APPEAL STATEMENT

APPLICATION AWDM/1711/23

31 GAISFORD ROAD, WORTHING, BN14 7HW

Pangolin Planning

Planning Appeal Statement

Application	**AWDM/1711/23**
Proposal	**Cladding to north and west elevations at first floor**
Address	**31 Gaisford Road, Worthing, West Sussex BN14 7HW**
Appellant	**Mr & Mrs West**
Consultant	**Pangolin Planning**
Date	**February 2024**

Purpose of report

This is a statement of case in relation to planning application reference AWDM/1711/23, at 31 Gaisford Road, Worthing, West Sussex BN14 7HW, which seeks to respond to the Council's reason for refusal.

Executive Summary

This statement describes the design approach, in addition to providing material supporting arguments and justifications, demonstrating that the appeal proposal is sound in all respects and concluding that in the absence of any public interest and demonstrable harm; we believe there are sufficient grounds to materially weigh in support of the proposal.

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1. CONTEXT

SITE LOCATION

1.1 The appeal site relates to the northern half of a two-storey, semi-detached property, located to the western side of Gaisford Road, to the south of the junction with St Lawrence Avenue and to the north of the junction of Woodmancote Road.

1.2 The appeal site's position within the street is detailed below (*figure 1*).



Figure 1: Location Plan

1.3 The appeal site is not a listed building, or a locally important building, nor is it within the setting of a designated heritage asset. Similarly, the appeal site is not situated within (or setting) of a conservation area, national landscape or national park.

1.4 The appeal site was constructed circa 1920-1930s and is typical of many semi-detached properties built around this time (*figure 2*). As detailed in the Officer's Delegated Report, the appeal site has undergone a number of alterations, including a single storey rear extension (AWDM/1144/13 refers) and a single storey side

extension to the northern elevation. These extensions were carried out under permitted development.

1.5 Other improvement and maintenance works carried out over the passage of time, include the replacement of the original roof tiles, the installation of UPVC windows and doors, painting of the rough render / pebble dash, removal of the front boundary wall, installation of cladding over the original timber to the principal gable, the provision of hardstanding to the front of the house and the demolition of the original side garage.



Figure 2: Principal and northern elevations of 31 Gaisford Road

1.6 As existing the appeal site, comprises a mix of rough render/pebble dash (the majority of which has been painted white), a brick plinth (with the northern elevation of the side extension also finished in brick), a brown tile roof, with matching tiling finishing the front porch roof and the roof of the side extension, red hung tile to the projecting two-storey bay to the principal elevation and grey cladding (similar to the appeal proposal) to the front gable of the principal bay. The window frames doors are largely finished in white UPVC with black drainwater goods (*figure 2*).

URBAN FORM, CHARACTER AND DESIGN OF THE AREA

1.7 The surrounding area is characterised by a varied mix of residential properties, including traditional and modernised detached and semi-detached two-storey properties and chalet bungalows.

1.8 The immediate area is undoubtedly defined by a mix of early 20th Century suburban dwellings, where the addition of residential alterations and extensions to modernise and maintain these aging properties is a necessary and ubiquitous feature. This is true at both a local and national level.

1.9 This is demonstrated by the images below, all of which identify properties located on Gaisford Road (*figures 3, 4, 5 and 6*). The diversity of style and form is noted, as is the variation in materials. Indeed, it is agreed common ground (in bold) with the Council that: '*The styles of the properties remains the same* ***although there are a number of different materials…***' [our emphasis].



