



Appeal Decision

Site visit made on 26 September 2011

by M F Aldous BA (Hons), Dip Mgt, MRTPI

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

Decision date: 4 October 2011

Appeal Ref: APP/C3810/A/11/2153676

**2 & 4 Broadmark Lane and 18 Vernon Close, Rustington, Littlehampton
BN16 2NN.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ormond Limited against the decision of Arun District Council.
 - The application Ref R/51/11, dated 10 March 2011, was refused by notice dated 5 May 2011.
 - The development proposed is the construction of 11 apartments, with parking and access, after demolition of Nos 2 and 4 Broadmark Lane and No 18 Vernon Close (Outline application with only landscaping details reserved for subsequent approval).
-

Preliminary Matters

1. There is a recent and relevant planning history on this site featuring a previous proposal for a block of 14 apartments which was refused in November 2010 (R/213/10). This is familiar to all parties and I take it as read. This proposal is in outline form, but only landscaping is reserved for future approval.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are:
 - i) The effect of the proposal on the character and appearance of the surrounding area; and
 - ii) Whether it is appropriate for a financial contribution to be made in this case towards the provision of off site affordable housing provision, in line with adopted Council policy.

Reasons

Character and Appearance

4. The appeal site is formed by the curtilages of three detached bungalows which were all occupied at the time of my site visit. The site occupies a sustainable location within a built up area close to a sizeable local centre which offers shops, public transport connections and a range of other services. It has been identified as an area where some residential redevelopment might find favour, subject to acceptable proposals being submitted. Whilst only limited weight can be afforded to it at this time, I note that the Government's draft National

Planning Policy Framework seeks to apply a general presumption in favour of sustainable development. The good sustainability credentials of this site therefore represent a positive element in support of the proposal.

5. Although it is close to the nearby local shopping centre, where ground floor retail units have two levels of flats above, my inspection of the site and its townscape context leads me to conclude that the appeal site essentially reads as part of the residential area contained around the Broadmark Lane and Vernon Close junction.
6. These roads in the immediate vicinity of the appeal site, are typified by having predominantly detached, single storey dwellings. This provides a well settled and low density residential environment and atmosphere, with mostly modest dwellings occupying quite generous plots, with side to side separation allowing glimpses of the garden land beyond.
7. The proposal before me would quite dramatically interrupt this pattern by inserting a very bulky, predominantly three storey block of apartments into the street scene. Because of its position at a road junction the mass, scale and height of the block would be emphasised, rendering it highly visible and rather obtrusive. It would have a dominating effect and would in my view be out of scale with the general pattern of residential development in the area.
8. Whilst the proposal has been amended from the earlier rejected scheme and now features eleven rather than fourteen units of accommodation, it seems that the overall position and footprint of the building would be essentially little changed. The scheme would still be rather cramped within a not overly large site. As a consequence, given the limitations in the amount of open space around the building when this, the access road and car parking areas are taken into consideration, I consider that scope for future landscaping which might soften and ameliorate the visual impact of the bulk of the building would be very limited.
9. Furthermore, although the roofline of the building would be stepped down at its southern end, where that elevation faces onto Vernon Close, the principle, long eastern elevation fronting onto Broadmark Lane would not benefit from such treatment and the effect would be to create a rather bland, regimented and uninteresting visual aspect with the road. Its plainness would be emphasised by a considerable number of regularly spaced window and door openings, a largely unrelieved roof line and little articulation that might serve to provide visual interest.
10. Government advice within PPS1 and PPS3 emphasises the need to make efficient use of land, as this proposal seeks, but also for development to fit its surroundings, for good design and for redevelopment to improve the visual qualities of the area within which it is located. Such aspirations are given local expression within saved policy GEN7 of the Arun District Local Plan. In my view, for the reasons outlined this proposal fails to meet such objectives and as such I support the critical views expressed on this theme by the District and Parish Councils and a number of local residents.
11. The Appellant, in support of the proposal, has drawn attention to what is perceived to be an absence of a five year supply of housing land within the district. From the information available to me it appears that recent studies

which have been commissioned and adopted by the Council indicate that land availability is just below that level.

12. In these circumstances PPS3 indicates that Councils should consider favourably planning applications for housing. However, this must be within the context of other policies within PPS3, which include a resistance towards design which is inappropriate in its context or which fails to improve the character and quality of an area. In my view the findings outlined above in relation to the visually harmful impact of the proposal on its surroundings are significant and overcome any support for the proposal in housing land availability terms.

Contribution towards Affordable Housing Provision

13. This proposal was also rejected by the Council because it made no provision for affordable housing as required by adopted Council policy to which I attach weight. In the light of my findings on the character and appearance issue, this represents something of a supplementary matter.
14. Notwithstanding this, it is accepted that the provision of an appropriate level of affordable housing within the district is a laudable objective, particularly given the locally high property prices and the very large number of persons registered locally as seeking such accommodation. The Council seeks contributions towards such provision off site if it is not integral to the residential scheme being advocated. In this case, albeit late in the day, the Appellant has submitted a Unilateral Undertaking which makes provision for a level of contribution towards such matters to be made, in the event that this appeal were to succeed.
15. The Council has confirmed in writing that the Undertaking is acceptable in terms of the commuted sum it offers. Having examined the matter in the light of the relevant Regulations I consider that the details contained within the Undertaking would effectively discharge the Appellant's obligations in this regard given that the payment proposed appears to me to be necessary, directly related and fairly and reasonably applied to the particular circumstances of the development proposed.

Other Matters

16. A number of local residents expressed concerns about car parking and highway safety. The site is quite well served by local public transport services. In addition, the proposal would make adequate provision for off street car parking to the rear of the site and it appears to me from my visit to the area that the proposed vehicular access point would be well located and offer a safe means of access into and out of the site.
17. No objection in these terms has been made by either the Council or the Highway Authority. I consider this to be a telling consideration which supports my view that the proposal would be unlikely to compromise local highway safety or result in indiscriminate parking on local roads. On this basis I do not consider that objection to the proposal in these terms could be sustained.

Conclusions

18. The submitted Undertaking overcomes reason for refusal number 2. However, I found that this proposal would have a harmful impact upon the character and appearance of the surrounding area. In this regard it is in direct conflict with

national planning policy guidance and the locally adopted development plan. In my view this represents the decisive factor against what is proposed.

19. For the reasons set out above, and having had full regard to all other matters raised, I therefore conclude that this appeal should not succeed.

Michael Aldous

INSPECTOR