Appeal Statement

FOR

Change of use from restaurant at ground-floor to an office and 2-bedroom flat; demolition of the attached rear storage building and erection of an attached two-storey, pitched roof dwelling house with associated bin/bike storage in front garden; insertion of sky lantern to existing single-storey element; insertion of new/replacement windows at ground- floor; and removal of restaurant kitchen extractor duct

(Application Number: AWDM/0405/24)

AT

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1.0 Introduction

This statement is submitted in relation to an appeal against the decision of the Worthing Borough Council to refuse to grant planning permission for change of use from restaurant at ground-floor to an office and 2-bedroom flat; demolition of the attached rear storage building and erection of an attached two-storey, pitched roof dwelling house with associated bin/bike storage in front garden; insertion of sky lantern to existing single-storey element; insertion of new/replacement windows at ground- floor; and removal of restaurant kitchen extractor duct at 1 Littlehampton Road, Worthing, West Sussex, BN13 1PY.

The Local Planning Authority refused the application on the basis that 'the proposed attached 2-storey pitched-roof dwelling, by reason of its unsympathetic scale, form, massing, layout and design would represent an incongruous and cramped overdevelopment of the site, lacking in visual coherence to the host building and harmful to local character and sense of place' ; 'by reason of its cramped siting and poor layout the proposed development would result in an unsatisfactory standard of residential accommodation with poor outlook and privacy for the future occupiers, and in addition to the failure of Unit 1D to meet the Government's nationally described minimum floor space standard'; 'owing to its small size, the Local Planning Authority is not satisfied that the proposed office (Class E) would be commercially viable potentially resulting in a dead frontage that would detract from the vitality and viability of this medium scale local shopping and set a harmful precedent to the detriment of the successful functioning of the centre and its ability to meet local needs'.

The purpose of this statement is to put forward the Appellant's case as to why planning permission should be granted. It will be argued within this statement that the proposals are an appropriate form of development. It will be argued that a sound basis exists for granting planning permission under the presumption in favour outlined by policies.

This appeal statement has been assembled in accordance with the Planning Inspectorate's Procedural Guidance and comprises the following chapters:

Chapter 2 – The Site and Surrounding Area

Chapter 3 – The Appeal Proposal

Chapter 4 – Planning Policy Context

Chapter 5 – Grounds of Appeal

Chapter 6 – Conclusion

2.0 The Site and Surrounding Area

The appeal site is located in Worthing, a seaside town and borough in West Sussex, England, at the foot of the South Downs. The borough is the second largest component of the Brighton and Hove built-up area, the 15th most populous urban area in the United Kingdom. Northern parts of the borough, including the Worthing Downland Estate, form part of the South Downs National Park.

The site is located on Littlehampton Road to the west side of the neighbourhood shopping parade on the outskirts of Worthing. The site is situated on the south side of Littlehampton Road, west of the junction between A2031 and A2032. It is located within a predominantly residential area which is derived for the most part from two-storey detached, semi-detached and terraced housing. But the site is also part of a commercial and shopping area at the junction with many different uses of shopfronts with residential above. To the west, it is a large single-storey building used as Cedar Garage and terraced houses.



The site is occupied by a three-storey end-terrace building. The ground floor is used as a restaurant and takeaway with car parking spaces in the front and an attached storage building at the rear. Its floors above No.1A, and No.1B that was developed recently are residential flats. A vehicular access to the east side of the building provides access to the rear of the site. An external metal staircase is used as access for the residential flats above. An unauthorised first-floor extension was built over a pre-existing single-storey attached storage building.

