Appeal Decisions

Site visit made on 26 May 2009

by Clive Tokley MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date: 15 June 2009

Appeal A

Appeal Ref: APP/M3835/A/09/2094131
305 Tarring Road, Worthing, West Sussex, BN11 5JG.

- 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 Mr Adrian Marmont against the decision of Worthing Borough Council.
- The application (Ref WB/08/0466/FULL and dated 28 April 2008) was refused by notice dated 8 July 2008.
- The development proposed is conversion into 5 self contained flats including rear dormer roof and two storey rear extension.

Appeal B

Appeal Ref: APP/M3835/A/09/2094130
305 Tarring Road, Worthing, West Sussex, BN11 5JG.

- 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 Mr Adrian Marmont against the decision of Worthing Borough Council.
- The application (Ref WB/08/0870/FULL and dated 25 August 2008) was refused by notice dated 22 October 2008.
- The development proposed is resubmission of conversion into 5 self contained flats including rear dormer roof and two storey rear extension.

Decisions

Appeal A - I dismiss the appeal

Appeal B - I dismiss the appeal

Main issues

1. The main issues in Appeal A are the quality of the living environment of the occupiers of the proposed flats and the effect of the proposal on parking. The main issues in Appeal B are the quality of the living environment of the occupiers of the proposed flats, the effect of the proposed alterations on the appearance of the building and the adequacy of on-site provision for refuse and cycle storage.

Description of proposals

2. The proposals have been the subject of several amendments and I have been sent a range of un-numbered drawings; nevertheless at the site visit I was able to establish the details of the appeal proposals. Both proposals include a rearward extension of the two storey rear outshot to bring it in line with No 303. Both proposals indicate the demolition of the lightly-constructed side and rear lean-tos to be replaced at the rear of the outshot by a single-storey

masonry building. In Appeal A this would extend across the full width of the site and in Appeal B it would be of reduced width in line with the flank wall of the outshot. In Appeal A it is indicated that materials would closely match the existing but in Appeal B it is stated that all walls would be rendered in a mock ashlar block finish.

3. Both proposals would create two two-room flats on the ground floor with the rear flat gaining access from the existing front door of the building via a common hallway. At first floor level two flats would be accessed via a staircase from the common hallway and this staircase would continue up to the fifth flat at second floor level. In appeal A this would comprise an open plan living area and bed area but in appeal B it is indicated to be a one room studio, in each case with a separate galley kitchen. Both proposals include a small pitched-roof rear dormer to light the second floor flat. In appeal B it is indicated that the existing first floor ceilings would be lowered but there is no such indication in Appeal A.

4. In scheme A all flats would be served by a communal bin and cycle store accessed via a side way that is part of the appeal site but lies within the forecourt of the adjacent repair garage/MoT centre. In scheme B the three upper floor flats would be served by a similar communal store but the ground floor flats would have their own stores. The only access to the front flat's store would be through the bedroom. The drawing indicates an emergency exit to the courtyard of the rear flat via the side way with the possibility of an alarm system to restrict its use but for everyday use access to that flat's bin and cycle stores would be through the living room.

Reasons

Appeal A and B - Living conditions

5. Although lit by two roof lights in the front roof plane the only outlook from the second floor flat in each proposal would be through the rear dormer towards the vehicle workshops and MoT Centre. Although the layouts are different the front ground and first floor level flats would have the benefit of bay windows providing both light and outlook towards the street; however at the rear the windows would look out onto the workshop forecourt (first floor) or a narrow courtyard surrounded by a 1.8m wall. The first floor rear flat would only have outlooks on to the workshop forecourt and the ground floor flat would only have an outlook onto a narrow walled courtyard.

6. The proximity of the garage workshops and MoT centre is likely to result in unacceptable levels of noise and disturbance and fumes experienced by the occupiers of the flats and this would also be likely to discourage the use of natural ventilation through the opening of windows. The appellant indicates that the opening hours of the garage are limited but I have seen no indication that this is as a result of a planning condition; in any event I consider that the noise and disturbance that might reasonably be expected to arise from such a use within the hours identified would be unacceptable in such a close relationship to dwellings that have no alternative outlook or ventilation. I have noted the appellant's comments about the conditions experienced by the present occupiers of the house but their use is not confined to the rear rooms

which are most affected by disturbance and poor outlook and I consider that the living conditions created in some parts of the proposal would be worse than those currently experienced at the appeal property.

7. The proposal would create courtyards at the rear of the flats but I consider that having regard to their size and the need for high walls to screen them from the adjacent vehicle workshop forecourt they would be of limited value as outside space. Views out of the ground floor flats into this space would be restricted by the walls and would result in a poor quality outlook. The proposed works to the front garden would enhance the appearance at the front of the building but would not provide private amenity space. I note the appellant's argument that the existing house has no amenity space but its occupiers could create space in the same way as that proposed by the appellant by the removal of the lean-to buildings at the side and rear of the existing house.

