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Appeal Decision

Site visit made on 18 May 2009

by Sheila Holden
BSc MSc CEng MICE MRTPI FIHT

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

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Decision date:
1 June 2009

Appeal Ref: APP/M3835/A/09/2094465
35 Franklin Road, Worthing, West Sussex BN13 2PG

- 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 Mr D Walsh against the decision of Worthing Borough Council.
- The application Ref WB/08/0675/FULL, dated 26 May 2008, was refused by notice dated 11 November 2008.
- The development proposed is conversion of a 4-bedroom semi-detached house into three 2-bedroom flats including single storey side and rear extensions.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effects of the proposed development on :

   [a] the character and appearance of the area;

   [b] the living conditions of occupants of adjoining properties in relation to loss of outlook, loss of light, privacy, noise and disturbance;

   [c] the provision of car parking.

Reasons

3. Franklin Road is a residential street of mixed character. No 35, which is paired with No 37, is an Edwardian semi-detached house set in a modest plot. The original house has been enlarged through a roof extension which has replaced the hipped roof with a gable end and incorporated a large rear dormer window. A single garage which stood in the area to the side of the house has been demolished. The proposal comprises three single-storey extensions with flat roofs, two at the side and one at the rear, which would enable this single dwelling to be converted into three two-bedroom flats.

4. The proposed extensions would significantly increase the bulk of the building and its overall footprint. The design attempts to minimise their visual impact by replicating architectural details from the host property and setting back the front elevation, restricting their width and staggering them along the depth of the building. However, the gap between this property and No 33 means that the proposal would be visible from the street, particularly when approached from the south where the length and depth of the flat roof would be especially apparent. I consider the extensions would be bland and uninteresting,

appearing as modern, utilitarian additions which would not complement the original house or effectively integrate with it. Whilst the rear extension would not be visible from the street it would be both deeper and higher than the more modest conservatory that has been added to No 37. The overall impression would be that this well-proportioned and attractive Edwardian property would be overwhelmed by extensions which fail to respect the character, dimensions and simple design of the original building.

5. Government guidance set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) emphasises the importance of good design, making it clear that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area, or the way it functions, should not be accepted. This approach is reflected in the West Sussex Structure Plan and the Worthing Local Plan. For the reasons set out above I consider that the proposal cannot be described as good design. It seems to me that not only would it be detrimental to the house itself but also to the local distinctiveness of this small group of character properties in this part of Franklin Road. I therefore conclude that the proposed development would be harmful to the character and appearance of the area, contrary to government advice and saved Policies CH1 and DEV1 of the Structure Plan and saved Policies BE1 and H13 of the Local Plan, all of which seek to secure high standards of design that respects local distinctiveness.

Living conditions

6. The additional height, depth and bulk of the rear extension would appear visually intrusive to anyone in the conservatory of No 37 which is immediately alongside the shared boundary. Its position, to the south, would also give rise to some overshadowing of the roof. These factors would combine to make this conservatory a less pleasant place in which to be and in my view would adversely affect the living conditions of these neighbours. This adds weight to my concerns that the design of the proposed extension does not adequately respect its relationship with the original building.

7. The proposed internal layout of the flats would ensure that there is no juxtaposition of habitable rooms with the bedrooms of No 37. Noise insulation is a matter to be dealt with through the building regulations in the event that the development was otherwise acceptable. Temporary disturbance during building works, although regrettable, is an insufficient reason to reject a development which, when completed would not result in material harm to the living conditions of neighbours.

8. The replacement of a single dwelling with three flats would give rise to an intensification of the use of this property which could affect the occupiers of No 33. There could be additional noise and disturbance arising from the position of the entrance to Flat 2, the use of the patio doors from its main living area and increased use of the garden. In order to avoid overlooking of this neighbour's garden it would be necessary to provide obscure glazing to the kitchen window of the first floor flat. Although not determinative in their own right these matters reinforce my conclusions that the proposal represents a design which is inappropriate in this context.

9. No 33 has two habitable rooms which face No 35. The front element of the proposal would be higher than the existing boundary wall but 1.2m from it and no nearer No 33 than the garage that was originally on this part of the site. To the rear the extension would be set back from the shared boundary some 2.45m. Although the additions would be visible above the proposed new fence along this boundary I consider that their single-storey height and form would not result in harmful loss of light or outlook for the occupants of No 33.

10. I therefore conclude that the proposal would be harmful to the living conditions of the occupants at No 37 in relation to visual intrusion, contrary to saved Policies H13 and H18 of the Local Plan which seeks to ensure that development does not unacceptably affect the living conditions of local residents. This conclusion is reinforced by my concerns about aspects of the design which could adversely affect the living conditions of the neighbours at No 33.

Provision of parking

11. Franklin Road is a mainly residential street in which uncontrolled on-street parking is permitted for much of its length, although yellow line restrictions protect the junction with Salvington Road. The Council and local residents suggest that there is a high demand for on-street spaces, especially associated with visits to the shops in Salvington Road and more generally during the evenings and at weekends. However, the evidence presented by the appellant did not confirm this view and I did not see any significant problems at the time of my site visit. The lack of controls within the predominantly residential part of Franklin Road indicates to me that there is unlikely to be an acute shortage of on-street space near the appeal site, particularly as some of the properties also have off-street parking facilities.

12. The replacement of a four-bedroom house with three two-bedroom flats would almost certainly increase the number of cars associated with this property. However, No 35 has two existing off-street parking spaces which would be retained and therefore, in my view, the additional demand would not give rise to a significant worsening of the on-street parking situation. Furthermore, since the site is within walking distance of a number of local facilities and secure cycle parking would be provided within the development, there would be alternatives to the car available for future residents. I therefore conclude that the proposal would comply with saved Policy TR9 of the Local Plan which seeks to balance the requirements for car parking with environmental and highway safety considerations.

Other matters

13. Government guidance is to encourage the efficient use of previously-developed land in urban areas provided this can be achieved without material harm. I accept that an intensification of use of this site, which is in a sustainable location, would provide additional small housing units with adequate accommodation. These would help to meet acknowledged housing needs and the requirements of the Development Plan. The proposal would also provide secure cycle parking, adequate bin storage and dedicated amenity space for two of the three flats. Appropriate boundary treatments and landscaping could be secured by conditions.

14. I appreciate that the appellant has gone to considerable lengths to amend the proposals and that the scheme had been agreed by Council officers. However, I have looked at the proposals afresh and considered them on their planning merits taking into account all of the above and other matters mentioned by third and main parties. None of them, either individually or collectively, outweighs the conclusions I have reached on the main issues. I have found that, notwithstanding the adequacy of the parking provision, the development would represent poor design which would fail to respect the character of the area, would not integrate satisfactorily with the host property and would give rise to harm to the living conditions of neighbours.

Conclusions

15. I conclude that the benefits which would accrue from the provision of the additional dwellings would not outweigh the harm identified and therefore the appeal should be dismissed.

Sheila Holden
INSPECTOR