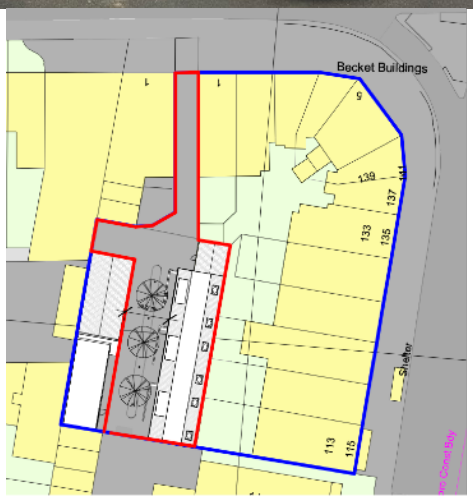




Adjacent to the site in the south, there are vacant garages and part single part two storey workshop and office building. The proposal for three terraced one-bedroom houses is granted planning permission to demolish the garages and redevelop the area (AWDM/0081/23). The workshop and office building have planning permission through Prior Approval (NOTICE/0014/21) to be converted into two numbers of one-bedroom flats, and a workshop into a one-bedroom unit (NOTICE/0002/22).









The planning history of the appeal site is outlined within the Planning Officer's delegated report in respect of this application.

3.0 The Appeal Proposals

The application the subject of this appeal was submitted to the Worthing Borough Council on 25th March 2024 and allocated reference number AWDM/0405/24. The application sought planning permission for change of use from restaurant at ground-floor to an office and 2-bedroom flat; demolition of the attached rear storage building and erection of an attached two-storey, pitched roof dwelling house with associated bin/bike storage in front garden; insertion of sky lantern to existing single-storey element; insertion of new/ replacement windows at ground- floor; and removal of restaurant kitchen extractor duct. The relevant drawing numbers are quoted on the Council's decision notice.

The application was refused planning permission under delegated authority by decision notice dated 20th June 2024 for three reasons. A copy of the Council's decision notice has been submitted with the appeal documentation.

The application the subject of this appeal follows a previous application for the erection of a first-floor extension for storage space over the existing rear single-storey storage building which was refused by the Council on 18th July 2023 (LPA reference AWDM/ 0320/23).

The application the subject of this appeal sought planning permission for a better-designed development of the site. The appeal scheme differs from that previously refused proposal in that the Appellant is seeking to create an additional storage space for the restaurant with a small metal railing terrace.

The application subject of this appeal proposes a new dwelling with the same scale as the refused storage building but having an improved design in material and style to match the existing main building, and providing a front garden with associated bin/bike storage. The scale of the new dwelling is the same as the neighbouring workshop/office building.

The existing large restaurant space will be divided into two areas used respectively as an office (Use Class E) and a two-bedroom flat with new/replacement of windows and sky lantern. Unsightly restaurant kitchen extractor duct will be removed.

As the Inspector will note from site visit, the appeal proposal will provide an opportunity for large improvement for the site and the surrounding area.



Chapter 4 – Planning Policy Context

This section of the statement identifies the planning policies that are relevant to the appeal. Under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 regard is to be given to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The statutory Development Plan in this instance comprises the Worthing Local Plan. Consideration must also be given to Government policy contained within the National Planning Policy Framework and associated guidance contained within the National Planning Practice Guidance.

National Planning Policy Framework

The core planning principles contained within the National Planning Policy Framework (NPPF) identify that planning should deliver homes, seek high-quality design and a good standard of amenity, support the transition to a low carbon future, encourage effective use of land and encourage the use of sustainable transport modes.

In relation to design, the NPPF notes that “good design is a key aspect of sustainable development” (para 56) and that it is “proper to seek to reinforce local distinctiveness” (para 60). The NPPF notes that whilst appearance and architecture are important, securing high-quality and inclusive design goes beyond aesthetic considerations (para 61).

West Sussex County Council - Local Highway Authority has no highway safety concerns for this proposal, which is not contrary to the NPPF (para 115).

Paragraph 135 states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

‘Technical housing standards – nationally described space standards stated that 37 sqm as minimum gross internal floor areas is acceptable for 1 bedroom 1 person dwelling.

Regional Planning Policy

The current Worthing Local Plan Policy SS1 gives the total housing supply figure of 3672, about 230 dwellings per annum, from 2020 to 2036. Worthing Borough Council scored 33% in the latest Housing Delivery Test in 2023, the presumption in favour of sustainable development applies according to paragraph 79 of the NPPF, an Action Plan will be produced, and in calculating the five-year housing land supply, a 20% buffer must be added. So that sustainable development is pursued in a positive way. There are three dimensions to sustainable development: economic, social and environmental.

