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Appeal Decision

Site visit made on 3 January 2007

by S J Emerson BSc DipTP MRTPI

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

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Date: 18 January 2007

Appeal Ref: APP/M3835/A/06/2020273
37-39 Chesswood Road, Worthing BN11 2AA.

- 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 Mr S Gamble against the decision of Worthing Borough Council.
- The application Ref WB/05/1215/OUT, dated 31 October 2005, was refused by notice dated 5 January 2006.
- The development proposed is redevelopment for 12 no 2 bedroom flats with parking and cycle store.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The application is in outline with all matters reserved for subsequent approval. The application was accompanied by a plan showing the layout and elevations for 12, two bedroom flats. This is marked "supporting information only" and thus I have had regard to this only as one possible way in which the proposal might be implemented.

2. At the site visit, I saw that the application plan submitted to the Council did not include all of the rear gardens of the houses within the application site. The rear-most third was outlined in blue as land also within the appellant's ownership. There is planning permission for a bungalow on this rear-most third of the plots which the appellant indicates would proceed together with the proposed redevelopment. The bungalow is included within the illustrative layout for the whole site. I have determined the appeal on the basis of the application site shown on the plan submitted to the Council.

Main Issues

3. I consider that there are four main issues:
   (a) the principle of redevelopment for flats;
   (b) the effect on the character and appearance of the area;
   (c) the effect on the living conditions of adjoining occupiers;
   (d) whether adequate provision has been made for supporting infrastructure.

Planning Policy

4. The development plan includes the Worthing Local Plan 2003.

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Reasons

Principle of redevelopment

5. The Council do not specifically oppose the principle of redevelopment, although this is an objection raised by local residents. Nos 37-39 are a pair of late Victorian semi-detached villas. They have a pleasant, attractive appearance and sit comfortably in the street scene, but in my view they are otherwise unremarkable. They are not statutorily or locally listed and are not within a conservation area. Whilst the predominant character of the surrounding area is Victorian, there is no consistent pattern to the size, design or materials of nearby properties and the 2 buildings to the east of the site are more recent. There is no reason why a suitably designed replacement building would not complement the character of the area.

6. The site is fairly centrally located within Worthing and thus is in a location where national and local policy encourages a more efficient use of land. Local residents express concern about the loss of larger family dwellings, but I have seen no evidence to indicate that there is a need to retain such properties.

7. Overall, I conclude that there is no objection to the principle of redevelopment of the site for flats and that redevelopment is supported by policy.

Character and appearance

8. The design of the new building would be matter for subsequent approval if I were to allow the appeal, but I need to be satisfied that it is possible for 12, two bedroom flats to be accommodated on the site without harm to the character and appearance of the area.

9. It is clear from the illustrative material that 12, two bedroom flats could only be accommodated with 3 floors of accommodation. In terms of the maximum height of the development within the street scene I see no objection in principle to a building 3 storeys high. The illustrative elevation shows that the height of such a building would lie between the taller Victorian villas to the west and the lower more conventional house to the east. In my view this would be an acceptable relationship. But I have doubts as to whether such a height across the frontage would produce an acceptable overall *design*.

10. The Council make some detailed design criticisms of the illustrative proposal, I do not need to address these specifically, but agree that the illustrative design is rather bland and monolithic and that a high quality design, sensitive to its setting is required. The acceptability of 3 storeys of accommodation across the frontage of the site would depend on the overall design approach. Incorporation of part of the 2nd floor accommodation within the roofspace may be necessary to achieve an acceptable solution. This approach is suggested by the appellant as an alternative to that shown on the illustrative plan. The appellant refers to a plan included with the appeal representations for 8 flats on 2 floors and 2 flats in the roof space which, in his view, demonstrates that with some modification 12 flats could be accommodated. But the plans attached to the appellant's representations show various front elevations rather than a layout of flats. I do not have the evidence to be satisfied that 12, two bedroom flats could be achieved if, for design reasons, some of the flats were within the roof space. I therefore cannot be satisfied that the requirements of local plan policy BE1 could be met at the detailed stage.

Living conditions of adjoining residents

11. The illustrative plan shows the windows of the kitchen and 2nd bedroom of 6 flats facing the side boundaries (3 such flats on each side). I am concerned that that there would be a considerable degree of overlooking from any such windows on the 2nd floor into the rear garden of No 41. I cannot envisage an alternative layout for 12, two bedroom flats which avoided such a relationship. I am satisfied, however, that a rear wing of the projection shown would not be overbearing in the outlook from the garden of No 41.

12. On the opposite side of the site, the adjoining building (No 35) is set back behind the front of the appeal property and is much deeper. Any side windows in the new building would be facing the side elevation of No 35 and its drive, rather than its garden. There would be some inter-visibility between any side windows in the new building and those in the side of No 35. There is one 2nd floor bedroom window which would be directly opposite the kitchen and 2nd bedroom windows shown in the illustrative scheme. The illustrative building is, however, considerably further from the side boundary than is No 35. In my view, the close proximity of the bedroom window in No 35 should not preclude the type of layout shown on the illustrative plan. Some loss of privacy to the room served by this window is a reasonable given that it is close to the boundary.

13. Overall, I cannot be satisfied that 12, two bedroom flats could be accommodated on the site without harm to the living conditions of the occupiers of No 41. I thus cannot be satisfied that the requirements of local plan policy H18 could be met at the detailed stage.

Infrastructure

14. The Council consider that financial contributions are required from the developer to support local transport, outdoor recreation and educational facilities. The appellant does not dispute the principle of making such contributions or the amounts now requested by the Council, but states that as specific sums have never previously been requested from the appellant, there was not the opportunity to prepare a planning obligation. The appellant considers that the matter could be adequately addressed by a Grampian type condition.

15. At the application stage, the County Council clearly explained the lack of spare capacity at the local first and middle schools and how a financial contribution based on the expected pupil yield of the development had been derived. In the light of this evidence I am satisfied that the development should contribute to the provision of additional school accommodation. For all practical purposes, I cannot envisage how this could be achieved other than by a financial contribution to the County Council as education authority.

16. At the application stage, the Highway Authority raised no objection to the 9 parking spaces indicated in the illustrative layout, but requested a "TAD development contribution of £8,160". No explanation has been provided as to what this is for or how this sum has been calculated. The Council has enclosed its *Parking Standards and Transport Contributions* Supplementary Planning Guidance (SPG) 2005 which sets out a methodology for calculating TAD (Total Access Demand). But in the absence of any explanation, I do not understand how the TAD analysis should apply to the appeal proposal. Given this lack of evidence, I would not be justified in dismissing the appeal in the absence of this transport contribution. I consider that given the location well within the urban area, the suggested 9 on site spaces would be about the right level of provision.