St. Reg

Appeal Decision

Site visit made on 31 March 2009

by Elizabeth Mitchell MA DipTP DMS 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:
15 April 2009

Appeal Ref: APP/M3835/A/08/2092406
45-47 Brighton Road, Worthing BN11 3EF

- 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 Mr Peter Antill against the decision of Worthing Borough Council.
- The application Ref WB/08/0620/FULL, dated 4 June 2008, was refused by notice dated 4 September 2008.
- The development proposed is the erection of a 3 storey extension to provide 2 residential units.

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 on the living conditions of the occupiers of an adjacent property particularly with regard to overlooking and the outlook from the front of the dwelling.

Reasons

Character and appearance

3. The appeal property is situated on the corner of Wyke Avenue within the Steyne Gardens Conservation Area and near the boundary of the Warwick Gardens Conservation Area. It is of 3 storeys, having a commercial property to the front and residential flats above and to the rear. It is rendered and painted white in contrast to the properties in Wyke Avenue which are 2 storey semi-detached houses in brick. The design, scale and spacing of the buildings in Wyke Avenue make an important contribution to the character and appearance of that part of the Warwick Gardens Conservation Area.

4. The appeal property is separated from 1 Wyke Avenue by a lane about 3.5 metres wide, which gives access to the rear of the commercial properties in Brighton Road. The view into that lane from Wyke Avenue is of the metal rear staircases and fire escape routes, flues, single storey extensions and outbuildings typical of commercial buildings.

5. The proposal would provide 2 small dwellings in a rear extension. It would front onto Wyke Avenue and its effect on the street scene would be most significant from that aspect. Its design reflects that of the appeal property. It would provide a ground floor studio apartment with a separate shower room and on

the first and second floors a duplex unit with one living room, a bedroom and separate shower.

6. The extension would screen the rear of the commercial buildings. However, I find that its 3 floors would be intrusive, out of proportion and therefore over-dominant in comparison with its 2 storey neighbours in Wyke Avenue, in particular Nos 1 and 3. This effect would be exacerbated, in my view, by the extension's being forward of the general building line of the Wyke Avenue properties and by the narrowness of the lane. I recognise that the appeal building is already forward of that line but I consider that reducing the current gap would unacceptably harm the character and appearance of Wyke Avenue. The extension would thus neither preserve nor enhance the character and appearance of the Conservation Areas.

7. The proposed design is intended to reflect the appeal property but that would not, in my view, mitigate the unacceptably prominent effect of a 3 storey extension, forward of the predominant building line, on the character and appearance of Wyke Avenue. Neither would it overcome the conflict with Policies DEV1 and CH4 of the West Sussex Structure Plan and Policies BE1, H16 and H18 of the Worthing Local Plan (LP).

Living conditions

8. The ground floor side window of 1 Wyke Avenue is obscure glazed and privacy in that room would not be harmed. I note that No 1's front bay windows are less than 1 metre in depth, thus limiting views from that aspect. However, I consider that the bulk and projection of the proposal and its proximity to No 1 would result in an unacceptably overbearing and 'enclosed' appearance from the forward-facing aspect of those windows and that it would be unacceptably prominent when viewed from No 1's front garden. Although overlooking could be controlled by requiring obscure glazing in the elevation facing No 1, that would not overcome the overbearing effect of the proposal.

9. I therefore conclude on this issue that the extension would be contrary to LP policies BE1, H16 and H18 in that it would have an adverse effect on the living conditions of the occupiers of an adjacent property.

Other matters

10. I note that planning permission has been granted for one dwelling in a 2 storey rear extension, but consider that the additional effect of a third storey, albeit of similar design, would have unacceptable effects on the character and appearance of Wyke Avenue and the living conditions of adjacent occupiers.

11. I have also considered the requirement of national and local policies that effective use should be made of urban sites but in my opinion the creation of one small dwelling, additional to that for which planning permission has been granted, does not overcome the adverse effects of the proposal.

12. I therefore conclude that the appeal should fail.

Elizabeth I Mitchell

INSPECTOR