Appeal Decision

Site visit made on 19 January 2009

by Colin Tyrrell MA(Oxon) CEng MICE FIHT

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

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Decision date:
3 February 2009

Appeal Ref: APP/M3835/A/08/2086316
1 Heatherstone Road, Worthing BN11 2HD

- 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 Ms Kirsteen Murray against the decision of Worthing Borough Council.
- The application Ref WB/08/0228/FULL, dated 29 February 2008, was refused by notice dated 28 April 2008.
- The development proposed is a new one-bedroom starter home together with associated works and a replacement conservatory to the existing dwelling.

Decision

1. I allow the appeal, and grant planning permission for a new one-bedroom starter home together with associated works and a replacement conservatory to the existing dwelling at 1 Heatherstone Road, Worthing BN11 2HD in accordance with the terms of the application, Ref WB/08/0228/FULL, dated 29 February 2008, and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

   3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the new dwelling is occupied. Development shall be carried out in accordance with the approved details.

   4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the approved dwelling.

   5) The new dwelling shall not be occupied until space has been laid out within the site for the secure storage of bicycles in accordance with

proposals to be submitted in writing to and previously approved by the local planning authority.

6) The new dwelling shall not be occupied until the balusters from the existing balcony on the host property have been removed, together with the access door from the first-floor room.

Main Issue

2. In my opinion, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and Appearance

3. The host property is located on an irregularly-shaped plot of land which apparently resulted from the original layout of housing plots close to the junction of Heatherstone Road with Brighton Road. Because of the skew of the road junction, the rear of the plot is significantly wider than adjacent plots on Heatherstone Road, and because of the rear access provision to the houses on Brighton Road the plot is bounded to the south by a shared driveway and garages.

4. It seems to me that the insertion of a small single-storey dwelling onto part of this plot could be achieved with very little impact on the streetscene. The bedroom and bathroom of the new dwelling would sit almost on the footprint of the existing garage, and the larger living area would be set further back where the width of the plot is greater. The existing and proposed front elevations illustrate, in my opinion, how the existing somewhat utilitarian garage would be replaced by a small building which would have some resonance with the detailing of the host building, though it would be set well back in the plot where its dominance would be even less than the technical elevation suggests.

5. In my opinion, such an arrangement would represent the high quality of development required by saved Structure Plan Policies DEV1 and CH1 and by saved Local Plan Policy BE1. It would also make more efficient use of previously-developed land.

Other Considerations

6. The existing property is unusual in having a large first-floor balcony set above the rear kitchen extension. This balcony, which has open balustrades on three sides, allows overlooking into the rear gardens of all the adjacent properties. The shared driveway along the south boundary introduces activity and the potential for disturbance into the rear garden area of the host property and its immediate neighbours.

7. The removal of the balcony, as included in the proposals, and the effective screening of much of the driveway by the bulk of the new dwelling would in my opinion materially improve the level of privacy for neighbours as well as reducing the degree of disturbance. The additional activity resulting from the occupation of the new one-bedroom single-storey dwelling would be likely to be

modest, and would be separated from the properties on Ophir Road by the retained rear garden, which would be at least as deep as those on Ophir Road.

8. The outlook from the rear of the host property, as modified with the removal of the two-storey sun rooms and the construction of a ground-floor conservatory, would be little affected by the presence of the new dwelling. As far as I can tell from the drawings, the sightlines from the conservatory and from Bedroom 2 would be constrained by the existing kitchen extension and the bathroom respectively. Only the bathroom and kitchen windows would have a clear view of the new dwelling. I am not persuaded that the proposed development, with its main ridge no higher than first-floor window-sill level on the host property, would be seen to be overbearing from either the host property or any of the surrounding properties.

Conclusion

9. For these reasons, and taking into account all other matters raised, I conclude that the development would accord with the development plan and that I should allow the appeal.

10. I have considered the conditions suggested by the Council in the event of the appeal succeeding in the light of the contents of DoE Circular 11/95 "The Use of Conditions in Planning Permission". In addition to the standard timing condition, I agree that materials to be used for the external surfaces should be conditioned in the interests of character and appearance. I agree that boundary treatment and additional windows should be controlled in the interests of neighbours' living conditions, though I see no necessity to control other permitted development. I also agree that secure storage of bicycles should be conditioned in the interests of sustainable transport.

11. The Council has not provided copies of Structure Plan Policy ERA2 or Local Plan Policies RES1 and RES2, or explained why the wide-ranging selection of sustainable design features listed in its suggested condition is necessary and appropriate for such a small development as this. The council has not explained the need for greater control of the drainage arrangements than that provided by other legislation. I have therefore not included these suggested conditions.

12. The appellant's drawing 068.07.05 includes a note "Remove balusters from the existing balcony and overhaul flat roof (not to be used as balcony)". In the interests of neighbours' living conditions, I consider that this activity should be completed before the new dwelling is occupied, and I have added a condition accordingly. This should not come as a surprise to the appellant, as it is included in the submitted drawing.

Colin Tyrrell

INSPECTOR