



Appeal Decision

Site visit made on 10 March 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 01 April 2020

Appeal Ref: APP/C3810/W/19/3243339
54 Arundel Road, Littlehampton BN17 7DD

- 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 C Houston of Haven Sent Properties Ltd against the decision of Arun District Council.
 - The application Ref LU/125/19/PL, dated 15 April 2019, was refused by notice dated 19 September 2019.
 - The development proposed is demolition of 3 no. garages and erection of 7 room HMO with shared facilities and parking for 3 cars.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's refusal notice refers to the effect of the development on the character and appearance of the area. It also states that the development "*fails to provide an adequate area of open space*" and would "*have an unacceptable impact on the amenities of neighbouring occupiers and prospective residents by way of loss of light, loss of privacy, overbearing effects and insufficient outdoor amenity space*". In respect of the latter issues, it is clear from reading the Council's officer report that this relates to outlook, sunlight and privacy for the existing occupiers of No 1 York Road and Nos 52 and 54 Arundel Road, and outlook, natural light and the provision of outdoor amenity space for future occupiers of the proposed development.
3. Therefore, the main issues are (i) the effect of the proposed development on the character and appearance of the area; (ii) the effect of the proposed development on the living conditions of the occupiers of No 1 York Road and Nos 52 and 54 Arundel Road in respect of outlook, sunlight and privacy; and (iii) whether adequate living conditions would be provided for future occupiers of the proposed development in respect of outlook, natural light and the provision of outdoor amenity space.

Reasons

Character and appearance

4. The appeal site, at the corner of Arundel Road and York Road, comprises a three-storey semi-detached property which has been sub-divided into apartments. It is typical of the development in the surrounding area, which is

characterised by mainly residential properties, arranged mostly in terraced rows, semi-detached pairs and interspersed with apartment blocks.

5. Properties along this section of Arundel Road in proximity to the appeal site are in the main situated within generous sized plots. Many, including the appeal site, have garage blocks within the rear part of their respective plots. Notwithstanding the garage blocks, and the presence of brick walls and fences forming the boundaries of many properties, there is an overall sense of spaciousness to the layout of development, which the appeal site positively contributes towards. This sense of spaciousness is particularly noticeable to the rear of the appeal site in the vicinity of York Gardens and York Road.
6. The proposed development would demolish the existing garage block and erect a building within the eastern part of the site. The proposed building would comprise a house in multiple occupation (HMO) with seven en-suite bedrooms and communal space arranged over three floors. It would have a depth of around 12.0 metres, a width of approximately 9.0 metres and a total height of around 8.8 metres. The building would be orientated to face north towards York Road and incorporate three undercroft parking spaces with access off York Gardens.
7. The proposal would sub-divide the site so that the resultant plot size for the proposed building and host property would be materially at odds and, hence out of character with the generally spacious pattern of development and larger plots in the immediate vicinity of the site along Arundel Road. As a result of the scale of the proposed building, it would substantially fill the sub-divided plot. In combination with the resultant smaller size of the plot following its sub-division, the proposal would result in an unacceptably denser and cramped form of development in the area.
8. The proposed building, by virtue of its overall size relative to the size of the sub-divided plot would appear 'squeezed' in the street-scene thereby conflicting with the prevailing pattern of development in the surrounding area. Moreover, by virtue of the corner position of the proposal and considering the sense of spaciousness to the layout of development in the immediate vicinity of the site, the proposed building would represent a conspicuous and discordant feature when viewed from within the street-scene. Overall, the proposed development would have an adverse visual impact when viewed against the immediate pattern of development.
9. For the reasons outlined above, the proposed development would be significantly harmful to the character and appearance of the surrounding area. Consequently, it would not accord with Policies D DM1 and D SP1 of the Arun Local Plan 2011-2031 (2018) (LP) which, amongst other things, set out to ensure that development proposals, in terms of scale and layout, take full account of the character of existing development in the surrounding area. The Council has referred to Policy H SP4 (a) of the LP in their refusal notice. However, this policy is not directly relevant to this main issue.

Neighbours' living conditions

10. At its closest the separation distance between the east elevation of the proposed building and the ground floor and first floor windows in the side elevation of No 1 York Road would be approximately 9.0 metres. Similarly, at its closest the west elevation of the proposed building would be approximately

10.5 metres from the ground floor and first floor windows in the rear elevations of Nos 52 and 54 Arundel Road.

