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Appeal Decision

Hearing held on 24 June 2009
Site visit made on 24 June 2009

by G M Hollington MA, BPhil, MRTPI

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

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Decision date: 8 July 2009

Appeal Ref: APP/M3835/A/09/2094577
1A Hillview Rise, Findon Valley, Worthing, West Sussex, BN14 0BT

- 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 Miss Kathryn Welch against the decision of Worthing Borough Council.
- The application Ref. WB/08/0508/FULL, dated 13 May 2008, was refused by notice dated 21 July 2008.
- The development proposed is demolition of existing garage and replacement with a two storey 1 x bed dwelling with associated amenity space and parking.

Decision

1. I allow the appeal, and grant planning permission for demolition of existing garage and replacement with a two storey 1 x bed dwelling with associated amenity space and parking at 1A Hillview Rise, Findon Valley, Worthing, West Sussex, BN14 0BT in accordance with the terms of the application, Ref. WB/08/0508/FULL, dated 13 May 2008, and the plans submitted with it, subject to the following conditions:

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

   2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

   3) No development shall take place until there have been submitted to and approved in writing by the local planning authority details of the screen walls and/or fencing to the site boundaries. The boundary treatment shall be completed before the dwelling is occupied and it shall be retained thereafter. Development shall be carried out in accordance with the approved details.

   4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the building shall not be extended or altered in any way.

   5) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays.

6) The first floor dormer window in the east side elevation of the dwelling shall be fitted with obscure glazing and non-opening and be permanently retained in that condition thereafter.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows or other openings other than those expressly authorised by this permission shall be constructed in the elevations or the roof slopes of the dwelling.

8) No development shall take place until there have been submitted to and approved in writing by the local planning authority details of provision to be made within the site (or on other adjacent land within the applicant's control) of accommodation for all temporary contractor's buildings, plant and stacks of materials associated with the development. The provision shall be carried out in accordance with the approved details and retained for these purposes throughout the entire period of construction work on the site.

9) The dwelling shall not be occupied until car parking space has been laid out within the site in accordance with the approved plans. The space shall not be used for any other purpose and shall be permanently retained thereafter.

10) The dwelling shall not be occupied until bin storage and secure cycle storage to serve the dwelling have been provided within the curtilage of the site in accordance with further details to be submitted to and approved in writing by the local planning authority.

11) If, during development, any visible contaminated or odorous material (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified is found to be present at the site, then no further development shall be carried out (unless otherwise agreed in writing with the local planning authority) until it has been investigated by the developer. The local planning authority must be informed immediately of the nature and degree of contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the local planning authority for approval in writing before being implemented. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The recent publication of *The South East Plan – Regional Spatial Strategy for the South East of England* means that saved policies in the West Sussex Structure Plan 2001-2016 which had been extended by the Secretary of State are no longer in force.

Main Issues

3. I consider the main issues in this appeal to be the effects of the proposed development on:

(a) the character and appearance of the surrounding area; and

(b) the living conditions of the occupiers of Minim Rest and 115 Findon Road, with particular reference to visual impact, sunlight and privacy.

Reasons

(a) Character & Appearance

4. The existing double garage would be replaced by a chalet-style dwelling with a steeply pitched roof which would resemble the chalet-style houses along Hillview Road. It would differ markedly in appearance from the other dwellings fronting Hillview Rise, which comprise hipped-roof bungalows, but the junction with Hillview Road is close to the site and the end chalet-style houses of that road form part of the Hillview Rise street scene.

5. The proposed building would be seen as a self-contained dwelling rather than a garage ancillary to another dwelling, but I consider it would not be incongruous in the street scene. Its projection forward of the front elevation of 1 Hillview Rise would be so slight that it would not appear unduly prominent, its ridge continuing the progression of roof heights with the slope of the road.

6. I can understand the concerns about "overdevelopment" and a cramped appearance, as the proposed dwelling would occupy almost the entire width of the site. However, it seems to me spaces between dwellings and their side boundaries are not a strong feature of the area (they tend not to be readily apparent in long views along the street) and the proposed dwelling would be set between the drive alongside 1 Hillview Rise and the back garden of Minim Rest. The lack of any rear garden would not be obvious from the street and, while the restricted size of the front garden and parking space would be apparent, its modest depth would be similar to others nearby.

