Appeal Decision

Site visit made on 25 March 2008

by Sheila Holden BSc MSc CEng MICE MRTPI FIHT

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

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Decision date: 9 April 2008

Appeal Ref: APP/M3835/A/07/2059863
Rear of 24 Durrington Lane, Worthing BN13 2QJ

- 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 Enhance Developments Ltd against the decision of Worthing Borough Council.
- The application Ref WB/07/0937/FULL, dated 6 August 2007, was refused by notice dated 24 September 2007.
- The development proposed is a two-bedroom garden flat with associated parking and landscaping.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The description of the development has been amended to "demolition of existing garage and erection of detached bungalow with access onto Muirfield Road". This more accurately describes the proposal and I have dealt with the appeal on this basis.

3. Since this application was determined policies H2, H9 and BE2 of the Worthing Local Plan have not been saved. However, national guidance contained in PPS1: *Delivering Sustainable Development* sets out some of the relevant policy considerations. I have therefore considered the appeal in the light of the national guidance together with saved policies of the West Sussex Structure Plan and the Worthing Local Plan.

Main Issues

4. The main issues are the effects of the proposed development on the:

   [a] character and appearance of the area;

   [b] living conditions of neighbouring properties at 75 Muirfield Road and 22 Durrington Lane in relation to outlook and visual intrusion.

Reasons

Character and appearance

5. The site of the proposed bungalow is part of the rear garden of 24 Durrington Lane, a detached property on the corner with Muirfield Road. Durrington Lane is a busy road and no. 24 is one of a group of detached houses with long rear

gardens built in the 1960s. Muirfield Road is a quiet residential street and the area surrounding the appeal site is characterised by two-storey semi-detached and terraced houses with pitched roofs, typical of the 1960s. Elsewhere in Muirfield Road there are some bungalows with a distinctive and repeated style with mono-pitched roofs. The properties are on modest sized plots with gardens to the front and rear.

6. The proposed bungalow would be placed close to the rear boundary of the plot, immediately adjacent to the rear garden of no. 22. It would also be close to the existing boundary with 75 Muirfield Road and the new boundary which would divide the existing garden of no. 24. At the front of the bungalow a small amenity area and a single parking space are proposed. In my view the proposed siting and layout of the bungalow so close to three boundaries would cause it to appear cramped on this confined site. The absence of any rear garden and the limited space at the front would be out of character with the surrounding area which is characterised by houses with gardens to the front and rear.

7. The bulk of the building would be limited by being single-storey and its position, surrounded by fences and a hedge, would appear to be an attempt to hide it from public view. The retention of the existing hedge along the front boundary could provide occupants with privacy and reduce its visual impact on the locality. However, it would be an enclosed site with little outlook for the occupants in contrast to the other properties in the area which have open front gardens. If the hedge was removed the building would appear anomalous and out of keeping with the rhythm of the surrounding development, all of which are two-storey houses, set in groups. This would be reinforced by its proposed position set forward of the prevailing building line.

8. Furthermore, the design of the proposed bungalow fails to respect the features of the surrounding area. Its blank windowless walls and hipped roof are not characteristic of the neighbouring houses. I consider that all these factors combine to demonstrate that the proposal does not represent good design which would contribute to local distinctiveness. For these reasons I conclude that the proposed development would harm the character and appearance of the area contrary to government policy in PPS1, Policy BE1 of the Local Plan and Policies CH1 and DEV1 of the Structure Plan, all of which seek high quality design that respects its setting.

Living conditions

9. The hipped roof of the proposed bungalow would be visible above the fences from the gardens of the neighbouring properties. Whilst the introduction of a building adjacent to part of the rear garden of no. 22 would be a new and incongruous feature, its height and the lack of windows in three elevations would not result in any overlooking. It would not give rise to overshadowing of the garden given its position to the north. In my view it would not appear overbearing or significantly affect the outlook from the habitable rooms of 22 Durrington Lane, particularly given the distances between the buildings.

10. The front elevation of the proposed dwelling would be marginally in front of the existing disused garage at no. 24. However, I consider that this would not adversely affect the outlook from the habitable rooms at the front of 75

Muirfield Road. The access to the garage of this house runs between the common boundary and a flank wall in which there is a landing window at first floor level. As there are no habitable rooms looking directly towards the proposed dwelling I consider that there would be no adverse effects for the occupants.

11. For these reasons I conclude that the proposed bungalow would not be harmful to the living conditions of the occupants of the neighbouring properties and in this respect would comply with the requirements of government policy as set out in PPS1 and Policy H18 of the Local Plan.

Conclusions

12. Government policy is to encourage the efficient use of previously-developed land in urban areas provided that this is not taking place at the expense of the local environment. However, in this case I have found that the proposed bungalow would result in harm to the character and appearance of the area and I consider that this outweighs the lack of harm that I have found to the living conditions of neighbours. On balance I therefore conclude that the benefits that would accrue from the provision of an additional dwelling would not outweigh the harm I have identified to the character and appearance of the area and for this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
Inspector

BOROUGH COUNCIL

APPEAL: ~~ALLOWED~~ / DISMISSED
DOE LETTER DATED: 9.4.08

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Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/07/0937/FULL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT PROCEDURE ORDER 1995

Enhance Developments Ltd
73 New Road
Worthing
West Sussex
Bn13 3JP

PROPOSAL: Demolition of existing garage and erection of detached bungalow with access onto Muirfield Road.

LOCATION : Land east of 24 Durrington Lane Worthing

DATE REGISTERED 6th August 2007

APPLICANT : Enhance Developments Ltd

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in Design and Access statement and Drawing Nos. 5002-01 and 5002-02, which accompanied the application, or as subsequently amended prior to consideration, is to

REFUSE PERMISSION for the reason(s) that:-

1. The proposal would by reason of its siting, design, bulk, scale and small plot appear cramped and contrived and visually anomalous and obtrusive in the townscape. It would relate poorly to the neighbouring residential properties, appearing overbearing, and harming outlook, to the detriment of the living conditions of residential occupiers. As such, it amounts to over development and conflicts with Local Plan policies H2, H9, H18, BE1and BE2 of Worthing Local Plan and polices CH1 and DEV1 of West Sussex Structure Plan.

Dated : 24th September 2007

Assistant Director (Planning Services)

INFORMATIVES

This information is only intended as a summary of the reasons for refusal of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.

Note: Your attention is drawn to the notes and advice overleaf.