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TOWN & COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL BY MR HOWARD LINTON AGAINST THE DECISION OF WORTHING BOROUGH COUNCILTO REFUSE PLANNING PERMISSION FOR NEW HIPPED ROOF WITH INCREASE IN HEIGHT BYAPPROXIMATELY 1.6 METRES INCLUDING TWO DORMERSTO WEST AND TWO TO EAST IN CONNECTION WITH ROOMS IN THE ROOF AND NEW CONSERVATORY TO REAR ELEVATION.

AT

4 MAYTREE AVENUE, WORTHING, WEST SUSSEX

PLANNING INSPECTORATE REF: APP/M3835/A/09/2099051

LOCAL PLANNING AUTHORITY REF: WB/08/0673/FULL

THE APPELLANT'S STATEMENT OF CASE

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1. BACKGROUND

1.1 The application the subject of this appeal was submitted to Worthing Borough Council on 15th August 2008. The application sought full planning permission for a new hipped roof with increase in height by approximately 1.6 metres including two dormers to west and two to east in connection with rooms in the roof and a new conservatory to the rear elevation.

1.2 The application was submitted following the refusal of an earlier application (WB/07/1530/FULL) for a new roof of a differing design. The appeal application sought to overcome the objections to the refused scheme and was submitted after discussions with the Local Planning Authority to achieve an acceptable design.

1.3 Notwithstanding this preliminary advice given, the application the subject of this appeal was refused on the 6th October 2008 for the reasons set out in the decision notice.

2. THE APPEAL SITE AND ITS SURROUNDINGS

2.1 The appeal site is located in Findon Valley, an area of low and medium density housing which extends northwards from Worthing towards the village of Findon along the valley floor. The main A24 runs in a north-south direction through Findon Valley and a number of regularly laid out residential roads run parallel and at right angles to this main route. Maytree Avenue forms one of the roads parallel to the A24 on its eastern side. The appeal property is located towards the southern end, on the eastern side, close to the junction with Central Avenue.

2.2 The appeal site is rectangular in shape having a width of approximately 14.5 metres and a depth of approximately 45 metres. It is of a consistent size and shape with the adjoining property to the south and those to the north. The existing dwelling is single storey with two shallow pitched roofs running east-west separated by a central flat roofed section with a false pitch to the front elevation. A further shallow pitched roof runs north-south towards the rear of the property. An integral garage is located on the northern side of the property which again has a flat roof with a false pitch to the west and northern elevations. This configuration extends to the rear of the property but steps away from the boundary towards the rear of the dwelling.

2.3 To the north of the appeal site lies a single storey dwelling with a full pitched roof over the main part of the dwelling and therefore has a higher ridge level than the appeal property. A flat roof rear dormer which sits just below the ridge line is visible from the street scene. The property to the south of the appeal site is also a single storey dwelling and has a full pitched roof with a hip to the front elevation in which is located a roof light. Again, this property has a higher ridge level than the appeal property. To the rear of the appeal site lies a two storey property which is situated in Hazelhurst Crescent.

2.4 The area in the vicinity of the appeal site is very mixed in character. Maytree Avenue itself primarily consists of single storey dwellings although many have converted their roof spaces using a variety of methods. There are a number of dormers within front, side and rear roof slopes, many of which are flat roofed. There are, however, also a number of two storey properties in the vicinity particularly along Central Avenue and to the rear of the appeal site in Hazelhurst Crescent.

2.5 The appeal site is located within the built up area of Worthing, as defined in the Worthing Local Plan 2003. The development in Findon Valley and the adjoining High Salvington is bounded to the west, north and east by the Sussex Downs Area of Outstanding Natural Beauty.

3. THE APPEAL PROPOSAL

3.1 The application the subject of this appeal principally proposes a new roof over the existing single storey dwelling to enable the roof space to be utilised for accommodation. The roof would be fully hipped from eaves level at its northern end whilst at the southern end the eaves level would be raised approximately 0.6 of a metre before the roof is hipped. The new roof would not extend to a single ridge but will have the appearance of such with the use of ridge tiles around the finished edge.

