The Planning Inspectorate

Appeal Decision

Site visit made on 18 April 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 26th April 2017

Appeal Ref: APP/M3835/W/16/3163605
15 Bedford Row,Worthing, West Sussex BN11 3DR

- 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 Anneke Lilley against the decision of Worthing Borough Council.
- The application Ref AWDM/0003/16, dated 22 December 2015, was refused by notice dated 20 May 2016.
- The development proposed is the demolition of existing building and the erection of a four storey residential development to include 1 x separate two bedroom maisonette flat, 3 x one bedroom flats and 1 x two bedroom maisonette flat, as well as the rebuilding of the flint boundary wall to the rear.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council determined the application on the basis that the entire existing building was proposed to be demolished and that the elevations would, in part, include the replication of the original elevations. It is clear from the appeal documents that the appellant now proposes to retain and incorporate the existing external walls, and has suggested a condition to this effect. However, the overall nature of the development proposed is not materially changed from that shown in the drawings upon which the Council based its decision and I am therefore satisfied that no party would be prejudiced by my consideration of the appeal on this basis.

Main Issues

3. The main issues are:

    i. The effect of the proposed development on the character and appearance of the area, including the South Street Conservation Area (SSCA) and the setting of nearby listed buildings;
    ii. The effect of the proposed development on the living conditions of future occupiers, with particular regard to internal and outdoor space provision and household waste storage; and
    iii. Whether the proposed development would be safe from flooding.

Reasons

Character and appearance

4. 15 Bedford Row (No 15) is a part two-storey, part single-storey building set at the end of Bedford Row, which runs perpendicular to the seafront. The building is currently vacant but the signage indicates it was previously used as a tearoom and wine bar. It has a somewhat rundown appearance, including holes emerging in the roof where slates are missing. No 15 is situated in a prominent position at the end of a row of predominantly four-storey town houses, some of which appear to have further accommodation in the roof and most of which are Grade II listed.

5. These town houses date from around 1800 and contribute positively, both individually and as a group, to the street scene and the character of the SSCA, notwithstanding that most have been converted into flats and some appear a little 'tired', although not significantly degraded. The listing descriptions for Nos 3 to 6 and 8 to 14 Bedford Row, and other evidence before me, refer to various notable architectural features, including curved bay fronts, intact glazing bars, and Doric columns. These buildings have an attractive and striking rhythm, uniformity and classical proportions. Their significance also lies in being an early form of lodging houses relating to the emergence and expansion of Worthing as a genteel seaside and bathing resort.

6. The two buildings at either end of the terrace, Nos 2 and 15, are smaller in scale than the listed buildings. On the opposite side of the road, beyond a row of trees and a generally open car parking area, lies the Grade II* listed Dome Cinema at the seafront-end and a large bus depot building closer to the appeal site. The SSCA is characterised by a variety of buildings, predominantly from the late 18th and early 19th centuries. New shops, car parks and commercial buildings have been introduced over time, but buildings of architectural and historic interest remain a significant positive feature of the SSCA. While the date of construction of No 15 is not certain, and it is more modest in scale and appearance than the adjacent listed buildings, it is also likely to date from the first half of the 19th century.

7. The proposed retention and incorporation of the external walls of No 15 would mean the historic structure would not be entirely lost. However, it would be very substantially altered in scale, appearance, materials and character from its current relatively modest and traditional form. The proposed style, size and position of windows would not relate well to the existing or to the adjacent listed buildings. This is exacerbated by the differing floor levels. While this is taken from the existing building, when extrapolated to an additional three storeys of accommodation, the effect of this uncomfortable relationship would be multiplied.

8. While the proposed materials would serve to identify the old and the new they would not be reflective of those nearby. In particular, the significant extent of seamless vertical slate fibre-cement tiles and the lack of differentiation between the roof and the façade would be at odds with the listed buildings in Bedford Row. Furthermore, while the dark colour would accentuate the white of the lower, existing, parts of the elevations, used in the proposed extensive, opaque and un-recessed manner it would not be visually subservient to the retained fabric of the existing building or to the listed buildings to any significant degree. Moreover, as a result of the minimal detailing, the

extensive vertical tiles would be a key feature of the proposal in visual terms, punctuated only by the windows.

9. The proposal would be prominent in the street scene due to its end-of-terrace location where Bedford Row meets Marine Place. It would also be visible through from Warwick Street shopping area. In addition, the proposed dormers would not relate well in scale and design to those in the vicinity, particularly the rear dormer, which would be significantly larger and clearly visible from public vantages. Overall, the design, scale, form, materials and appearance of the proposal would be at odds with the prevailing historic and architectural character and appearance of Bedford Row. As a result, it would detract from the character and appearance of the street scene, the wider SSCA, and the setting of the adjacent and nearby listed buildings, and would fail to promote or reinforce local distinctiveness as advocated in the National Planning Policy Framework (the Framework).