Figure 3: 38 & 40 Gaisford Road (note white cladding to front gable – a common feature within the area, due to the deterioration of the original timbers. Also, note timber cladding to side extension)



Figure 4: 28 Gaisford Road (note the grey cladding to the side extension)



Figure 5: Rear elevation of 28 Gaisford Road (oblique views available from St Lawrence Avenue)



Figure 6: 24 Gaisford Road (note contemporary appearance i.e. grey slate/tiles, smooth render and grey windows frames)

1.10 Whilst it is **agreed ground** that there is a **range of materials** (including a proliferation of cladding) present both within the immediate appeal site and within the surrounding area. We **do not agree** with the Council that the '*style of properties remains the same*', or that '*the nearby properties to the application site are all of a very similar design with a set character and range from terraced to semi-detached. The materials used for the first floor treatment of the dwellings range from brick, to render, to tile hanging. In the main, the majority have rendered first floor area, and the end/side elevations of the properties are brick faced with the application site appearing to be the only one which has rendered its side elevation.*'

1.11 The Inspector will of course conduct their own site visit and come to their own conclusions. However, as demonstrated in this appeal statement, the nearby

properties are not of a '*very similar design*'. As outlined above, there are chalet bungalows, semi-detached and detached properties. The properties comprise a range of materials (including cladding), which enhances and adds variation to the streetscene. Similarly, over the passage of time the majority of these properties have been extended or altered to enhance or maintain the property (*figures 3, 4, 5 and 6*).

1.12 The varying design, styles and materials, ranging from brick, rough / smooth render, pebble dash, tile, UPVC, timber and cladding are clearly evidenced above (*figures 3, 4, 5 and 6*).

UNIFORMITY AND NON-UNIFORMITY OF STREETS

1.13 There are also various examples of dwellings hosting an array of materials on the neighbouring streets, which break-up the dominance and uniformity of the streetscene (figures 7, 8, 9, 10 and 11). Variation and non-uniformity are characteristic of the local area.



Figure 7: 22 Balcombe Avenue, Worthing



Figure 8: 27 & 29 Adeversane Road, Worthing (AWDM/1476/18 refers)



Figure 9: 27 Wiston Avenue, Worthing



Figure 10: 2 Adeversane Road, Worthing (ADWM/1925/16 refers)



Figure 11: 40 & 38 Wiston Avenue, Worthing

1.14 Above are some examples of the varying styles. Attention is drawn to how the styles juxtapose, often from dwelling to dwelling. We would also like to draw the Inspector's attention to further examples of cladding in the surrounding area, all of which can be observed from the public realm.

1.15 With regard to nos. 2, 27 and 29 Adversane Road, Worthing (which are a short 5 minute walk from site – approximately 220m away), it is noted the Council granted planning permission for the grey cladding on these properties (under AWDM/1476/18 and AWDM/1926/16).

1.16 In the case of 2 Adversane Road (AWDM/1926/16), the Officer's Delegated Report found: '*…the use of timber effect cladding would alter the appearance of the building within the streetscene. Yet it is not that the alteration would be such to be detrimental to the streetscene. It would add to the interest of the existing dwelling and streetscene. The use of grey is subtle and contemporary in style.*'

1.17 In the case of 27 & 29 Adversane Road (AWDM/1476/18), the Officer's Delegated Report found: '*The proposed cladding to the front of the application building and its adjoining neighbour would introduce a new material to the streetscene which is not currently present. Although cladding is not characteristic of the immediate locality it is a commonly used material in the wider area. The proposed cladding would be grey in colour and would present a more modern appearance to the building as a whole. As the works are to be carried out to both houses, the addition of cladding would not disrupt the symmetry of the pair in terms of materials. The existing brick work to the lower gable and the rest of the front elevation would remain thereby retaining elements of the character of the wider streetscene. The side gable would also be clad to match and would result in a cohesive development. The grey roof tiles as proposed to the pair of properties would upgrade the appearance of the building and are again commonly used in the wider area. The proposed cladding and slate roof tiles would not detrimentally affect the visual amenities of the streetscene…The proposed works would not have an adverse impact on the character or visual amenities of the streetscene.'*

1.18 Important parallels and conclusions to draw from the above are:

- These are relatively recent decisions dating back to 2017-2018.
- The Council found the application of grey timer effect cladding to the principal elevation acceptable.
- The introduction of grey cladding would not be detrimental to the streetscene.
- Grey cladding would add interest to the dwelling and the streetscene.
- The use of grey cladding is subtle and contemporary in style.

- The Council consider that cladding is a commonly used material in the wider area.
- Given the lower half of the building would be 'unclad' this would retain elements of the character of the wider streetscene.
- Grey roof tiles would upgrade the appearance of the building and are a common feature in the wider area.
- Grey cladding would not affect the visual amenities of the area and would not have an adverse impact on the character or visual amenities of the streetscene.

1.19 With regard to the above, the Inspector is respectfully requested to give weight to these material considerations, when considering the appeal at hand.

1.20 There are also various examples of what appears to be later additions and alterations to dwellings which will more than likely have been built under Permitted Development. This point will be expanded on below, in the assessment (**Section 3**) of the appeal statement.

1.21 Turning to Gaisford Road, although some forms of development may be more numerous, there is not an overall amalgamating or cohesive characteristic, other than the fact they are of 20th Century construction and suburban in nature.

2. APPEAL PROPOSAL

APPEAL PROPOSAL

2.1 The appeal proposal is for the application of horizontal grey fibre cement cladding (grey slate in colour with a textured cedar finish as detailed in *figure 12*) to the north and west elevations at first floor level. It is noted that the Officer's Delegated Report states the proposal would be for UPVC cladding; this is incorrect - the proposal is for fibre cement cladding. The submitted plans (*figure 13*) detail the application of cladding to the rear (west elevation) at first floor level (i.e. where the pebble dash has been painted white) and to the side (north elevation) at first floor level (again where the pebble dash has been painted white). It is noted the cladding to the side (north elevation) would be set back from the principal elevation, so as to be in line with the pitch of the side extension roof.



Figure 12: Proposed cladding (www.jameshardie.co.uk/en/cladding/hardieplank)

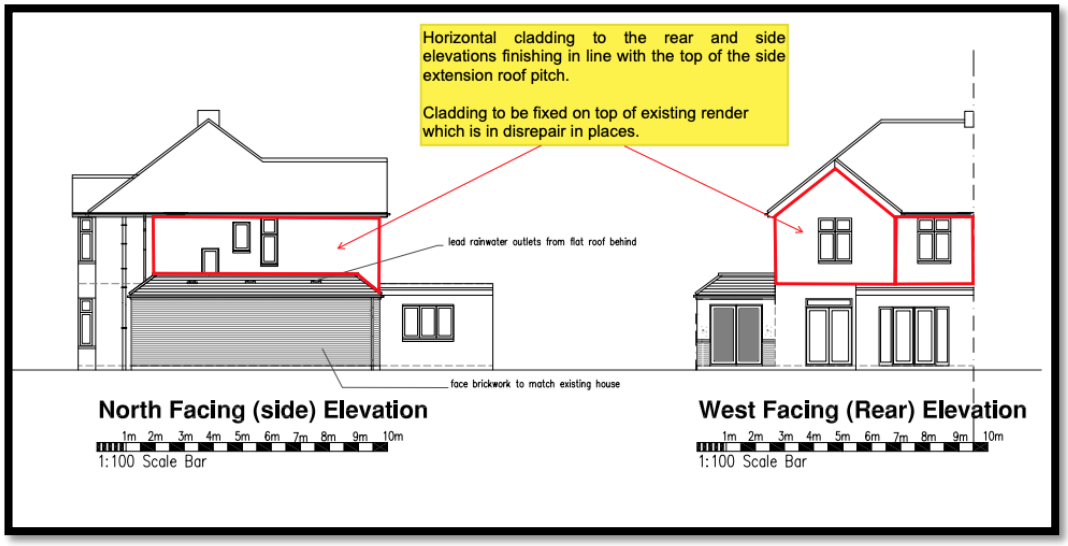

Figure 13: Proposed Elevations

NEED AND JUSTIFICATION

2.2 The appeal proposal, is born out of the appellant's need to maintain their family home, and to do this in the most ***sustainable***, ***visually enhancing*** and ***cost effective*** manner. As stated above, the appeal property was constructed between the 1920-1930s and has already undergone various alterations and extensions. The present situation sees large parts of the existing painted pebble dash in disrepair, with previous repair patches visible (*figures 14 and 15*).