3.2 Two pitched roof dormer windows would be provided on the front elevation and a single roof light towards the southern end. Two further pitched roof dormers would be provided on the rear elevation with a single roof light in between providing light to the staircase. A further roof light would be located on the northern roof slope. The existing projecting hipped roof to the front elevation would be retained as would the chimney to the southern elevation. The new roof would be covered in plain tiles in keeping with the existing and those of adjoining properties. The overall height of the roof would be approximately 1.6 metres higher than the highest point of the existing roof.

3.3 The appeal application also proposes the provision of a glazed conservatory to the rear of the property. This would comprise a floor area of approximately 5.8 metres x 4.2 metres and would infill an area between the main rear wall of the property and the existing single storey rear addition.

4. PLANNING POLICY – NATIONAL GUIDANCE AND DEVELOPMENT PLAN POLICIES

4.1 PPS1: Delivering Sustainable Development sets out the Government's objectives for the planning system. One such objective is that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by, amongst other matters, "ensuring high quality development through good and inclusive design, and the efficient use of resources". To meet this objective,

planning policies should promote high quality inclusive design in accordance with the advice in paragraphs 33 – 39 of the advice note.

4.2 In paragraph 36, the guidance notes sets out the key objectives that design policies should achieve and they aim to ensure, amongst other matters, that development optimises the potential of the site to accommodate development, responds to its local context and creates or reinforces local distinctiveness. In paragraph 38 however, it is stated that "*design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally*".

4.3 For the purposes of this appeal, the Development Plan comprises the West Sussex Structure Plan 2001 - 2016 and the Worthing Borough Local Plan 2003.

4.4 The policies of the West Sussex Structure Plan were saved by way of a direction from the Secretary of State dated 26th September 2007. Policy DEV1 requires the construction, layout, scale, appearance and landscaping to be of a high quality taking into account the need to have regard to the local context which includes the morphology, landscape, townscape, streetscape and skyline of the surrounding area. Policy CH1 seeks to ensure that the character, distinctiveness and sense of place of the settlements is maintained and where possibe enhanced.

4.5 The policies of the Worthing Borough Local Plan 2003 have been saved by way of a direction from the Secretary of State dated 25th September 2007. Policy BE1 states that proposals for development or redevelopment will be permitted provided it meets the specified criteria including that it achieves a good standard of design and together with the form and character, is compatible with its surroundings or enhances the appearance of the locality.

4.6 Policy H16 deals specifically with extensions and alterations to dwellings and states that this will normally be permitted provided

i. *The scale, design, materials and site coverage would be satisfactory in relation to both the existing property and any predominant characteristics of adjoining properties or the area as a whole;*
ii. *The proposal would not adversely affect the appearance of the street scene by occupying space between buildings which should remain open;*
iii. *The proposal would not result in an unacceptable degree of overlooking or overshadowing of neighbouring property or have an overbearing effect.*

4.7 The policy makes reference to the Supplementary Planning Guidance "Extending or Altering your Home" which provides detailed design guidance on house extensions. The section on roof extensions and dormers expresses a presumption against dormer windows which are visible from the street but comments that an exception may be made if several other dwellings in the street already have dormer windows which are not substantially out of character.

5. THE CASE FOR THE APPELLANT

5.1 The site the subject of this appeal lies within the built-up area of Worthing where, in accordance with policies BE1 and H16 of the Local Plan, development is permitted subject to compliance with various criteria. These criteria principally seek to ensure that new development is of a satisfactory scale and design having regard to the character of the existing development and its surroundings; it does not affect the character of the street scene and does not impact on the amenities of adjoining residential occupiers.