10. In light of the above, I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with saved Policy CT3 of the Worthing Local Plan 2003 (WLP), which among other things seeks to ensure that development respects and, where possible, enhances the appearance of the seafront environment and is appropriate to its location, including in terms of scale, height and appearance, both in itself and in relation to adjoining buildings, spaces and views to the sea.

11. Section 66(1) of the planning (Listed Buildings and Conservation Areas) Act 1990 states that, 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting…'. Paragraph 132 of the Framework is clear that great weight should be given to a heritage asset's conservation and that its significance can be harmed by development within its setting.

12. In light of this and my findings above, I further conclude that the proposed development would fail to preserve or enhance the character or appearance of the SSCA, or the setting of the nearby listed buildings, contrary to the expectations of the Framework and adopted Policy 16 of the Worthing Core Strategy 2011 (WCS), which among other things seeks to ensure that the settlement structure, landscape features and buildings which represent the historic character of Worthing should be maintained; preserving and enhancing existing assets. However, I quantify the extent of the harm to the SSCA as being less than substantial in the context of paragraphs 133 and 134 of the Framework. Such harm needs to be balanced against any public benefits the development might bring.

13. There would be a modest public benefit associated with the provision of five units of residential accommodation, which would add to the local mix of housing, and I have afforded this moderate weight in favour of the development. Any benefits arising to the regeneration of the area would be likely to be very modest but I have afforded this a small amount of weight in favour. However, these benefits would be significantly outweighed by the material harms that would be caused to the character and appearance of the SSCA and to the setting of the nearby listed buildings.

Living conditions

14. The Council considers that the proposal would not meet the minimum residential space requirements of its Space Standards SPD 2012 or the Nationally Described Space Standard (NDSS). However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current development plan policy. In this case I have been provided with no such current policy and the SPD pre-dates the NDSS, consequently, this is not a matter which carries any significant weight against the proposal.

15. I note the lack of outdoor amenity space provision on site, and that the proposed green roof area does not appear to be appropriately accessible to mitigate that. However, it would seem that the majority of flats in the neighbouring properties in Bedford Row also do not benefit from dedicated outdoor amenity space and the proposal would therefore not be significantly unusual for a town centre location or out of keeping with nearby properties in that respect. Saved Policy H18 of the WLP seeks to ensure that changes of use and intensification would not result in an unacceptable reduction in amenity for local residents, but it does not specifically address the provision of outside space or the living conditions of future occupiers.

16. There is no provision indicated for household waste storage on-site or, given the scale and extent of built development proposed on the site, no space apparently available to do so. Instead, the appellant suggests that the provision of large scale bins in Marine Place outside the rear boundary of the site, as took place with the commercial use, would be continued. While this 'workaround' situation may have been the best that could be achieved in relation the previous use, it would be a significantly sub-optimal solution in relation to a residential redevelopment of the site and the satisfactory operation of such, and would potentially result in occupants storing waste and recycling within their homes in the absence of satisfactory on-site provision.

17. Moreover, the existing large bins associated with the site, and other premises, do not contribute positively to the street scene. In this respect, the proposal would fail to exploit all reasonable opportunities for enhancement, as required by Policy 16 of the WCS, and would be inconsistent with the requirements of the Framework that new development should contribute positively to making places better for people and take opportunities to improve the character and quality of an area and the way it functions.

18. Therefore, while I have not identified significant harm in relation to the internal layout or the provision of outdoor space, I conclude that the proposal would be detrimental to the living conditions of future occupants in respect of household waste storage. It would therefore conflict with Policy 16 and the Framework, the relevant requirements of which are set out above.

Flooding

19. I note the Environment Agency's objection to the original application, which was not accompanied by a Flood Risk Assessment (FRA). The appellant's site-specific FRA, submitted with the appeal, identifies that the site lies in Flood Zone 3, albeit in an area protected against the 1 in 200 year tidal event by existing beach defences. The FRA also sets out that finished floor levels would be raised to 5.31mAOD, above the modelled breach flood level. This, together

with any appropriate flood resilience measures, could have been secured by condition had the appeal been allowed.

20. I have not been provided with any further comments from the Environment Agency in relation to the appeal FRA. However, on the evidence before me, I am satisfied that the development would be adequately safe from flooding, and would not be likely to increase flood risk elsewhere. I therefore conclude that there would be no conflict with the relevant requirements of the Framework in this respect.

Other Matters

21. The Council advises that it cannot currently demonstrate five years' worth of supply of specific deliverable sites for housing. This calls into question whether development plan policies for the supply of housing are out-of-date in the context of Paragraph 49 of the Framework. Notwithstanding my conclusions on the main issues above, I have had regard to Paragraph 14 of the Framework and Footnote 9 therewith. In this context my decision would not be altered, even if relevant policies are out-of-date, because of the harms I have identified above. For the reasons set out above, any benefits from the proposal would be significantly and demonstrably outweighed by the harms that the development would cause, including in relation to the setting of the listed buildings and to the SSCA, which are designated heritage assets.

Conclusion

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

Catherine Jack

INSPECTOR