Figures 14 & 15: Example of disrepair and subsequent ongoing damp issues

2.3 The preference for cladding is largely three-fold. The first being, to prolong the, life of the render, thus avoiding having to remove all the existing render and having this re-rendered, which would be highly disruptive and costly. Secondly, by installing cladding over the existing render, this would prevent further degradation of the render and would remedy the damp issues caused by water egress. Thirdly, the use of cladding would bring sustainable benefits, such as increased thermal efficiency, as well as improving and enhancing the visual appearance of the property.

2.4 Although the slate grey cladding (*figure 13*) would be the appellant's preferred colour option, should the Inspector see necessary the appellant is willing to accept a condition restricting the colour to white or a lighter grey (or another colour to be first agreed with the Local Planning Authority).

3. ASSESSMENT

REASON FOR REFUSAL

3.1 '*The proposed cladding by reason of its appearance and siting would result in the introduction of a new material that would be visually intrusive and fail to respect or enhance the prevailing character of the site or the local environment to the detriment of the street scene and wider area contrary to Policy DM5 of the adopted Worthing Local Plan, the Council's SPG Extending or Altering Your Home and the policies of the NPPF.'*

ASSESSMENT

3.2 With regard to the Council's sole reason for refusal on **design grounds**, it is agreed ground with the Council that the **principle** to alter residential properties located within the built up area is **supported**. It is also agreed ground that there would be no harm to residential amenity, due to the nature of the works. It is also noted that the proposal received **no letters of objection**.

3.3 The sole issue is whether or not the use of grey cladding would '*respect and enhance the prevailing character of the area'* as identified by Policy DM5 of the Worthing Local Plan 2023, the Council's SPG Extending or Altering Your Home and the Policies of the NPPF.

POLICY DM5 OF THE WORTHING LOCAL PLAN 2023

3.4 Policy DM5 of the Worthing Local Plan is a comprehensive design policy, and as such, not all the listed criteria are relevant to the appeal at hand. It is considered the key criteria which go to the heart of this planning appeal are: **DM5 a) i), ii), iii), iv) and d).**

3.5 With regard to the reason for refusal, it is stated that the application of cladding would introduce a '*new material*', which would be 'visually intrusive' and would fail to '*respect or enhance the prevailing character of the site and the local environment to the detriment of the streetscene and wider area'*.

3.6 The above is incorrect, as the appeal site, as existing already has grey cladding in situ on the principal gable (*figure 2)*. Furthermore, as demonstrated by this appeal statement, cladding is a common feature within the immediate streetscene and the wider area (*figures 3, 4, 5, 6, 7, 8, 9,10 & 11*). Therefore, the proposal ***would not*** introduce a '*new material*' to the appeal site, streetscene or local area and instead would be in-keeping and respectful of the prevailing character of the appeal site, the streetscene and the character of the area, which as evidenced in **Section 1** comprises a varied mix of properties comprising a range of materials (including cladding).

3.7 With regard to the '*siting'* of the cladding, a conscious decision has been made by the appellant to only install cladding to the rear (west) elevation and the side (north) elevation. Furthermore, the cladding to the side (north) elevation would be set back from the principal elevation, in order to further minimise the impact (*figure 13 above*).

3.8 Given the cladding would only be to the rear (west) and side (north) application, the cladding to the rear (west) will only be glimpsed from long, oblique views, through intervening properties and rear gardens, from St Lawrence Avenue and Woodmancote Road. The cladding to the side (north) elevation would only be visible from short / localised views, when approaching from the north (facing south) along Gaisford Road. As such it is considered the appeal proposal would not be overly '*visually intrusive*' and would instead respect the prevailing character of the appeal site, the streetscene and the local environment.