11. Taking into account the separation distances and scale of the proposed building, it would be dominant and overbearing upon the outlook from the side elevation windows of No 1 and rear elevation windows of No 54. For the same reasons, and as a result of its position being to the west of No 1 and to the east of No 54, the proposed building would have a shading effect on No 1 during the afternoon and No 54 during the morning, thus reducing the amount of sunlight reaching these properties.
12. However, considering the offset position of the proposal it would not have a significant adverse effect upon the outlook from the rear elevation windows of No 52. Furthermore, given the position of the proposed building to the north of No 52 it would not have a significant shading effect, therefore would not materially reduce the amount of sunlight reaching the property.
13. The outlook from the window lights in the roof slope of the proposed building serving habitable rooms at second floor level would be towards the sky, hence the proposal would not result in significant loss of privacy to the occupiers of neighbouring properties due to overlooking.
14. However, whilst two of the windows at first floor level serving habitable rooms would be at a high level, there would also be narrow full-length windows positioned within protruding bays in the east and west elevations of the proposed building. Given the position of the proposed full-length windows and the degree to which they would look towards the side elevation windows of No 1 and the rear elevation windows of Nos 52 and 54 and their respective rear gardens, the proposal would result in a significant loss of privacy to the occupiers of No 1 and Nos 52 and 54 due to overlooking.
15. For the reasons outlined above I conclude that, whilst the proposed development would not harm the living conditions of the occupiers of No 52 Arundel Road in respect of outlook and sunlight, it would have a harmful effect on their privacy due to overlooking. I also find that the proposed development would harm the living conditions of the occupiers of No 1 York Road and No 54 Arundel Road in respect of an overbearing outlook from their side elevation and rear elevation windows respectively, loss of sunlight due to over shadowing and privacy due to overlooking. Consequently, in this regard, the proposal would conflict with Policy D DM1 of the LP which, amongst other things, sets out to ensure proposals avoid harmful effects upon the living conditions of occupiers of existing development.

Future occupiers' living conditions

16. The ground floor window in the west elevation of the proposed building serving the kitchen/living room would face towards a tall boundary wall, which would be positioned approximately 1.0 metre away to demarcate the sub-division of the plot. Whilst the boundary wall would restrict the outlook from the kitchen/living room and the amount of natural light reaching it, the primary outlook from the kitchen/living room and source of natural light to it would be from a full-length window/patio door which would face the proposed courtyard garden. Therefore, the outlook from the kitchen/living room and level of natural light reaching it would not be so restricted as to be harmful to future occupiers.

17. However, the outlook from the window in the south elevation of the proposed building that would serve the ground floor bedroom would be towards the existing tall boundary wall which would be approximately 1.0 metre away. Consequently, the boundary wall would significantly diminish the outlook from the window and reduce the amount of natural light reaching it.
18. At first floor level, two of the bedrooms would be served by high level windows and narrow full-length windows positioned within protruding bays. These would provide natural light and some views, albeit mainly of the sky in the case of the high level windows. Whilst more restricted than full size windows, the outlook from the windows and the level of natural light reaching them would not be so restricted as to be harmful to future occupiers.
19. The proposed development would include a courtyard garden adjacent to the northern boundary of the site. I have not been presented with any specific policy which seeks to define minimum space criteria for outside amenity areas for HMOs. Given the existing tall boundary wall the outside amenity space would be private and to this extent useable. Whilst the space would not be large, I nonetheless consider that it would just about be on the limit of acceptability in terms of size.
20. Therefore, I conclude that adequate living conditions would be provided for future occupiers of the proposed development in respect of the provision of outdoor amenity space. Consequently, it would accord with Policy H SP4 (c) of the LP which seeks to ensure HMOs provide adequate areas of open space. However, and for the reasons outlined above, the proposal would have a significantly harmful effect on the living conditions of future occupiers in respect of outlook and the provision of natural light. Consequently, in this regard, the proposal would conflict with Policy D DM1 of the LP which, amongst other things, sets out to ensure proposals avoid harmful effects upon the living conditions of the occupiers of proposed development.

Other Matters

21. The appellant points out that the proposal would make efficient use of land within a built-up area and would result in the removal of three garages which are in a variable state of repair and therefore do not positively contribute to the character of the area. I have taken these points into account; however, they do not outweigh the harm that I have found in respect of my conclusions on the main issues.
22. There is no dispute between the parties that the proposal would not interfere with any human rights. Furthermore, and in any event, the refusal of planning permission is a necessary and proportionate approach to the legitimate planning aims of protecting the living conditions of the occupiers of existing and future development and harm to the character and appearance of the area.
23. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

24. The proposed development would provide adequate living conditions for future occupiers in respect of the provision of outdoor amenity space.

25. However, for the reasons set out above, the proposed development would cause unacceptable harm to the character and appearance of the area. It would also have a harmful effect on neighbours' living conditions and future occupiers' living conditions in respect of outlook and the provision of natural light. These are matters of overriding concern and I therefore conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR