sk. R6

Appeal Decision

Hearing held on 14 October 2008
Site visit made on 14 October 2008

by S J Emerson BSc DipTP MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date: 20 October 2008

Appeal Ref: APP/M3835/A/08/2069182
203 Brighton Road, Worthing BN11 2HA.

- 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 Lifetime Homes Ltd against the decision of Worthing Borough Council.
- The application Ref WB/07/1524/FULL, dated 10 December 2007, was refused by notice dated 12 February 2008.
- The development proposed is the demolition of the existing house and the erection of 4 no 2 bed and 1 no 3 bed apartments.

Decision

1. I allow the appeal, and grant planning permission for the demolition of the existing house and the erection of 4 no 2 bed and 1 no 3 bed apartments at 203 Brighton Road, Worthing in accordance with the terms of the application, Ref WB/07/1524/FULL, dated 10 December 2007, and the plans submitted with it (drawings 07032-01, -05, -06, -10, -11, -12, -20, -21, -22, -23,) subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) No development shall take place until details of surface water drainage, including suitable sustainable urban drainage measures, have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the occupation of any of the dwellings and thereafter managed and maintained in accordance with the approved details.

   3) Notwithstanding what is shown on the approved plans, no development shall take place until revised details for the siting and design of a bin store, cycle store and 6 parking spaces have been submitted to and approved in writing by the local planning authority. The bin store, cycle store and the 6 parking spaces and access thereto shall be implemented in accordance with the approved revised details prior to the occupation of any of the dwellings and thereafter retained for their specified purpose.

   4) No development shall take place until details of the alterations to and closure of the gaps in the boundary wall to Brighton Road and Navarino Road, including the design of railings either side of the access to provide pedestrian visibility splays, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the boundary wall and railings shall thereafter be retained as approved.

5) No development shall take place until details of the materials to be used in the construction of the external surfaces of the apartment building hereby permitted and the bin store and the surfacing of the car park have been submitted to and approved in writing by the local planning authority. These details shall include the design of the windows, doors, rainwater goods and glazing to the balconies, including all final finishes and colours. Development shall be carried out in accordance with the approved details.

6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include the retention of the boundary hedge to Navarino Road and Brighton Road (other than where required to be removed for the access) and the infilling of gaps in this hedge.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

8) No development shall take place until details of the finished ground floor level of the building and measures to mitigate the effect of any flooding within the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

9) No development (including demolition) shall take place until details of measures for the suppression of dust during the demolition of the building have been submitted to and approved in writing by the local planning authority. Demolition shall be carried out in accordance with the approved measures.

10) No external construction work, including works of demolition, shall take place other than between 07.30 and 18.00 Mondays to Fridays and 07.30 -13.00 on Saturdays. No external construction work shall take place on Sundays and Bank Holidays.

11) None of the dwellings hereby permitted shall be occupied until the boundary fence shown on drawing 07032-23 alongside 205 Brighton Road has been erected. The fence shall thereafter be retained.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no satellite aerial, dish, or TV or radio aerial shall be installed on the exterior of the building other than in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Main issue

2. There is no objection to the redevelopment of this urban site at a higher density. The main issue is the effect on the character and appearance of the

area, including the setting of the adjoining listed buildings (205-211 Brighton Road).

Reasons

3. Brighton Road is the A259 coast road on the east side of Worthing. The appeal site is at the corner of Brighton Road and Navarino Road, which is a residential side road. On the other side of Brighton Road is the beach. Navarino Road and Brighton Road to the west of the appeal site are characterised by 2 storey terraces dating from the late Victorian/Edwardian period. Some of these groups of terraces are embellished with decorative details.

4. Immediately to the east of the appeal site, 205-211 Brighton Road form a listed terrace of 4 town houses with first floor iron balconies, supported on slender iron columns. The 2 houses closest to the appeal site have 2nd floor accommodation within a mansard roof, but there is a raised pediment above the 2 right hand houses suggesting an original intention of completing a symmetrical front by building 2 further house on the terrace to the east. Although dating from 1904, the terrace has a Regency character to its front elevation. The terrace is not straight, as the eastern-most 2 dwellings are at an angle, reflecting the curve in Brighton Road. The flank wall of the terrace facing the appeal site is bland and the design clearly envisaged that there would be a building close to it. Beyond this listed terrace are 2 storey 1930s style dwellings.