5.2 Having regard to the Local Planning Authority's reason for refusal, it is noted that there are no concerns regarding the impact of the development on the amenities of adjoining residential properties. The delegated report of the planning officer refers to the amenities of both adjoining properties and to those to the rear and opposite the appeal site. In assessing all those inter-relationships, the officer concludes that there would not be unacceptable overlooking or impact on residential amenities. It is therefore submitted that the proposal complies with part (iii) of policy H16 of the Local Plan.

5.3 In the light of the above, it is considered that the main issue in this case is whether the height, scale, massing, proportion and design of the roof addition would be out of character with the existing property and the locality generally.

5.4 Firstly, with regard to the existing property, the proposed roof addition seeks to consolidate the existing low pitched roofs and significant flat roof areas under a single roof. The roof has been designed so that the overall height does not significantly exceed those of the adjoining properties or otherwise appear "top heavy". It is hipped away from the boundaries to maintain space between buildings and the Local Planning Authority has raised no particular concerns with this regard. The proposed dormer windows would have pitched roofs in accordance with the Local Planning Authority's design guidance and would sit comfortably within the roof slope. The dormer windows are not overly large and, being positioned 0.5 metre below the ridge line, would not be overbearing or otherwise obtrusive in relation to the existing building.

5.5 The Local Planning Authority's reason for refusal refers in particular to the "discordant flat roof section" of the new development. The appeal proposal would result in a small flat roof section instead of a ridge line as a result of the need to minimise the overall height of the development. It is submitted however, that this flat roof section will be barely discernable in the street scene given that the existing property sits above street level and the roofs of the two adjoining properties would be of a comparable height, obscuring the majority of views to the side elevations. As a result, any view of this flat roof section would be very oblique, and would not appear as such with the use of a ridge tile around its edge. In fact, it would be impossible to ascertain whether the roof is indeed flat or whether the east-west ridge tile forms a second ridge at right angles to the main roof.

5.6 With regard to the character of the wider locality, it has already been described how it is comprised a mix of styles and designs of residential properties. There

are many single storey properties which have been extended and modified by additions to the roof with a whole manner of design solutions. Many properties have dormer windows which, it is submitted, are wholly characteristic of the area. Furthermore, a significant number of properties, both original and as altered, have flat roofs instead of full pitches to make efficient and effective use of the roof space whilst minimising the overall height of the development. The Inspector will be directed to examples of such development, some recently constructed, within the vicinity, at the appeal site visit. In Maytree Avenue itself, there is no uniformity to the roof design of the properties and indeed the adjoining dwelling, no. 2, has a roof not dissimilar to that proposed by the appeal application, albeit at a different orientation.

5.7 Having regard to the context for the development as described above, it is not considered that the roof addition and alterations would be incongruous, obtrusive or otherwise unsympathetic to the existing property or the character of the area generally. As such, it complies with the requirements of parts (i) and (ii) of policy H16 and the general development criteria within policy BE1 of the Local Plan.

5.8 Finally, it is noted that the Local Planning Authority has not raised any concerns with regard to the rear conservatory and is referred to in the Officers' delegated report as being of a satisfactory design, siting and scale.

6. CONCLUSION

6.1 In conclusion, it is submitted that the appeal proposal is of an appropriate scale, height and design in relation to both the neighbouring properties and the local area generally. It has been carefully designed to ensure that the height, form and the design of the main roof and the dormer windows are appropriate to the existing dwelling and the street scene generally and do not cause an overbearing or prominent form of development. In this respect, the proposal does not conflict with policies DEV1 and CH1 of the Structure Plan or BE1 or H16 of the Local Plan. Furthermore, it is compliant with the advice in PPS1 with regard to design and, on the contrary, the Local Planning Authority is being too prescriptive in its approach which does not accord with that advice.

6.2 In all the circumstances, it is considered that the appeal proposal complies with Central Government advice and the policies of the Development Plan. There are no other material considerations which would indicate a decision at variance with the Development Plan, and as such it is respectfully requested that the appeal is allowed.