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Appeal Decision

Hearing held 30 September 2008
Site visit on 30 September 2008

by B C Scott BA(Hons) Urban & Regional Planning MRTPI

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

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Decision date:
8 October 2008

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Appeal Ref: APP/M3835/A/08/2068754
57 and 59 Hayling Rise, High Salvington, Worthing, BN13 3AG (rear gardens).

- 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 Harlington Homes Ltd against the decision of Worthing Borough Council.
- The application Ref WB/07/1194/OUT, dated 19 September 2007, was refused by notice dated 4 December 2007.
- The development proposed is 2 no. two-bedroom bungalows together with associated parking, landscaping and access driveway.

Procedural Matters

1. The appeal application is made in outline with details of access and scale before me. The application is supported with various detailed drawings and the description of development in the head note (above), from the application, refers to landscaping. At the Hearing the Appellant confirmed that drawing nos. 5094/02 C, /03 A and partly (as access is shown) /04 A are illustrative. Accordingly, I take drawing no. 5094/01 B into full consideration. However, I also have regard to the other drawings insofar as they show scale (notably height) of the proposed development and an indicative layout; landscaping, appearance and actual layout remain reserved matters. I note that the Council's application form is out-of-date in that regard and is not completed by the Appellant.

2. The appeal proposal is a reduced scheme following a previous refusal (WB/07/0682/FULL).

Decision

3. I dismiss the appeal.

Main issues

4. I consider the two main issues in this case to be the effect of the proposed development on; firstly, the character and appearance of the area; and secondly, the living conditions of the adjoining occupiers, with particular reference to outlook.

Reasons

Character and Appearance

5. The appeal site is part of a residential area that forms the outer limits of development to the built-up area of the town where sweeping topography and

scenery are distinctive. The area is mostly characterised by swathes of bungalows and houses of respective similar scale and style in largely regular plot frontages with a commensurate street rhythm. Some areas with deep rear gardens have given way to several back-land infill developments. Some other plots are the focus of redevelopment to higher densities. The proposed development would insert two bungalows between the backs of opposed falling rows of others and alongside another in a back-land position. An access driveway would separate the donor bungalows.

6. The thrust of policies in the Development Plan is to require high quality development that, amongst other things, in form and character is compatible with its surroundings or enhances the appearance of the locality.

7. The rows of opposing bungalows and the back-land ones are all much about the same in scale (massing and height). Also, the layout of the existing bungalows in the area is not governed by deep gardens and repeatedly small plots are not an uncommon feature. Thus, I acknowledge that the proposed bungalows would have likewise scale and plots. However, the dominating effect of the proposed access driveway arrangement (with integral parking and turning areas), which would substantially shrink the plot sizes, would be a key feature.

8. The proposed access driveway would be severely constrained by the adjoining bungalows, which are closely spaced, and the proposed parking/turning areas by the small plot sizes. At the Hearing, the Council echoed the concerns of Third Parties about the form and appearance of the proposed access driveway. Given its severely constrained nature, I am in no doubt that the proposed access driveway would look really cramped and incongruous, at variance with the characteristic swathes of development and street rhythm associated with the distinctive topography.

9. Owing to its narrow width and inadequate turning area, the proposed access driveway would not satisfy the requirements for fire appliances. Also, arrangements for waste collection/storage are likely to involve, through lack of space, the footway to Hayling Rise. Whereas the Manual for Streets (which was mentioned at the Hearing) acknowledges that the requirements of service vehicles should not dominate layouts, in my opinion, those things are a sign of the cramped nature of the proposed development in this case; there is lack of room within the proposed plots and about the proposed access driveway (where narrow, feeble margins of landscaping are shown).

10. From my examination of the area, I formed the view that the other examples of access driveway are each different to the proposed development because they are more spacious in terms of such things as side spaces, margins or widths. Even so, I saw that the current back-land schemes do not respond to the existing layout of buildings insofar as the resultant streets and spaces are not connected and do not complement one another. The proposed development would add to that state of affairs in close proximity and for that reason alone I share the Council's view that an uncharacteristic cluster of such piecemeal development would emerge, at odds with the rhythm and function of streets in the area. The decisions of my colleagues (APP/M3835/A/06/2009097 &

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/2018476), to which I am referred, do not impinge upon that finding, given the issues in those cases.

11. Accordingly, I conclude that the proposed development would be harmful to the character and appearance of the area, in conflict particularly with Policy DEV1 of the West Sussex Structure Plan 2005 and Policy BE1 of the Worthing Local Plan 2003.

Living Conditions

12. The appeal site is surrounded by existing bungalows; those that back onto one another across rear gardens (including the donor bungalows) where the proposed development would occur and those alongside it. The proposed development would reduce separation distances and alter views. SP Policy DEV 1 requires development to minimise potential conflicts and, especially in this case under LP Policy H18, not to result in an unacceptable reduction in amenity for local residents.

13. It is undeniable that the outlook of some of the adjoining occupiers would change, particularly during winter months when boundary screening would be less effective. I am mindful that nobody is entitled to a view over somebody else's land but that, nevertheless, a significant interference with it might be materially detrimental to the living conditions of the adjoining occupiers.

14. The scale of the proposed development and plots sizes would not be uncommon in the area. The separation distances that could be achieved (as indicated on the submitted drawings) would be above expected standards in a built-up area such as this. The topography creates a terracing of dwellings one above another downwards to the town and the proposed development could be likewise set (also as indicated).

15. I carefully examined the outlook and privacy (which is an additional concern raised in representations) of the adjoining occupiers and formed the opinion that there would be no significant interference or change owing to the restrained scale and potential layout of the proposed development; no overbearing effect would be experienced and direct, close overlooking would not occur. In my view, a sense of enclosure in this context, as raised by the Council, is unlikely without those things and I do not conclude against the proposed development on this issue.

Other Considerations

16. Several other concerns are raised in representations, some of which were discussed at the Hearing. Notably, on the matter of wildlife/habitat features the Council confirmed that there is no record of protected species in the rear gardens and I have no reason to give this special weight. I saw that The Gallops is a distinctive open space and bridleway feature separating the appeal residential area from the next. The rear gardens of the appeal site area are little different to others found within residential areas and, in my opinion, do not amount to a green corridor of particular standing.

17. Other concerns about such things as subsidence, localised flooding and traffic/parking problems are asserted by Third Parties but no evidence is produced. On the matter of traffic/parking I saw that the roads in the area are

relatively wide and roadside parking is slight. I acknowledge that the visibility southwards from the proposed access would be somewhat limited because it would be hard against adjoining front boundaries, due to the bend in the road, and any adverse traffic conditions (as with a 'rat-run' use) may make exiting the access potentially difficult.

18. I have considered all other matters raised but none alters my conclusion on the first main issue, which is sufficient reason to dismiss this appeal.

B C Scott
INSPECTOR