The policy DM13 of Worthing Local Plan states that “changes of use and redevelopments within town, district and local centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs according to their function in the hierarchy”. The points below will be taken into account: if unacceptably impacting on daytime footfall; if maintaining the continuity of active frontages; if be of a scale and type of use appropriate to the size and

function of the centre, or part of the centre concerned; if ensuring that any proposal will cause no significant adverse effects for the occupiers of neighbouring properties; if resulting in an over-concentration of uses such as takeaways and other uses with closed and inactive street frontages.

Policy DM2 of the Worthing Local Plan states that development proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area. Higher densities, in excess of 100 dwellings per hectare should be achieved in most mixed-use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and services. New dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. The Council will only consider any variation to the requirements set out above in exceptional circumstances.

Policy DM5 of the Worthing Local Plan states that all new development should be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area; enhance the local environment by way of its appearance and character; make a positive contribution to the sense of place, local character and distinctiveness of an area; not have an unacceptable impact on the occupiers of adjacent properties, etc.

Chapter 5 – Grounds of Appeal

The appeal proposals relate to the demolition of existing storage and the construction of a new dwelling at the rear, and change of use from a restaurant/takeaway to an office and a flat on the ground floor of No.1 Littlehampton Road, located away from the public street. The appeal site is not located within a Conservation Area and the existing dwelling is not of any historical or architectural merit. In light of the foregoing there are no planning policies that advise against a development of the nature proposed. As such, the appeal proposals should be regarded as appropriate in principle subject to their detailed design being acceptable.

The Appellant wishes to convert the appeal property to provide additional dwellings while maintaining the commercial frontage. The Appellant is aware of the national planning policy which encourages sustainable forms of development and the efficient use of urban land. Through the arguments presented in this statement, it will be demonstrated that the appeal proposals are a sustainable form of development, which would have efficient use of the appeal site. In this context, the Appellant considers that the proposals should be viewed positively under the presumption in favour outlined in the National Planning Policy Framework (NPPF).

The Council's first reason for refusal alleges that the proposed building's scale, form, massing, layout and design would represent an incongruous and cramped overdevelopment of the site, lacking in visual coherence to the host building and harmful to local character and sense of place. Any assessment as to the impact of a proposed development on the character and appearance of the area must first, out of necessity, follow an understanding and analysis of the key features, which contribute, to the particular character and distinctiveness of that locality.

The appeal site is situated on Littlehampton Road, and the front elevation of the main building is largely retained. The proposed new dwelling is situated in the rear yard where there is currently a 2-storey flat roof storage building to be demolished. A vacant garage compound and workshop/office building are located in the south of the yard. These buildings have been granted planning permission to develop a total of 6no one-bedroom dwellings. Due to the location within a medium-scale shopping centre, high-density development is acceptable and makes the most efficient use of the land as stated in the Policy DM2 of the Worthing Local Plan.

The scale of the proposed 2-storey pitched roof dwelling, its depth, eave height and ridge height are to match the neighbouring property (workshop and office) which the proposed building will also be in line with. The proposed building's pitched roof type is to match or be similar to the neighbouring workshop/office building, the new proposed building on the garage compound and the host building. The proposed building windows, door, eave style, roof tiles and wall materials are to match and cohere with the host building. Undoubtedly the proposed building represents a better design and look than the existing garage-style flat roof storage building, contributing to local character and sense of place. Together with the neighbouring workshop/office building and the new building replacing the garage compound, the proposal will improve the overall quality of the buildings in the local area. There is a small yard in front of the proposed dwelling with green plants and flowers to give some privacy, also separating the cycle stores and covered bin stores. It shows a similar thought as the approved new dwellings over the garage compound, but better looking. This integrated design will have an improved layout than the approved scheme in AWDM/2145/20.

The Council's second reason for refusal is "its cramped siting and poor layout the proposed development would result in an unsatisfactory standard of residential accommodation with poor outlook and privacy for the future occupiers, and in addition to the failure of Unit 1D to meet the Government's nationally described minimum floor space standard".

