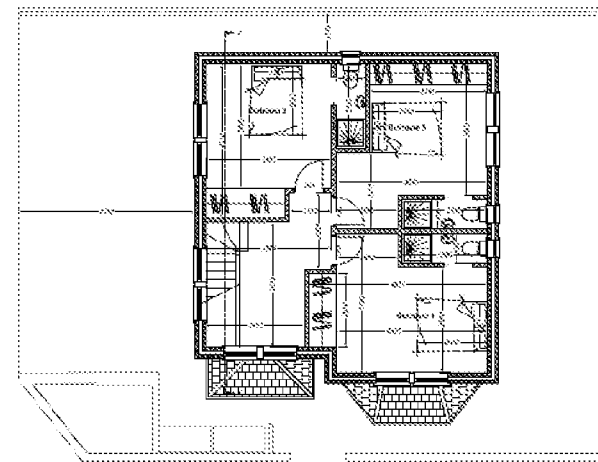
- 6.25 The development would require the removal of existing vegetation which is not protected. Such removal was not

met with overriding concern by the Local Planning Authority as reflected within the reasons for refusal therefore it is considered that criteria 7 is met.

Figure 4: Proposed floor plans



Ground floor



First floor plans

8. Solar gain

Within the constraints of the site and local context development proposals should, maximise sunlight and passive solar energy. Ideally development should be positioned (within a 15-20 degree margin) broadly south, with streets having an east-west pattern.

- 6.26 The development considers the erection of an infill property through the subdivision of an existing plot therefore the orientation is predetermined. The property will therefore benefit from natural daylight as the sun moves across the sky without generating any overheating. The main living space additionally has a dual aspect to provide for enhanced solar gain. The development accords with criteria 8.

9. Public realm

Provide or enhance layouts, streets and public spaces so that they are attractive, socially inclusive, safe and secure, adaptable, with appropriate provision for planting, street furniture, and facilities for bicycle storage to create a place with attractive and successful outdoor areas.

- 6.27 The proposal addresses the erection of a new property within an existing residential street therefore the layout is pre-determined by the plot from which it is derived. The property would be provided with amenity space and is designed to have on site storage for bins and cycles.

Space is available on site for the creation of an outdoor area, albeit for private use. The proposal therefore accords with criteria 9.

10. Layout – movement

Utilise existing networks or improve access via delivery of a variety of integrated networks, to and from residential areas, commercial zones, open spaces, facilities and public transport. Development schemes should carefully consider walking and cycling as an integral part of the overall design concept.

- 6.28 The development would take access from York Road and York Gardens with the building having no impact upon the local network in terms of traffic generation. Provision can be made within the plot for the safe storage of cycles to promote cycling as an alternative mode of transport. Criteria 10 is therefore met.

11. Layout – legibility

Deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building detail, signage).

- 6.29 The development would occupy a corner position and therefore would contribute towards local legibility by

providing a focal point within the street scene. Furthermore the property is provided with a principal elevation facing York Road to ensure that the property remains legible and that visitors can identify with the public and private areas of the plot. There would be no requirement to provide public realm features such as sculptures, planting or street furniture. Criteria 11 is therefore met.

12. Public art

Public Art should be incorporated into schemes where there is capacity to do so. Public art can encompass a wide variety of elements to include art as part of the design of buildings and developments, landscape and planting, street furniture, signage and lighting in the public realm which is accessible to all. This can also result in physical, permanent artworks and sculptures.

- 6.30 The proposal is for a private residential property therefore provision of public art is not relevant.

13. Density

The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity.

- 6.31 The development would provide a new building that would contribute towards the mix of dwelling types and designs in the vicinity. There would be an increase in the density of development albeit the number of units has since been reduced from that considered previously. It is additionally pertinent to note that the development sits within an area that already has high density levels given the accessibility of the location and therefore this proposal would not generate any further adverse harm. Criteria 13 is therefore met.

14. Scale

The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement.

- 6.32 The development is of a scale that respects the existing massing and form of properties within the area by ensuring that the resultant property does not overdevelop the site or result in an incongruous addition to the street scene. In particular, the property would provide accommodation over two floors which is common to this area. The scale would not appear disproportionate to the site or its surroundings having been reduced since consideration of the previous appeal. The proposal accords with criteria 14.

15. Aspects of form and design quality

Development should also comply with the Arun District Council Design Guide.