5. The existing building on the appeal site is a substantial house with 2nd floor accommodation partly in the roof space. The house has its principal elevation facing Brighton Road and the side elevation to Navarino Road is rather bland. The front elevation appears to have been altered since first built, with a full width enclosed sun room across the front elevation which makes the building appear ungainly. It is agreed that the building is of no architectural merit. Although probably contemporary with adjoining buildings it does not strongly reflect the Edwardian style.

6. The proposed building would have 3 floors of accommodation, with the top floor set back under an oversailing flat roof. The design is modern with proposed elevations of steel framed windows and white painted, rendered walls. The access and parking would be to the rear, served from Navarino Road. The proposed building has been designed to exploit its location overlooking the beach with large corner balconies and a terrace around 3 sides of the 2nd floor apartment.

7. The Council makes no criticism of the scale, height or siting of the building or of its intrinsic design qualities. The nub of the Council's concern is that the contemporary design would appear *loud, alien and obtrusive and compete with the listed terrace for attention*. The building would respect the consistent building lines along both Navarino Road and this part of Brighton Road. The existing roadside boundary consisting of a white painted low wall and hedge behind would largely be retained, giving the building the benefit of an established setting in the street scene. The appeal site occupies a relatively prominent and important point along Brighton Road because, when approaching from the west, the curve in Brighton Road means that frontage development beyond 205/207 Brighton Road is hidden from view. The

proposed building successfully addresses its corner location with the Brighton Road and Navarino Road frontages treated with a similar level of detail and animation.

8. In my view, the scale and proportions of the proposed building respect those of the adjoining terrace without seeking to compete with its detail and ornamentation. The flat roof of the proposed building would align with the top of the mansard of the listed terrace, which has a conventional pitched roof above the mansard and so would be higher than the proposed building. The set back of the 2nd floor would reduce the bulk of the proposed building in comparison with the adjoining terrace. The top of the proposed front wall would align with that of the listed houses. The proportions of the windows, with taller windows on the first floor than the ground floor, reflect the pattern of fenestration in the terrace. The simple style of the proposed front elevation with its flat wall of white painted render and flush windows would not compete with the decorative detail of the adjoining terrace, but complement the terrace by providing continuity of frontage development of appropriate scale and proportions.

9. From the above assessment, I consider that the building represents good modern design. It would sit comfortably on its plot and respect and enhance the setting of the adjoining listed building. Its modern design would be noticeably different from that of the Victorian/Edwardian style of Navarino Road and Brighton Road to the west. In my view, this difference would be a positive one which would add interest to the seafront location. Because the scale and siting is well mannered and the elevational treatment is restrained, the difference in architectural style would not make the building *loud* or *alien* as the Council fear.

10. A previous scheme for 5 apartments on the site, the design of which reflected elements of the Edwardian style, was dismissed on appeal in March 2007 because it was unacceptably imposing on the setting of the adjoining listed buildings and too dominant in the street scene. The building now proposed would be lower, less bulky and have a much simpler appearance. It not only avoids the harmful impact of the previous scheme, but would represent a significant improvement compared with the existing building on the site.

11. My assessment is consistent with that made by the Director of Planning in recommending to the Council that planning permission be granted for the development. His report commented: *The contemporary architectural style of the new block breaks with fussiness and ornate retro style of the* (previous) *appeal scheme. It is acceptable in this seaside location, despite the contrasts with the prevailing Victorian/Edwardian vernacular because of its quality, particularly its simplicity and crispness and echoes of the art deco modernist style. It will also enhance the seafront.*

12. I conclude on the main issue that the proposal would not harm, but enhance the character and appearance of the area and improve the setting of the adjoining listed terrace. There is no conflict with policies BE1 (design) and CT3 (seafront) of the Worthing Local Plan 2003 or with policies DEV1 (design) and CH5 (listed buildings) of the West Sussex Structure Plan 2005.

Other matters

13. The Council and the adjoining neighbour in Navarino Road are concerned about the siting of the bin store in the rear corner of the site adjoining the boundary with 2 Navarino Road. The bin store would be about 2.4m high and taller than the existing substantial fence in this corner. Facing this boundary at close quarters is the kitchen window of No 2. I consider that the store would have an overbearing impact on the outlook from the kitchen. Alternative sites for the bin store were discussed at the hearing. It was agreed that the store, possibly reduced in size, could be sited alongside the blank gable wall of the main part of No 2, with a parking space moved to where the bin store is currently proposed. The use of the rear corner for parking would require the relocation of the cycle store, but it was agreed that this could be more beneficially sited alongside the pedestrian entrance to the building where it would largely be hidden from public view. This rearrangement can be achieved by a condition.