3.9 In light of the above assessment, it is not considered that the application of grey cladding would be so significantly detrimental to the character of the appeal site, the streetscene or the character of the local area, so as to warrant a refusal on this basis.

3.10 This appeal statement has demonstrated that the appeal proposal would be in accordance with the relevant criteria of Policy DM5 of the Worthing Local Plan 2023.

SPG EXTENDING OR ALTERING YOUR HOME

3.11 With regard to the above document which was also reference in the Council's sole reason for refusal, it is noted that the above is ***guidance*** and does not seek to impose detailed design controls, but instead gives general advice and sets out a number of design principles. As such, it is considered a balanced approach should be taken.

3.12 The SPG states '*The facing materials of any extension should ideally match those used for the existing house. If identical materials are not available, the nearest possible alternative should be used. When selecting materials, you should ensure that they match the originals, in size, shape and texture.*'

3.13 With regard to the above, whilst acknowledging this is guidance, the SPG makes clear materials should '*ideally*' match. In this instance, it has been demonstrated that the materials would match the existing materials, as there is already grey cladding on the principal gable, the streetscene and the local area. Furthermore, as stated above the appellant is willing to accept a condition to limit the cladding to white or a lighter grey (such as pearl grey as shown in *figure 12* - or any other colour to be agreed first in writing with the Local Planning Authority), should the Inspector find necessary.

3.14 This appeal statement has therefore demonstrated that the appeal proposal would be in accordance with the relevant section of the SPG Extending or Altering Your home.

NATIONAL PLANNING POLICY FRAMEWORK (DECEMBER 2023)

3.15 The Officer's Delegated Report or the Decision Notice contained **no reference** to any particular paragraph within the National Planning Policy Framework (NPPF, December 2023). However, the Officer's Delegated Report does list Local Plan Policy SP1, which relates to the presumption in favour of sustainable development.

3.16 Government planning policy comprises the NPPF and related policy guidance in the Planning Practice Guidance (PPG). Paragraph 11 of the Framework states that plans and decision should apply a presumption in favour of sustainable development, and for decision-taking this means: '*approving development proposals that accord with an up-to-date development plan without delay…*'

3.17 Paragraph 135 of the NPPF is also an important material consideration in this appeal. Para 135 states that decisions should ensure, *inter alia* that developments; 'function well and add to the overall quality of the area; are visually attractive; and, are sympathetic to local character and history, including the surrounding built environment…'

3.18 For the reasons outlined above, it is considered that the proposal is in accordance with both local and national development plans.

SUSTAINABILITY

3.19 Although not acknowledged in the Council's Delegated Report, the appeal proposal also finds support in the sustainable policies of the Worthing Local Plan 2023 and is considered to be supported more widely in the context of the Council pursuing its Climate Change Emergency Action Plan. This is underpinned at a national level *inter alia* government policy in the NPPF (Section 14) and the UK's goal to be carbon neutral by 2050. On the international stage the UN Climate Change conference (Glasgow COP26) set robust targets for world nations to reduce even further and more quickly their caron emissions.

3.20 With regard to the above it is widely acknowledged, that the use of fibre cement cladding has many **economic**, **environmental**, **aesthetic** and **sustainable** advantages. They key advantage which appeals to the appellant in this instance, is that the fibre cement cladding product they wish to install is '*engineered for climate*', which means in Europe the cladding product is specifically made to better resist wet and freezing conditions.

3.21 In addition, to the above the cladding product, is fire resistant and has recognised sustainable credentials (e.g. increased thermal insulation, which would improve the energy efficiency of the family home). Other benefits are its durability and cost point (which in this economic climate is essential to the average homeowner). The cladding

company also offer a textured cedar finish which would add interest to the cladding and a 'colour match' option (*figure 12*). As noted above, the appellant would be willing to accept a condition limiting the colour of the cladding to white or a lighter grey (although grey slate is their preferred choice).

