Planning Inspectorate

Appeal Decision

Site visit made on 31 March 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2025

Appeal Ref: APP/M3835/W/24/3352396
Chatsmore House, Goring Street, Worthing, BN12 5AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Peppercorn Investments Ltd against the decision of Worthing Borough Council.
- The application Ref is NOTICE/0002/24.
- The development proposed is Prior Approval for construction of an additional storey above flat block (1-9) to create 3 x 2 Bedroom C3 units.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as it more succinctly describes that for which approval is sought.

3. The appeal is made pursuant to Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO). This permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built block of flats, as well as certain associated works.

4. Development is permitted by Class A subject to the limitations set out in paragraph A.1 and the conditions set out at paragraph A.2, which include matters in respect of which the developer must apply to the local planning authority for approval.

5. The Council does not indicate the proposal is contrary to the limitations in paragraph A.1 and I have no reason to disagree. In refusing the application, the Council's decision notice states that the proposed development would be an unsympathetic and incongruous addition to the existing building. The Council's appeal statement confirms its position that the proposal is considered contrary to condition A.2(1)(e), which requires prior approval of the external appearance of the building.

6. The prior approval process does not require that a proposed development be assessed against the development plan. I have therefore had regard to the policies only insofar as they are material to the matter for which prior approval is sought.

Main Issue

7. The main issue is therefore whether prior approval should be granted having regard to the external appearance of the building.

Reasons

8. The appeal building is a purpose built three storey, flat roofed block of flats located at the corner of Goring Way and Goring Street. It sits in its own grounds with a similarly sized and designed block to its rear. The prevailing character around the appeal site is of one and two storey buildings with pitched roofs that sit within well sized plots. As such, while Chatsmore House has a greater bulk and presence than many of the neighbouring buildings, its height, which is similar to the two-storey pitched roofed buildings, helps to limit the extent of any disparity. As such, the building does not unduly detract from the spacious and suburban character of the area.

9. The proposal would add an additional storey to the appeal building. The additional floor would be set-in slightly from the edges of the existing building, but this would do little to prevent the full extent of the additional storey being evident from Goring Way and Goring Street. As a result, the building's height, scale and bulk would be noticeably increased. This would create an incongruity with the prevailing environment and would be particularly evident and harmful when viewed from Goring Way and in the context of the adjacent bungalows.

10. With regard to its detailed design, the new storey seeks to replicate the fenestration pattern of the floors below, which have a uniformity of sizing and position. However, there are sufficient differences between the existing and proposed for this to disrupt the building's current symmetry and composition. Whilst similar materials are proposed to be used, this would not overcome the extension appearing at odds with the storeys below.

11. In combination, the effect of all this would be to cause harm to the external appearance of the building. This would fundamentally alter its relationship with its surroundings as the building would become a jarring and incongruous feature within the street scene.

12. Insofar as it is material, the proposal would conflict with Policy DM5 of the Worthing Local Plan that expects new development to be of a high architectural and design quality which respects and enhances the character of the site and the prevailing character of the area.

Other Matters

13. I have been referred to a previous appeal decision on the building. That decision related to a different scheme to the one before me. The Inspector in that case concluded that the works would not meet the limitations in paragraph A.1 of Class 20. Consequently, there was no need to discuss the effect of that scheme on the external appearance of the building as it would not have altered the outcome of the appeal. In that situation an absence of comment in relation to external appearance did not imply a lack of harm. Therefore, while the limitations of paragraph A.1 are now met, that previous decision does not provide a reason to allow this appeal.

14. There are newer, four storey buildings further along Goring Street, to the north of the site. These buildings do not sit within the immediate vicinity of the appeal site.

Furthermore, they have a different context which enables building heights to increase to four storeys as development moves towards the railway line and away from established areas of housing.

Conclusion

15. I have concluded that the proposed development would fail to comply with Condition A.2.1(e) of Schedule 2, Part 20, Class A of the GPDO.

16. For the above reasons, and taking account of all other matters raised, I conclude that the appeal is dismissed.

Stewart Glassar

INSPECTOR