St Reg

Appeal Decision

Site visit made on 29 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

Appeal Ref: APP/M3835/A/08/2077321

1-3 Hertford Road, Worthing, BN11 1HX.

- 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 Mrs Andree Dercle against the decision of Worthing Borough Council.
- The application Ref: WB/08/0001/OUT, dated 13 February 2008, was refused by notice dated 22 April 2008.
- The development proposed is the erection of three-storey rear extension in connection with the conversion of part of 1-3 Hertford Road into 6 self-contained 1 bedroom flats.

Procedural Matters

1. The appeal application is made in outline with no detailed matters before me. The appeal proposal follows a larger scheme that was previously refused.

Decision

2. I dismiss the appeal.

Main Issues

3. I consider the three main issues in this case to be the effect of the proposed development on; firstly, the character and appearance of the area; secondly, on the living conditions of the adjoining occupiers, with particular reference to outlook and privacy; and lastly, on the provision of local transport facilities.

Reasons

Character and Appearance

4. The appeal site is within an urban area where the repetitive residential forms and pattern of development are predominantly close-grained and distinctive. The appeal building is a semi-detached pair of period houses of superior scale in a corner plot that is in a structural position within the body of the street (Hertford Road). The proposed development would affect one-side of the pair with an alteration to the appearance and balance of the appeal building in the street scene, notwithstanding its rearward siting.

5. Policies of the Development Plan require quality development of a high standard of design and, in particular, Policy BE1 of the Worthing Local Plan 2003 (LP) expects such things as architectural composition and the form and character to be compatible with the surroundings or to enhance the appearance of the locality.

6. The existing rearward wings, with their compatible period features, contribute to a powerful symmetrical architectural composition of the appeal building. I saw how prominent and striking the rear of the appeal building is in the street scene, owing to its corner position and the break in the grain of development here. For those reasons I am in no doubt that the architectural composition of the appeal building is an important feature to the surroundings and the appearance of the locality. The form and character of the proposed development would be a lop-sided enlargement that would conspicuously destroy that feature; the Appellant's assertion that it would considerably improve the ambience and environment of the area is unfounded. I conclude that it would be harmful to the character and appearance of the area, in conflict with LP Policy BE1 and policies CH1 and DEV1 of the West Sussex Structure Plan 2005 (SP).

Living Conditions

7. The proposed development would reduce the space between the opposing rear elevations of the appeal building and nos.32/34 Christchurch Road; they would become more than 2 metres closer with around 8-10 metres separation left. The rear of the appeal building would be considerably higher than now and three-storeys of windows are shown facing toward the adjoining neighbours. The thrust of LP polices is to require development not to adversely affect residential amenity, particularly not to cause detriment to neighbours, through such things as overlooking.

8. I examined the relationship between the two buildings and came to the view that the existing outlook of the adjoining occupiers is satisfactory because the mass of the rear wings of the appeal building is limited by subordinate scale, which the proposed development would not have, due to its integrated form. In my opinion, given its form and proximity, the proposed development would result in an overbearing effect; it would be too large and too close.

9. I acknowledge that the adjoining occupiers do not have many significant windows and I saw a small, enclosed outdoor amenity area. Nonetheless, with such a resultant close appeal building of three storeys the standard of privacy of the adjoining occupiers would undoubtedly be considerably reduced.

10. Accordingly, I conclude that the proposed development would unacceptably affect the living conditions of the adjoining occupiers, in conflict with LP policies H13 and H18.

Local Transport Facilities

11. From submissions, it is not been made clear what effect the proposed development would have on the occupancy of the appeal building, which looks to be currently in multiple occupation. The Highway Authority seeks a financial contribution for unspecified purposes, assuming a net increase of five dwellings. The Council submits no methodology in support of its second reason for refusal that contributions in respect of improvements to local transport facilities are required.

12. I note the requirements of SP policies DEV3 and LP Policy RES12. However, in the circumstances, I am unable to reach a conclusion about whether some

mitigation of the impact of the proposed development on infrastructure is necessary in this case.

Other Considerations

13. I note those other examples to which my attention is drawn, but find no reason to consider the appeal before me other than upon its individual planning merits. I have considered all other matters raised, including the potential difficulty with the parking provision indicated, but none alters my conclusion based on the first two main issues that the appeal fails.

B C Scott

INSPECTOR