8. The Council expresses concern about noise transmission caused by living rooms being placed above bedrooms. Whilst this relationship between rooms is undesirable I consider that measures could be taken within the structure of the building to minimise its effect.

9. On this issue I have concluded that each proposal would result in unacceptably poor living conditions within the flats as regards noise and disturbance associated with the adjacent workshops. I conclude that the rear ground floor flat would have an unacceptably restricted outlook into the small courtyard and its proximity to the garage workshops would inhibit the use of natural ventilation. Whilst the quality of outlook from the upper rear and top floor flats would not in itself justify the refusal of permission I consider that the presence of the garage workshops would discourage natural ventilation and this reinforces my view that the proposals would result in unacceptably poor living conditions. I conclude that the proposals would conflict with "saved" policy DEV1 of the West Sussex Structure Plan 2001-2006 (SP) which indicates amongst other things that development should create a high quality environment for its occupiers.

Appeal B – Appearance

10. I consider that the design, scale and central location of the rear dormer would result in it being acceptably integrated into the rear roof slope. The west elevation of the front part of No 305 is prominently in view from Tarring Road across the forecourt of the adjacent garage and the whole of the flank wall is open to semi-public view from garage customers. The proposed windows would display an inconsistency in their design and as the proposal would result in all walls being rendered the detailing around the windows would not be replicated. The Council's evidence refers to the poor choice of finish and in my view the mock ashlar render to the flank wall and front of the building would detract from its appearance and that of the short terrace of which it forms a part. Whilst the flat roofed single storey extension and the loss of the chimney would not be unacceptably harmful to the appearance of the building I consider that the proposed rendering would conflict with saved Policy BE1 of the Worthing Local Plan 2003 (LP) which indicates that development should be of a good standard of design and compatible with its surroundings.

Appeal B – Refuse and cycle storage

11. At the time of the site visit the 1m strip of land within the forecourt of the adjacent garage/MoT centre was blocked by a barrier and its permanent supporting mechanism which made the side way indicated on the drawing impassable. However the appellant indicates that he has a right of way over this land. The Council indicates that each household is supplied with two wheeled bins for refuse and recycling; however the proposal only allows for one refuse bin for each of the upper floor flats and one communal recycling bin. Having regard to the small size of the three units I consider it likely that four bins in total would be sufficient to provide adequate capacity for both refuse and recycling. Provided that the right of way was useable by the occupiers I consider that the provision of secure stores in the location indicated would be adequate on a communal basis for the upper floor flats. However the occupiers of the ground floor flats would be required to wheel their bins and cycles through their living accommodation and I consider that this would contribute to a poor living environment and would discourage the use of cycles.

Appeal A - Parking

12. Tarring Road lies immediately to the south of the railway line close to West Worthing station and my attention has been drawn to the extent of commuter parking within the road. However at the time of my site visit on a weekday afternoon there were a number of kerbside parking spaces within the vicinity of the appeal site and bearing in mind that there are houses on only one side of the road I would anticipate that space would also be available during the evenings and at weekends. The appeal site is close to public transport routes and local shops and services and I consider that the occupiers of the proposed flats would be likely to walk and cycle to access them. Having regard to the size of the flats and their location their occupiers would have a limited propensity to own cars and I consider that parking associated with the proposal would not be likely to be materially harmful to the convenience of nearby residents or result in highway safety being compromised. I consider that as regards parking the proposal would not conflict with LP Policy TR9 or SP Policy DEV5.

Other matters

13. The owners of No 303 Tarring Road have expressed concern about over-looking and loss of light; the rear projection of the building would screen the adjacent garden from view from the dormer but in Appeal A the first floor rear living room window, although partly obscure glazed, would result in a strong perception of being overlooked from a close range. The rear extensions would have no materially greater effect on light than the existing building.

Conclusions

14. In determining this appeal I am conscious of the need to make the best use of land and buildings in urban areas. However this should not be at any cost and Planning Policy Statement 3 *Housing* and SP Policy DEV1 set out the objective of achieving high quality development. I have noted the appellant's comments about the scope of the Council's case as regards noise and disturbance but the

appellant has had the opportunity to respond to that matter and in determining these appeals I must have regard to all material considerations.

15. I have concluded that the Appeal A proposal would not have an unacceptable effect on parking. As regards the Appeal B proposal I conclude that subject to the removal of the barrier on the forecourt of the workshops sufficient provision would be made for the storage of refuse and cycles. However having had regard to all matters I have concluded that both proposals would result in unacceptably poor living conditions for the occupiers of the flats as regards noise and disturbance and outlook and, in Appeal B, as a result of the need to take wheeled bins and cycles through living accommodation to their storage areas. I have also concluded that the Appeal B proposal would be unacceptably harmful to the appearance of the building. For these reasons both appeals are dismissed.

Clive Tokley
INSPECTOR