The concerns for the proposed flat 1C are outlook and privacy. The proposed layout has tried to utilise the existing walls and maximise the use of the space. The living, kitchen and dining space will have sufficient natural light through a large skylight and skyward outlook plus a window facing the side access. There would be a bright and comfortable space. Regarding the bedroom windows, the bedroom space would not often be occupied during the daytime, and their privacy could be protected by translucent curtains like most ground-floor windows of houses. Regarding the proposed flat 1D, the window's privacy could be protected in the same way as above. The external front amenity area, similar to the neighbouring approved scheme, like a normal house's front garden, doesn't require huge privacy. The green plants along the front garden will provide some privacy from the side access. The rear approved schemes, the future residents at the current locations of workshop/office and garage compound will overlook each other as well.

Policy DM2 of the Worthing Local Plan states that the Council will consider any variation to the requirements set out in the floor space standards in exceptional circumstances. 1-bedroom 1-person single-storey dwelling requires min. 37 sqm with a shower room. No minimum floor area is set out for a 2-storey dwelling. The proposal should be considered as an exceptional circumstance. The proposed dwelling has a gross internal floor area of 41.2sqm, 4.2sqm over the required min. floor area. If excluding the stairs 2.2sqm, the remaining floor area is still 39sqm. The bathroom should be counted in the total floor area, not excluded as stated by the Private Sector Housing team in the planner's report. The 17sqm open-plan living, kitchen and dining with 1.2sqm storage and 11.4sqm single bedroom with 1.6sqm built-in wardrobe are sufficient for a single person's living space. This should be considered complied to nationally described space standard. If evaluating the space individually, it also represents a comfortable living space for a single person. There could be a condition to restrict the property to be occupied by one person only.

The Council's last reason for refusal is that because of its small size, the Local Planning Authority is not satisfied that the proposed office (Class E) would be commercially viable potentially resulting in a dead frontage that would detract from the vitality and viability of this medium scale local shopping centre and set a harmful precedent to the detriment of the successful functioning of the centre and its ability to meet local needs.

The proposed office has a floor area of 31.8sqm, including a cup'd, a mini kitchen and a WC. The client intended to use the space as his family member's office. The floor area is commonly viable for varied small businesses in Class E such as estate agencies, barbers, small cafe, shop for small goods such as phone accessories, bookshop, internet cafes, travel agencies, Solicitors, etc. Due to the density of the shopping centre, the size of the proposed unit should be considered acceptable. These uses will improve the vibrancy of the shopping centre with more active frontage during the daytime rather than the current restaurant that is closed before 16.30 every day and all day every Tuesday.

In addition, the West Sussex County Council, National Highways, Southern Water, WSP and EHO had no objections and no representations were received.

Chapter 6 – Conclusion

This statement has been written in relation to a full planning appeal against the decision of the Worthing Borough Council to refuse to grant planning permission for change of use from the restaurant at ground-floor to an office and 2-bedroom flat; demolition of the attached rear storage building and erection of an attached two-storey, pitched roof dwelling house with associated bin/bike storage in the front garden; insertion of sky lantern to existing single-storey element; insertion of new/replacement windows at ground- floor; and removal of restaurant kitchen extractor duct. In summary, the application was refused on the basis of the proposed dwellings' design, layout, siting, outlook, privacy, space standard, and viability of the proposed commercial unit.

The application subject of this appeal is a redevelopment and reconfiguration of the site in the medium-scale shopping centre and makes efficient use of the land. The proposed new dwelling is an improvement to the previous refused scheme of the rear storage building, while providing an additional quality dwelling to support council's housing supply figure. The restaurant/take away is to be divided to retain the active commercial frontage while providing another new dwelling.

The Appellant's statement has put forward reasoned arguments as to why planning permission should be granted. In summary, the Appellant considers that the appeal proposals have been carefully designed to respect the character and appearance of the host building while representing same scale as the adjacent building. The proposals would also respond positively to the surrounding context and neighbouring buildings, providing the proposed building, which is proportionate to the size of its plot.

Having regard to the arguments put forward within this appeal statement, it is the Appellant's view that the proposed extensions are compliant with the provisions of relevant policies of Worthing Borough Council and the National Planning Policy Framework.