Appeal Decision

Site visit made on 10 April 2008

by Simon Hill MRTPI

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

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Decision date: 13 May 2008

Appeal Ref: APP/M3835/A/08/2062432
4 and 4A Hayling Rise, High Salvington, Worthing BN13 3AL

- 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 Mrs King & Miss W Foster against the decision of Worthing Borough Council.
- The application (Ref WB/07/0969/OUT), dated 1 August 2007, was refused by notice dated 28 September 2007.
- The development proposed is 5 detached dwellings (2 no. 5-bed chalets, 1 no. 4 bed chalet & 2 no. dropped eaves 4-bed houses) together with associated garages, landscaping and hard surfacing with all matters reserved except for access and scale.

Decision

1. I dismiss the appeal.

Preliminary Matter

2. The appellants have submitted plans showing a revised access, including an enlargement of the site. However, despite considerable public interest in the application there is no indication that the revised proposal has been subject to public consultation. The Council withdraws its highway objection subject to the highway authority's views, thereby indicating that it does not have them. The appellants refer to the highway authority having earlier notified its agreement by email, but that document is not before me. The highway authority's view on the revised access proposal is thus unconfirmed. For the above reasons this decision relates to the application that was subject of the refusal notice and which indicates that no alteration to the existing vehicle access is proposed.

Main issues

2. The main issues are *firstly* the effect on the character and appearance of the area, *secondly* effect on the living conditions of the occupiers of adjoining properties and future occupiers of the proposed dwellings and *thirdly* the effect on highway safety.

Reasons

Character and appearance of the area

3. The area is characterised by detached residences set in good-sized plots on land sloping down from north to south towards the coast. There is a mix of 2-storey houses, bungalows and chalet bungalows with upper storeys abutting the appeal site. Overall the character is one of a relatively mature low-density suburban residential area.

4. The proposal would replace 2 existing bungalows in a backland location with five 4-5 bed dwellings with accommodation on 2 floors. Whilst the additional building height would change the character of the area, particularly as seen from the bungalows on higher land to the north and glimpsed from Foxley Lane, in the context of 2-storey dwellings to the west, east and south it would not be discordant.

5. However the illustrated positioning of the proposed dwellings appears driven by the combination of the size of their footprints and the requirements of parking, access and vehicle turning arcs. This results in a form of development that would appear unduly cramped, particularly in the context of its suburban surroundings. Although Planning Policy Statement (PPS3): Housing states that existing densities should not dictate those of new development, it also states that the quality of the local environment should not be compromised. As illustrated a coherent visual relationship between the proposed dwellings is not demonstrated and the development would accordingly lack a sense of place.

6. Thus, without alternative illustration to indicate otherwise, the scale of development proposed would fail to create a high quality environment that would make a positive contribution to the character and appearance of the area. The proposal therefore conflicts with policies DEV1 and CH1 of the West Sussex Structure Plan 2001-2016 (SP) and policy BE1 of the Worthing Local Plan (LP), which require development to be of a high quality having regard to its local context. It also conflicts with Planning Policy Statement 1: Delivering Sustainable Development and PPS3, which state that development design should take advantage of opportunities available for improving the character and quality of an area.

Living conditions:

For occupiers of adjoining properties

7. The appellants state that the proposed houses on plots 4 and 5 would be set lower than surrounding houses but do not indicate how the overall height of the proposed houses compares with the single storey bungalows that would be replaced. The assumption that they would be higher causes concern to residents that their southward distant views towards the sea would be curtailed. They refer to the Council's past restrictions on the height of development in the area, but no such current policy is referred to and there can be no guarantee of protection of existing views through planning control. Thus some restriction of outlook of occupants of properties to the north of the appeal site carries little weight, particularly as the proposed dwellings on plots 4 and 5 could be cut into the slope, as shown on the appellants' Indicative Site Section A-A, meaning that they thus need not be unduly overbearing.

8. The appellants state that adjacent dwellings on the south side are up to 22m from the appeal site boundary and their Indicative Site Section A–A shows the dwelling at no.39 Arundel Road 26.5m away from the southern flank of the dwelling proposed on plot 3. However, the backs of some other dwellings on Arundel Road are somewhat closer to the appeal site, as I saw at no.37 Arundel Road. The existing bungalow where plots 1 and 2 are shown is set on

significantly higher ground than the dwelling at no.37 and there is nothing to suggest that the base of the dwellings proposed on those plots would be any lower. Thus, with 2 storeys, their overall height would appear to be significantly higher than the existing bungalow, notwithstanding the cut-away ridge of the roof. On this basis, the impression gained at my visit was that the combination of proximity and difference in ground levels would result in the dwelling proposed on plot 1 having an unduly overbearing effect on occupants of no.37 Arundel Road.

9. Although there are currently tall hedgerow trees on the boundary that are in themselves imposing, the starker effect of the proposed development when these are removed would be significantly more intrusive. Without demonstration to the contrary it seems unlikely that the narrow landscape belt shown would leave sufficient room for vegetation that could provide an effective screen.

10. Thus, although a ground survey and larger scale cross-sections showing more comprehensive levels and building heights might indicate otherwise, the details provided fail to establish that the scale of development proposed is feasible without unduly harming the living conditions of occupants of at least one of the properties to the south of the appeal site.

11. Occupants of a number of adjacent properties consider they would suffer a loss of privacy. Whilst there would be likely to be a lessening of the high levels of privacy they currently enjoy, the relationship of the properties to adjacent properties as illustrated does not indicate that, subject to satisfactory boundary treatment, levels of privacy would be unacceptable.

For future occupants of the proposed dwellings

12. The front of the dwelling on plot 4 would be less than 8m away from the northern flank of the dwelling on plot 3. This would give a poor outlook and be unduly overbearing for the future occupants of plot 4. It is not evident that with the scale of development proposed there is scope within the site to alter the disposition of proposed dwellings to avoid this adverse effect on the living conditions of some future occupants of the proposal.

13. It is clear from the illustrative drawings that windows of ground and 1st floor habitable rooms of the two dwellings on plots 1 and 2 would face the habitable room windows of the dwelling on plot 3 at close quarters. This would be likely to cause unacceptable reciprocal intrusion of privacy. Whilst not determinant of this decision, this finding adds weight to the concerns above.

Conclusion

14. The proposal would have an adverse effect upon the outlook of occupants of at least one property to the south and would create an unacceptable outlook and standard of privacy for some of its future occupants. It therefore conflicts with LP policy HE18 and SP policy DEV1, which require development not to harm unacceptably the amenity of adjacent residents and to create a high quality environment for future occupiers.

Highway safety

15. The appellants' Road Safety Audit Preliminary Design – Stage 1 indicates that the existing access is inadequate for the increased vehicle usage the proposal would bring, particularly in relation to visibility of pedestrians. This accords with my observations. The appellants' advisors recommend improved sight splays that the appellants have sought to incorporate into their submitted revision. However, as indicated in paragraph 2 above, that revision is not part of the application subject of this appeal. The appeal proposal would thus have an unacceptable adverse effect on highway safety and accordingly conflicts with LP policy TR13, which requires new development to have safe and adequate access to the road network

Other matters

16. PPS3 and LP policies H2 and H9 encourage the more efficient use of land, as would be represented by the appeal proposal, but that interest is insufficient to outweigh the drawbacks identified above.

Overall conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Simon Hill

INSPECTOR