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Appeal Decision

Site visit made on 18 February 2009

by Elizabeth Mitchell MA DipTP DMS MRTPI

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

Decision date: 20 March 2009

Appeal Ref: APP/M3835/A/08/2091762
42 Salvington Road, Worthing BN13 2HN

- 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 MJH Developments Ltd against the decision of Worthing Borough Council.
- The application Ref WB/08/0536/FULL, dated 19 May 2008, was refused by notice dated 29 July 2008.
- The development proposed is 9 three bedroom dwellings with 2 triple garage blocks and associated parking with access from Roxburgh Close, and demolition of the existing bungalow.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are the impact of the development on the character and appearance of the area, and the effect on living conditions of adjoining occupiers particularly concerning overlooking, noise and disturbance.

Reasons

Character and appearance

3. The rectangular appeal site is located within a residential area and surrounded on four sides by established residential development. Its southern boundary is marked by the rear of semidetached properties in Salvington Road, to the east Roxburgh Close has linked and detached bungalows, the western boundary abuts the rear grounds of the 2 storey blocks of flats fronting Brecon Close and to the north there are the bungalows and 2 storey flats in Edgehill Close. The site is currently accessed via a narrow track running from Salvington Road and contains one modest and currently derelict dwelling in the south western corner.

4. There is, therefore, a mixture of dwelling types and designs in the immediate vicinity of the site including flats, detached and semidetached houses and bungalows. Access is to be obtained from Roxburgh Close and the development would be most visible from there, contributing significantly to the street scene.

5. Roxburgh Close is a cul de sac closed by the hedge and vegetation growing on the appeal site, and while any development on the site will inevitably be

accessed from there the proposal would change the character significantly by inserting high density 2 storey terracing contrasting strongly with the bungalows in Roxburgh Close. The access and parking arrangements to the front of the dwellings would, in my opinion, create a harsh and 'urban' environment in this essentially 'suburban' situation. I do not consider the landscaping proposed to be sufficient to mitigate this effect.

6. The relevant policies applying to this application include the national and local objective of ensuring effective and efficient use of land in urban areas and generally to achieve increasing residential densities. Planning Policy Statement 3 – Housing [PPS 3] promotes housing densities of greater than 30 dwellings per hectare [dpa] and that the density of existing development should not dictate that of new housing by stifling change or requiring replication of style or form. In general terms those objectives are supported by the Worthing Local Plan Policy BE1 and the West Sussex Structure Plan Policy CH1.

7. The site is sustainably located and most suitable for residential use and the applicable policies support that view. Indeed planning permission was granted in 2004 for residential development of 4 two storey detached chalet style bungalows also accessed from Roxburgh Close. If implemented that development would give rise to residential densities on site of approximately 20 dwellings per hectare. The proposal would increase the site's residential density to 46 dpa which is well in excess of the national indicative minimum of 30 dpa suggested in PPS 3.

8. While generally the spacing to the adjoining properties in Brecon Close, Edgehill Close and Salvington Road would not be unreasonable, the very close spacing and layout of the dwellings within the appeal site would be cramped, and when seen in the important context of Roxburgh Close, which has a more spacious layout, would be a prominent and unacceptably discordant feature harming the character and appearance of the area. I accept that the spacing of the buildings is not substantially different from the approved scheme, but because the size of the buildings is significantly greater, the overall bulk of the resulting built form is substantially different. The fact that there is a variety of dwelling types and residential densities in the area, including new flats in Half Moon Lane, does not justify this proposal in this specific location. In my view the benefits associated with making more efficient use of the land as promoted by PPS 3 would not justify the harm that would occur to the character and appearance of the area, particularly to the street scene in Roxburgh Close.

Living Conditions

9. I have considered whether the development would give rise to unacceptable levels of activity and specifically noise, disturbance and inconvenience. In my opinion the difference in activity levels in this relatively quiet area arising from 9 dwellings as compared to the 4 which already have permission would not be so significant as to predicate a refusal of the application on those grounds. Similarly I note that the closest relationship to existing dwellings is to the flats in Brecon Close and in my opinion the separation distances are adequate. I have also considered the effect on 50 Salvington Road but I have concluded that the impact of this proposal would not be significantly different from that which would be caused by the permitted scheme, and that the particular issue of overlooking could be mitigated by the imposition of a condition requiring

obscure glazing of bathroom windows. While in general terms I consider that the effect on the living conditions of immediately neighbouring properties is acceptable that does not, in my opinion, outweigh the other relevant matters.

10. In conclusion therefore I consider that the proposal is not in keeping with the character and appearance of its immediate vicinity particularly in its impact on Roxburgh Close and is therefore contrary to policies BE1 of the Worthing Local Plan and DEV1 of the West Sussex Structure Plan.

Elizabeth I Mitchell

INSPECTOR