14. The Council also has some concerns about the potential for overlooking from the rear deck of the 2nd floor apartment across to the windows in the rear wing of 2 Navarino Road. But in my view, there would not be a harmful degree of overlooking. Any such overlooking would be similar to that which already occurs from the rear bedroom windows in 205-211 Brighton Road and, given the extensive area of outside terrace which the occupiers of the top apartment would enjoy (with sea views to the front and side), outside activity would not be concentrated in the rear corner of the terrace closest to No 2.

Conditions

15. The Council's long list of suggested conditions was discussed in detail at the hearing. I have considered the need for conditions in the light of the advice in Circular 11/95. The clean unfussy appearance of the building shown in the design does require attention to detail to ensure a seamless appearance between the different elements. Accordingly, details not only of the main external materials, but also of prominent features of the building including the windows and doors, glazing to the balconies and rainwater goods should be approved by the Council. These materials need to be approved at the same time, prior to construction, to ensure compatibility. The appearance of the building could easily be marred by individual occupiers installing satellite dishes/TV aerials and accordingly permitted developments rights for such installations should be removed.

16. In the interests of highway safety, 6 parking spaces should be provided on site and to encourage alternative means of transport the cycle store should also be provided. The bin store is required in the interests of visual amenity. Because the revised locations of these elements are interrelated, I have covered these matters by a single condition. Also in the interests of highway safety, pedestrian visibility splays are required either side of the new access. These are shown on the application drawing as railings along the frontage, but design details are required. In the interest of visual amenity, gaps in the boundary wall which would no longer be required for access should be filled-in with matching walling. Also in the interests of visual amenity, the gaps in the frontage hedge should be planted up with additional tree planting alongside the building.

17. In the interests of the amenity of adjoining residents, the hours that external construction work takes place should be limited to the normal working day and measures approved for the suppression of dust during demolition. The latter would minimise the potential for nuisance, whereas other legislation applying to such works is generally enforceable only when a harmful impact has occurred. Given the long road frontages on 2 sides of the site and the space within the site around the proposed building, I consider that there would be no particular difficulties in unloading materials and in accommodating a contractor's compound and storage within the site. I thus see no need to require further details of arrangements during construction.

18. Details of surface water drainage have been requested by the Borough Engineer and Environment Agency and are required, in part, to prevent pollution of ground water. The proximity of the beach means that in extreme weather the area can be affected by overtopping waves. To minimise the potential effect of flooding, the design of the building has incorporated an increase of 0.3m in the ground floor level compared with the existing building as recommended by the Environment Agency, but this needs to be confirmed by further detail. Measures to mitigate the effect of flooding within the building should also be approved.

19. The Council suggest a condition requiring details of measures to protect occupiers from traffic noise (as recommended by the Council's Environmental Health Officer). There is no evidence to indicate that occupiers would be subject to unacceptable noise levels. Although the Brighton Road is a busy main road, traffic speeds are low, the proposed building would be set back from the road frontage and there are no buildings opposite to reflect sound towards the site. I consider that there is insufficient basis to impose the condition which would be likely to require the appellant to commission a professional noise assessment even to demonstrate that no special construction measures were required. The Council also suggest a wide ranging condition requiring details of sustainability and energy efficiency measures. This does not stipulate that the building should achieve any particular recognised standard and there is no evidence-based development plan policy to require any particular standard. I consider that the condition is unacceptably vague. The applicant has not yet established what level of energy efficiency is possible and I see no particular planning reason to require a standard above those required by the current Building Regulations.

Simon Emerson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr S Bennett RIBA	Crescent Designs, Worthing.
Mr T Neale	Director, Lifetime Homes.

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Devonport	Principal Planning Officer, Worthing Borough Council.

INTERESTED PERSONS:

Cllr J Doyle	Ward Councillor, 80 Cranleigh Road, Worthing.
Mrs J Chappell	2 Navarino Road, Worthing BN11 2NF.

PHOTOGRAPHS

1 Bundle of photographs of modern developments along the West Sussex Coast, submitted by the appellant.