7. The front gardens of the bungalows along Hillview Rise are generally bordered by low walls or hedges, in contrast to the high wall proposed across about half the frontage of the appeal site. However, parts of the adjacent, lower end of Hillview Rise are bordered by tall fences along the sides of adjacent dwellings' back gardens and the proposed wall would be similar in height to the site's existing gates/pillars and the adjoining fence of Minim Rest. The wall would not, therefore, appear out of keeping with its surroundings.

8. I therefore conclude on this issue that the proposed development would not harm the character and appearance of the surrounding area. It would accord with the aims of policy BE1 of the Worthing Local Plan.

(b) Living Conditions

9. The proposed dwelling would abut the end of the garden of Minim Rest, which rises towards the site. Though of a similar footprint and siting to the existing building, the new structure would have a more steeply sloping roof, rising to a ridge about 1.4m higher than the existing. Both buildings are or would be dominant in the outlook from the house and garden but I consider the differences in roof shape, size and height would not be sufficient to have any significantly oppressive or overbearing effect.

10. The dwelling would also stand close to the side boundary of the rear part of the garden of 115 Findon Road, in a similarly relatively elevated position. The visual impact on the occupiers of this property would be somewhat less

because the proposed building would not be directly in front of the rear elevation of the bungalow, although it would be clearly visible.

11. Turning to the matter of sunlight, the rear elevation of Minim Rest faces approximately south-west and its back garden is similarly aligned. The greater height and length of the proposed roof would cause some reduction in the amount of sunlight reaching this property, especially in winter. However, taking into account the position of the proposed dwelling and the heights of the roof of 1 Hillview Rise and the land on the west side of the valley, I would not expect the modest reduction in sunlight to be materially harmful. The effects on 115 Findon Road, on the south-east side of Minim Rest, would be less.

12. In relation to privacy, the proposed dwelling would have two openings in its roof slope facing the rear of Minim Rest: a rooflight above a light well to the kitchen and an obscurely glazed dormer window above the stairs. It is accepted that no actual overlooking of Minim Rest or 115 Findon Road could occur but there is concern about the perception of overlooking from windows so close to the boundary.

13. I can understand the neighbours' feeling of being overlooked (the existing rooflights of 1 Hillview Rise are further away) and acknowledge this is a genuine concern. Nevertheless, the residents are aware that no one could look out of the rooflight and I consider the opaque nature of the dormer window would be readily apparent and so any initial perception of overlooking would be overcome.

14. My conclusion on this issue, therefore, is that the proposed development would not result in unacceptable harm to the living conditions of the occupiers of Minim Rest and 115 Findon Road, with particular reference to visual impact, sunlight and privacy. It would not conflict with the aims of Local Plan policy H18.

Other Matters

15. In view of my conclusions on the main issues that the proposed development is acceptable, it is not material to my decision whether any harm is outweighed by a shortfall in housing provision or of affordable housing in Worthing, nor whether there is a commercial storage use which it would be beneficial to remove.

16. The proposal would make better use of previously developed land within a built-up area, as encouraged by, for example, *The South East Plan* and Planning Policy Statement 3: *Housing*, while also being appropriate to its context.

17. I have also taken into account all the other matters raised at the Hearing and in the written representations, including other concerns of local residents, but none is of such significance as to outweigh the considerations which have led to my conclusions on the main issues.

18. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. To avoid harm to the area's character and appearance, conditions regarding materials, walls/fencing, potential extensions and details of the bin store are appropriate. In the

interests of neighbouring resident's living conditions, it is necessary to impose conditions regarding construction hours, glazing and potential windows.

19. For highway safety or to promote alternatives to car travel, conditions are needed in respect of car parking, material/plant storage and cycle storage. As the garage has been used for work on cars, there is a possible slight risk of contamination and therefore a condition is necessary to address this. On the other hand, in the light of the existing garage on the site and the current lack of pedestrian visibility, I consider it unnecessary to require provision of pedestrian visibility splays.

20. Some minor re-wording of the suggested conditions is also necessary in order to clarify their wording and to reflect Circular advice, while not altering their aims.

G M Hollington

INSPECTOR

DOCUMENTS

Submitted by the appellant

1 Extracts from *The South East Plan*

Submitted by the local planning authority

2 Extract from *Worthing Borough Council Strategic Housing Land Availability Assessment – Stage 7 Site Assessment Final Report*

3 Extract from *West Sussex Strategic Housing Market Assessment – District Summaries: Worthing*

4 Suggested schedule of conditions

5 Policy CC6, *The South East Plan*