Rez

Appeal Decision

Site visit made on 6 May 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:
29 May 2008

Appeal Ref: APP/M3835/A/08/2065367
Land at the rear of 68 Poulters Lane, Worthing BN14 7SZ

- 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 Chelseavale Ltd against the decision of Worthing Borough Council.
- The application Ref WB/07/0936/FULL, dated 20 July 2007, was refused by notice dated 8 October 2007.
- The development proposed is the erection of a new single storey, 2 bed chalet bungalow.

Procedural matter

1. Local residents refer to issues relating to rights of access over the drive to the property. Whilst I acknowledge that this may have implications for implementation were this appeal to succeed, I have made my decision only on the planning merits of the case.

Decision

2. I dismiss the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:

   [a] the character and appearance of the area;

   [b] the living conditions of future occupiers of the new dwelling and the occupants of the flatted accommodation at 68 Poulters Lane in respect of outlook, overlooking, privacy and noise disturbance.

Reasons

Character and appearance

4. The appeal site is located to the rear of No 68, which is a substantial inter-war building recently altered and converted to form seven self-contained flats. Poulters Lane is characterised by large detached houses set well back from the road within generously proportioned plots. No 68 and its plot were originally significantly larger than the neighbouring dwellings. However, the plot was divided in 1994 when permission was granted for a bungalow in part of the rear garden, access to which was shared with the main house. The recently

completed conversion has incorporated a new access and the driveway on the western side of the plot now only serves the bungalow at No 68c. A block of flats accessed from Offington Lane occupies a site to the rear of the houses which front Poulters Lane. It is the only such building in the area.

5. The proposal is to construct a two-bedroom bungalow within the residual rear garden of No 68 in the area between the garden now serving the flats and the boundary with No 68c.

6. In this context the new dwelling would bear no relationship in size or scale to the adjoining properties and would appear squeezed in between the large building which is now flats and the adjacent bungalow to the rear. Its position, within 1m of the boundaries of No 68c and No 66, would reinforce this cramped appearance. The absence of a rear garden, the location of the proposed amenity space to the side and the limited space at the front of the building, much of which would be used for turning and parking a vehicle, would fail to respect the surrounding area where the majority of the houses are characterised by having front and rear gardens and are set in spacious plots.

7. I also consider that the design of the proposed bungalow would fail to respect the features of the surrounding area. Its overall shape with blank walls, restricted window positions and absence of features which complement neighbouring buildings serve to emphasise its contrived nature. Government guidance places emphasis on the importance of good design which respects its context and improves the quality of the area. In my view this proposal would not achieve either of these objectives and would be out of character with the surrounding buildings. Furthermore, I am not persuaded that any apparent lack of requirement for the flats to use the proposed site as amenity space, or the lack of visibility of the proposed new dwelling from the public highway is a reason to set aside the harm that I have identified.

8. For these reasons I conclude that the proposed development would be harmful to the character and appearance of the area contrary to government guidance set out in Planning Policy Statements 1: *Delivering Sustainable Development* (PPS1) and 3: *Housing* (PPS3) and "saved" Policies BE1 and H18 of the Worthing Local Plan and DEV1 and CH1 of the West Sussex Structure Plan. All these policies seek to support high quality design that respects its setting.

Living conditions

9. The rear elevation of the flats at No 68 is an extensive façade containing two large windows at first floor level and a number of smaller ones. In my view the bulk of the existing building would have an overwhelming visual impact on the proposed property, dominating the outlook from the south facing living room windows. In addition, there would be opportunities for direct overlooking from first floor rear facing windows to the flats at No 68. This would result in a significant lack of privacy for future occupiers in relation to use of the living room at the proposed dwelling. This would be particularly noticeable given that the French doors in this elevation are the only outlook from the main living and kitchen area of the bungalow. It would also affect their use of the proposed amenity space. This impact would be exacerbated by the siting of this space, immediately to the north of No 68, which would mean that it would be overshadowed for much of the day.

10. The proximity of the proposed bungalow to the flats at No 68 would result in separation distances of less than 10m between habitable rooms. Whilst overlooking at ground floor could be mitigated with fencing, part of the side garden of the bungalow would be directly adjacent to a ground floor bedroom window of one of the flats, which could lead to disturbance of the occupants. Similarly, the movement of vehicles at the entrance to the site and in front of the proposed bungalow could give rise to disturbance for occupiers of another of the ground floor flats.

11. For these reasons I conclude that living conditions for future occupiers of the proposed bungalow would be unsatisfactory in relation to outlook and privacy. In addition, the development proposed would be likely to be harmful to the living conditions of occupiers of the flatted accommodation at No 68 by reason of noise and disturbance. It would therefore be in conflict with Policy H18 of the Local Plan which seeks to protect living conditions of occupiers and neighbours.

Other matters

12. I note that neighbours have made representations about the cramped nature of the development and the associated access arrangements, its proximity to No 68c, the importance of adequate boundary screening and the adverse effects of the new dwelling on occupants of the flats arising from the reduction of the amenity space. Whilst not determinative in this case, these concerns add weight to my conclusions that the proposal before me is unacceptable.

Conclusions

13. 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. In this case I have concluded that the proposed bungalow would result in harm to the character and appearance of the area, give rise to unsatisfactory living conditions for future occupants and be harmful to the living conditions of occupiers of the flats at No 68. In my view the benefits that would accrue from the provision of an additional dwelling would not outweigh the harm I have identified. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
Inspector