BL. Ly

Appeal Decision

Site visit made on 5 August 2008

by Elizabeth Fieldhouse DipTP DipUD MRTPI

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

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Decision date:
14 August 2008

Appeal Ref: APP/M3835/A/08/2070474
2 Hastings Road, Worthing, West Sussex BN11 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs June Law against the decision of Worthing Borough Council.
- The application Ref WB/07/0927/OUT, dated 20 July 2007, was refused by notice dated 2 October 2007.
- The development proposed is demolition of dwelling house and erection of 13 flats with basement parking.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this appeal are the effect of the proposed development on the character and appearance of the area, the effect on neighbouring occupier's amenities and whether use of the proposed vehicular access would be harmful to conditions of highway safety.

Reasons

Character and appearance

3. The appeal site is at the corner of Hythe Road and Hastings Road and is currently developed with a substantial detached house. The proposal would replace the dwelling by a two storey block above semi basement car parking that would span the width of the wedge shaped plot along a notional building line between the rear of 4/4A Hastings Road and 28 Hythe Road. Towards the sides of the rear block, two-storey blocks would project to notional building lines for Hastings Road and Hythe Road. They would be sited about 1m from the neighbouring boundaries and occupy the area up to the spread of a Tulip Tree covered by Tree Preservation Order No. 3 of 2005 (TPO). The triangular space between the linked flat blocks would be a glazed atrium. The site would effectively be developed for a little more than the full depth of the neighbouring property and garage at 4/4A Hastings Road and for the full depth plus about 7m forward of 28 Hythe Road. Parking is proposed in the lower ground floor to the rear block with the sketch section looking north showing the parking level half below ground level making the rear block effectively two and a half storeys below the roof.

4. I saw that neighbouring properties and much of the vicinity are two storey dwellings although several had an additional floor within the roof and/or had been converted into flats. There are blocks of flats in the area some of which were part of the formal 1930s development around the bowling green in Winchelsea Gardens. Flats are developed on the opposite side of the Hastings Road but those at the Hastings Road/Hythe Road junction are two storey. Higher blocks of flats are found in the roads that lead directly to West Parade, but I do not find these are observed directly with the appeal property which I found to be in an area of mainly two storey development. The proposal would be at a density of 76.4 dwellings per hectare (dph) which is significantly higher than the minimum density of 30 dph given in Planning Policy Statement 3 (PPS3) for efficient use of land and higher than the density of immediate surrounding development. PPS3 advises that good design is fundamental to using land efficiently, but this should be without compromising the quality of the local environment.

5. The Tulip Tree, a Sycamore in the south east corner and two Monterey Cypress trees on the Hasting Road frontage are covered by the TPO. I note that the appellants' arboricultural survey identifies the Sycamore trees as Plane trees and fails to identify the preserved Monterey Cypress trees or Sycamore tree. The appellant suggests that the removal of species in the area of the Tulip Tree would allow greater space for the tree to recover from die-back. Nevertheless, in view of the species identification in the arboricultural survey, the number of trees the survey indicates should be removed and the failure to identify some of the trees covered by the TPO, I attach limited weight to the survey. The appellant states that 'the street scene would remain little changed, being screened by trees to the south and east boundaries'. I acknowledge that the site is of sufficient size for some of the trees, including the preserved trees, around the road frontages to be retained, but the survey indicates that many of the frontage trees would be removed. In my opinion, therefore the street scene would change although views of suitable development need not be harmful.

6. The proposal would make for efficient use of land. Nevertheless, by reason of its massing both in terms of footprint and height, I consider that the proposed development would harmfully dominate the neighbouring properties particularly 28 Hythe Road that is a chalet style dwelling set close to the mutual boundary. I consider that the scale, massing and bulk of the proposal would be unacceptably detrimental to the character of the area and it has not been demonstrated that a development of the density proposed could be accommodated without compromising the quality of the local environment. I consider that all the provisions of policies DEV1 and CH1 of the West Sussex Structure Plan 2001-2016 and policy BE1 of Worthing Local Plan 2003 (LP) would not be met. For these reasons, I conclude that the appeal should fail.

Neighbouring occupiers' amenities

7. The proposal would provide for 13 one/two bedroom units of around 67sqm each. There is no indicative layout for any of the flats but many could only have habitable room windows facing over the atrium or towards the rear garden or road frontages. Although the flats would not face each other directly over the atrium there would be limited distance between the inward faces of the blocks with the potential overlooking of the other flats, harmful to

prospective residents' amenities. Due to the juxtaposition of gardens, the flats that would face the rear curtilage would also over look the rear gardens of the neighbouring properties particularly from the upper floor. In the absence of indicative layouts, I have to conclude that apart from the overbearing visual impact of the bulk of the proposed development on the outlook from neighbouring properties/curtilage, the proposal could result in a loss of privacy as a result of overlooking. The provisions of LP policy H18 would therefore not be met and this adds to the harm I have already found.

Highway safety

8. Access would be via the existing drive which I saw had good visibility to the north but visibility towards the Hastings Road junction was obstructed by the wall and planting within the appellant's control. I acknowledge that the visibility could therefore be improved but no improvements are proposed apart from the indication that a passing bay would be provided between the back of the footway and the entrance to the lower ground floor car parking. The appellant states that off street parking would be equal or in excess of the Council's requirements. The access may have been used in the past without any known problems by three or four cars regularly but the proposal would provide the secure parking for 13 units and possible visitor parking. On the information provided, it has not been demonstrated that safe and adequate access can be provided and therefore I consider that all the provisions of LP policy TR9 would not be met.

Elizabeth Fieldhouse

INSPECTOR