3.22 In light of the above, it is considered that the appeal proposal would be in-keeping and respectful of the local character and would be a sustainable and energy efficient design solution, which we believe should be given **significant** weight. For the reasons set out above, the proposal is considered to be acceptable in all other respects and would accord with local and national development plans.

PERMITTED DEVELOPMENT 'FALL BACK' POSITION

3.23 Although not acknowledged in the Officer's Delegated Report, it is our view that there is a realistic '**fall back**' position (i.e. that the appeal proposal could be carried out under permitted development).

3.24 Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") (as amended). Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.

3.25 As stated above (**Section 1**), the application is not within Article 2(3) land and benefits from householder permitted development rights.

3.26 Class A of Part 1 Schedule 2 of the Order, details enlargement, improvement and alteration to a single dwellinghouse. Under Class A, Condition A.3(a) it states: '*(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.'*

3.27 The Householder Technical Guidance adds clarification on this condition and states: '*The condition above is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of a similar visual appearance to those in the existing house, but does not mean that they need to be the same materials.*'

3.28 It is our view that, these works could be carried out under permitted development (i.e. without the need for planning permission). This is because; as detailed in **Section 1** above, the appeal proposal (i.e. grey cladding) would be similar to the grey cladding

already in situ on the front gable of the existing dwelling. The Inspector is respectfully asked to acknowledge this '**fall back'** position when assessing the appeal proposal.

3.29 Notwithstanding the issue that planning permission may or may not be required for the appeal proposal, as has been demonstrated above, it is our view that the alterations to improve 31 Gaisford Road, would result in an appearance that minimises visual impact and is sympathetic to existing development. Crucially, the Householder Technical Guidance, acknowledges that the materials should be of a similar visual appearance to those used in the existing house, but this does not mean that they need to be the same materials.

4. CONCLUSION

4.1 Summarising, this appeal statement has demonstrated that the appeal proposal would relate well to the appeal site and the character of the area, allowing the family to protect, maintain and improve their home, without detriment (visual or otherwise) to the immediate locality and streetscene.

4.2 This appeal statement has demonstrated compliance with local and national plan policies and established that there would be no harm arising from the appeal proposal. Notwithstanding, our viewpoint, we do not agree that the Council's alleged harm would in itself justify a reason for refusal and this has been firmly evidenced throughout this appeal statement.

4.3 The alleged impact should be balanced against the positive and sustainable attributes of the development which are considered respectful of the streetscene, in-keeping with the character of the local area and appropriate to this residential location.

4.4 With the exception of the alleged visual prominence, no other amenity impacts have been identified by the Council.

4.5 In summary, we would ask the Inspector considers the following:

- The proposal has been sensitively designed.
- There is a genuine need for this proposal which has been justified.
- The proposal is a cost effective solution to an identified issue.
- It provides a sustainable development that would comply with relevant amenity and building regulation standards.
- There was no public opposition to the proposal.
- There was no public interest in refusing the application.
- The scheme would contribute to improved housing stock.
- The proposal has been designed with respect to the host building and would not harm the visual amenity of the area.
- A contemporary but sensitive design style would be achieved.
- There is a realistic 'fall back' position which should be given significant weight.

4.6 In conclusion, the proposal presents clear planning merits that should be recognised and given positive weigh. When balanced against all other material considerations, the cumulative, positive benefit of the appeal proposal is of a sufficient level to confidently justify a positive decision, even if it were alleged there was some level of harm (which for the avoidance of doubt we do not agree there would be).

4.7 Any alleged harm is clearly outweighed by the provision of a scheme that represents sustainable development and will meet the needs of the appellant. For the aforementioned reasons, we respectfully request the **appeal is allowed**.