- 6.33 Matters regarding scale and massing have been addressed in relation to criteria 1. No Supplementary Planning Document titled 'Arun District Council Design Guide' could be found on the Council's website therefore it is not possible to specifically refer to this. Notwithstanding this, the proposal is considered to accord with the requirements of the development plan with regard to all aspects of design and is therefore considered to have an acceptable impact upon the character and appearance of the area.

Natural Environment

- 6.34 The NPPF requires that local planning authorities should preserve and enhance biodiversity and that new development should adequately mitigate against any potential harm. Locally, Policies ENV SP1 (Natural Environment) and ENV DM5 (Development and biodiversity) require that new development seeks to achieve a net gain in biodiversity and protects existing habitats and protected species on site.

- 6.35 The site is not located within any area designated for its ecological interest and has limited potential for providing a suitable habitat for protected species. Whilst the proposed development would require the demolition of the garages and these works would be undertaken with a precautionary approach and advice taken on ecological matters at the appropriate time should any protected species be found. There is no conflict with the relevant development plan policies or advice set out in the NPPF addressing biodiversity.
- 6.36 The site sits within an area that is at low risk from fluvial flooding although there is recorded medium risk from pluvial flooring along York Road. Any drainage from this site can be appropriately addressed through a sustainable drainage strategy to ensure that no new impacts arise. This will ensure that the development would accord with Policy W DM3 (Sustainable Urban Drainage Systems) of the Local Plan.
- 6.37 Policy W DM1 (Water Supply and Quality) ensures that development can be provided with a sufficient water supply which does not cause detriment to supplies elsewhere. The proposal is for a single dwelling and a connection would be agreed with the local water authority under the Water Industry Act 1981.

7.0 ACCESS AND PARKING

- 7.1 Local Plan Policy T SP1 (Transport and Development) ensures that development meets its transport demands and is designed to minimise additional traffic generation, provides for safe and easy movement and meets parking requirements.
- 7.2 The development is a traffic generating use however the creation of the 4 bed HMO in this location would not generate significant numbers of additional vehicular movements to the area ensuring no new interruption to the free flow of traffic on the highway.
- 7.3 The property would retain vehicular access to the east which is designed to ensure that space is available for the manoeuvring of vehicles serving the property and would have appropriate visibility onto the public highway to ensure that highway safety would not be compromised. The parking would be provided upon hardstanding which is wholly contained within the planning unit and would be retained in perpetuity to would meet the needs of the occupiers.

- 7.4 Within the site, the HMO would also be provided with space for cycle storage to ensure that encouragement can be given to use of alternatives to the car. The proposal therefore accords with the Development Plan policies addressing transportation.

8.0 INFRASTRUCTURE

- 8.1 The Local Plan is concerned with the infrastructure requirements of new developments. The provision of an additional dwelling at this site would not add significantly to the demand for local infrastructure services. As set out within the NPPF (2019), the development would also not qualify for affordable housing. The application has nevertheless been accompanied by the required Community Infrastructure Levy form.

9.0 CONCLUSION

- 9.1 Planning permission is sought for a windfall housing development to the rear of 54 Arundel Road through making efficient use of land within the curtilage of the property. The development would replace the existing garage block to the rear of the garden and also use an area of underused garden land to provide a single building providing a 4 bedroom House of Multiple Occupation. Provision would also be made for the parking of three vehicles on site as well as cycle and bin storage with remaining land given over to outdoor amenity space.
- 9.2 The development would be orientated to address the corner site and the public domain to ensure natural surveillance and a presence in the street scene. Whilst the property would sit within closest proximity to terraced and semi-detached dwellings of traditional form, the character of the area is mixed with later development having occurred which is particularly evident in the wider surroundings. Such later development has introduced new forms and materials and therefore the character is not uniform. The proposal would therefore further contribute to this mix, albeit has been informed by the traditional scales

and roof forms as well as making use of brick and tiles which are materials also found in the area.

- 9.3 The proposed building has been carefully designed to ensure that adequate separation exists between the building and the neighbouring properties commensurate with the local area. Most notably the scale and massing has been reduced from that previously considered at appeal to ensure that the development satisfactorily addresses the surrounding character and appearance of the street scene.
- 9.4 Consideration has additionally been given to the design to ensure that there would be no overriding demonstrable harm to sunlight, daylight or to residential privacy, again to overcome the previous concerns of the Inspector. It is also notable that no objection has been raised by the Local Planning Authority to the loss of on-site vegetation from the site, nor to any highway impacts.
- 9.5 The Appellant considers that the proposed development provides good use of land within an accessible location and would accord with sustainable development objectives as set out within the NPPF and the Local Plan.