St. Reg.

Appeal Decision

Site visit made on 5 January 2009

by S J Emerson BSc DipTP 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:
16 January 2009

Appeal Ref: APP/M3835/A/08/2084174
104 Station Road, Worthing BN11 1JY.

- 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 K V Jenkins against the decision of Worthing Borough Council.
- The application Ref 28 April 2008, dated WB/08/0457/FULL, was refused by notice dated 21 July 2008.
- The development proposed is the change of use of the ground floor to provide 2 x 1 bedroom dwellings.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the adequacy of the living conditions for future occupiers in relation to daylight, outlook, amenity space and the safety and convenience of the access to the rear unit.

Reasons

3. The appeal premises is an unusual building. The part fronting Station Road is part of a terrace of small houses, but an integral garage occupies what in the adjoining houses is the front living room. The adjoining dwellings have rear gardens/yards, but at the rear of the 2 storey part of No 104 is a contiguous single storey building. There is access from this part of the premises into a garden at the rear of No 102. The first floor of No 104 is a self contained flat which would be unchanged. The proposals provide a one bedroom dwelling from the integral garage and part of the single storey building. This would have its own front door direct from Station Road and access to the middle section of the garden at the rear of No 102. The remainder of the single storey building would be another 1 bedroom unit. Access to this unit would be via the private pedestrian alley between 115-117 Newland Road which currently provides rear access to some of the terraced houses fronting Newland Road and Station Road. This unit would have access to the rear third of the land at the rear of No 102.

4. Natural light for the living area of the front unit would be provided by the proposed new window in the front elevation facing Station Road. There would be no window at the rear of this deep space which would occupy the full depth of the 2 storey part of the building. The only other daylight/outlook for this unit would be the glazed door in the bedroom. This would look out on a small corner of its proposed garden, with fencing about 1m away. Whilst the quality

of daylight and outlook from a bedroom is not as critical to living conditions as that to the main living space, in the circumstances of this unit, it is of particular importance because it provides the only other source of daylight/outlook in addition to the front window. I consider that the daylight levels within and outlook from this unit would be unacceptably poor, making the unit dark and claustrophobic and requiring a greater than normal use of artificial lighting.

5. In response to the Council's criticism of the absence of a window for the bedroom, the appellant has suggested a window with obscure glazing in the side wall or rooflights, such changes to be secured by a condition. A window in the side wall of the bedroom would have to be obscure glazed as it faces the small yard at the rear of No 102 and would be close to the back door and rear window of that house. Such a window would not improve the outlook from within the proposed unit. Rooflights could provide additional light, but not much more outlook. I am concerned at the potential for overlooking through any such rooflights from the first floor windows of the dwellings on either side. In the absence of specific details on which neighbours have been consulted, I am not satisfied that there is a solution and therefore it would not be reasonable to seek to overcome my concern by the imposition of a condition.

6. I turn now to the amenity areas. I consider that the proposed amenity areas for both of the proposed units and that remaining to serve No 102 would be of sufficient size and would be suitably located on the south western side of the adjoining buildings to provide spaces for residents to sit out and dry washing. However, the irregular shape of the 3 plots and the necessity for considerable lengths of fencing to divide them would lessen their attractiveness. To achieve a reasonable degree of privacy the fencing would need to be about 1.8m, bearing in mind that the fencing has to block views from the glazed door of the front unit into the rear of No 102 and from the bedroom window of the rear unit into the garden of the proposed front unit. But long lengths of fencing of this height in these small areas would create unattractive spaces. This is a shortcoming of the layout of the amenity areas.

7. The other function of amenity areas can be to provide space for storage, such as for cycles and refuse/recycling containers (in Worthing these are wheelie bins). The Council has requested that if the appeal is allowed, a condition be imposed requiring details of cycle storage to be approved and implemented. This is in accordance with the recommendation of the Highway Authority at the application stage. I consider that it is important to facilitate alternative means of travel to the car, especially where no off street parking is available and where cycling would provide a practical means to access services and facilities within Worthing. There are no details of how such a condition could be complied with in this scheme. The Design and Access Statement refers to covered cycle storage and refuse storage within the rear gardens. But in my view, such an arrangement would be impractical. For the front unit, any use of the amenity area for cycle or refuse storage would require such items to traverse not only the living room, but also the bedroom, going around 2 sides of the bed. I cannot envisage any occupier wishing to do this. For the rear unit, any such use would require traversing the living room. The access corridor approaching the front door of this rear unit would not appear to be wide enough to provide covered cycle storage or space for wheelie bins. The proposed units would not be dissimilar to those terraced houses in Station

Road without rear access, but that is not adequate reason for impractical arrangements to be contemplated in new development and if there is no satisfactory solution then it is a shortcoming to be weighed in the overall balance of considerations.

8. I have some concerns about the suitability of the proposed access to the rear unit in terms of safety and the fear of crime. Although the alley is private, there is nothing to stop unauthorised entry. It is a narrow path and confined between the walls of Nos 115/117 and the walls to the gardens of those houses. Because of the proposed angled path across the rear corner of the garden of No 115, there would be no clear line of sight between the entrance to the alley and the front door of the unit. The space at the front of this door would provide a hiding place for any persons with malicious intent. This space may be largely hidden from view of the adjoining houses depending on the height of the retained/realigned boundary wall at the rear of the garden of No 115. Where the alley runs between the gardens, the surface is uneven and would need to be reconstructed to provide a level and safe access.

9. The appellant indicates that lighting would be provided and the alley resurfaced. There is a letter from the owner of No 115 indicating that he has no objection to lighting being fixed to the walls of his property (or to an intercom and a post pox). These changes would not fully overcome my concerns. Bearing in mind that the alley is not included in the application site and I am not clear who owns the surface of the alley, my concerns cannot be overcome by conditions.

10. The Council is also concerned about the impact of development on adjoining occupiers. Provided that the existing windows in the building facing the rear garden of No 106 were made non-opening and permanently obscure glazed there would be no loss privacy for the occupiers of that house. This requirement could be secured by a condition. As I have already indicated, high fencing is necessary to ensure the privacy within the garden areas, including that for the existing occupiers of No 102. I have taken into account the adverse visual impact of such fencing on the quality of the amenity areas. Overall, I consider that the living conditions of existing residents would not be harmed and that there is no conflict with policies H13 (conversions) and H18 (amenity of local residents) of the Worthing Local Plan.

11. I recognise that the appeal property is located in a highly sustainable location within the inner urban area of Worthing. The more efficient use of urban land in such a location accords with national policy in PPS3. But national policy also seeks the provision of high quality housing. For the reasons set out above, the design of the proposed units are not of high quality. I consider that the living conditions of future occupiers would be unacceptably poor and that this harm outweighs the benefit of providing additional units in this area.

Simon Emerson

INSPECTOR