The Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2010

by P W Clark MA MRTPI MCMI

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

Decision date: 6 December 2010

Appeal Ref: APP/M3835/A/10/2127687
42 Salvington Road, Worthing, West Sussex 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 Property Developments Ltd against the decision of Worthing Borough Council.
- The application Ref WB/09/0951/FULL, dated 6 November 2009, was refused by notice dated 26 January 2010.
- The development proposed is demolition of an existing bungalow and the erection of 7№ three bedroom houses together with access, parking and garages.

Decision

1. I allow the appeal, and grant planning permission for demolition of an existing bungalow and the erection of 7№ three bedroom houses together with access, parking and garages at 42 Salvington Road, Worthing, West Sussex BN13 2HN in accordance with the terms of the application, Ref WB/09/0951/FULL, dated 6 November 2009, subject to the following conditions:

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

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 09/47/01A, 02A and 03A.

   3) No dwelling shall be occupied until; (a) the means of vehicular access has been constructed in accordance with the approved plans and; (b) space has been laid out within the site in accordance with the approved drawings for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The facilities so provided shall be kept available thereafter for their intended purpose.

   4) No development shall take place until full details of both hard and soft landscape works to communal parts have been submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

   5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the

dwellings are occupied. Development shall be carried out in accordance with the approved details.

6) No dwelling shall be occupied until surface water drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

7) No development shall take place until details of a programme of archaeological work in accordance with a written scheme of investigation have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

8) No development shall take place until a scheme to assess the nature and extent of any contamination on the site has been submitted to, and approved in writing by, the local planning authority. No development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved scheme to assess the nature and extent of any contamination has been carried out and, if contamination is identified, details of a remediation scheme (including monitoring if appropriate) to bring the site to a condition suitable for the intended use have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. If contamination is identified, no dwelling shall be occupied until a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out has been produced and approved in writing by the local planning authority.

9) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings 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.

10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

   i) the parking of vehicles of site operatives and visitors
   ii) loading and unloading of plant and materials
   iii) storage of plant and materials used in constructing the development
   iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
   v) wheel washing facilities
   vi) measures to control the emission of dust and dirt during construction
   vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

11) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and

Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority before development commences. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Procedural matter

2. The appeal is accompanied by a signed and dated unilateral undertaking providing for a payment of money towards the provision of sustainable transport. Information from West Sussex County Council confirms that this site is in a sustainable location benefiting from continuous pedestrian facilities, within 400m of bus services and lies within the recommended walking and cycling distances of a range of facilities and amenities.

3. Although the development would undoubtedly benefit from the transport schemes which have been identified by the County Council and the contribution has been calculated by reference to its Planning Obligations Supplementary Planning Document and so would be proportionate to the development, I am not convinced that any contribution is necessary to overcome any deficiency of infrastructure which would otherwise have required the appeal to be dismissed. In consequence, I am not satisfied that the undertaking meets the Community Infrastructure Levy regulations and so I have taken no account of it in reaching my decision.

Main Issue

4. The sole main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Although the postal address of the site is Salvington Road, access would be provided by an extension of Roxburgh Close which abuts the site. The narrow driveway from Salvington Road would not be used. To make this clear a condition specifies compliance with the approved plans. The immediate context for the development would be Roxburgh Close.

6. Roxburgh Close is a short cul-de-sac opening off of Cleveland Road. At its entrance is a wide highway verge, planted with a tree. The first few bungalows face each other at a distance of approximately 35m. They have open plan front gardens with no walls, fences or hedges. The entrance is therefore particularly spacious. The four bungalows at its end stand more forward, facing each other at a distance of about 26m, so the space narrows as one moves into the Close.

7. The layout of the proposal would continue this progressive narrowing of space, leaving about 17m between the houses on either side of the extended Close. Side to side spacing of the houses continuing the row of development on the south side of the Close would be comparable to, or greater than, the side to side spacing of the existing bungalows in the Close.

8. On the north side of the development, the proposed terrace of three houses would be turned at right angles. This is a not uncommon arrangement to accommodate a turning head and can be seen at the head of Brecon Close,

adjoining the site to the west. The flank to front or rear elevation spacing which would result is comparable to, or in excess of, flank to front or rear spacing found in the vicinity, for example at the junctions of Roxburgh Close and Edgehill Close with Cleveland Road, or around the turning head of Brecon Close.

9. In contrast to the scheme dismissed in a previous appeal (reference APP/M3835/A/08/2091762) the extent of hard surfacing proposed would be no more than the minimum necessary to accommodate a turning head and the quantity of car parking appropriate to the development. Front gardens are shown to be open plan, as in the rest of the Close. A condition can control boundary treatment. The scheme would thus avoid the creation of a harsh and urban environment. Instead, its spatial characteristics would be compatible with those of its surroundings, in the way sought by policy BE1 of the Worthing Local Plan.

10. The proposal would consist of two storey dwellings whereas Roxburgh Close and Cleveland Road comprise bungalows alone. However, there is a slight level change between Roxburgh Close and the site. A similar change in level occurs in Edgehill Close at the point where that road, formerly a cul-de-sac of bungalows like Roxburgh Close, has been extended into the two storey development which forms Brecon Close. The juxtaposition there of bungalows and two storey development demonstrates that the change in height is not incompatible with the established character of the area.

11. The proposal includes a short terrace of three dwellings. Most other properties in the vicinity are detached or semi-detached properties. But this part of the proposal would back onto a long terrace of flats in Brecon Close which presently closes the view (when not obscured by overgrown scrub) across the site from Roxburgh Close, so I am not convinced that it would be out of place.

12. The roof pitch, detailed design and suggested materials of the proposal would not match those of Roxburgh Close which reflect the fashion of its time. The proposal would reflect a vision of a Sussex vernacular, elements of which exist in the wider area, including Salvington Road. The materials finally chosen can be controlled by condition.

13. Paragraph 5.12 of the Worthing Local Plan advises that the degree to which local context should influence the design approach will depend upon the visibility of the new development, the coherence and consistency of the surrounding urban form and how sensitive the urban context is in terms of architectural or historic interest. Applying this advice, I note that the sensitivity of the urban context is not recorded by designation as a conservation area or in any other way and that the site is located in a secluded, low lying position at the end of a cul-de-sac and so not highly visible. Although Roxburgh Close, Edgehill Close and Cleveland Road share a coherent and consistent urban form, the site is bounded by that development on only two sides; on its other two sides it is bounded by development of a different form. In the circumstances, it is not inappropriate for it to derive its inspiration from the wider area in which Roxburgh Close sits.

14. The site was previously a nursery garden. It is largely undeveloped land. There is no presumption in favour of its development. But equally, it lies within the built up area without any policy restricting the principle of its development. Having examined the issues surrounding the practicalities of its development, I conclude that the proposal would not cause undue harm to the character and

adjoining the site to the west. The flank to front or rear elevation spacing which would result is comparable to, or in excess of, flank to front or rear spacing found in the vicinity, for example at the junctions of Roxburgh Close and Edgehill Close with Cleveland Road, or around the turning head of Brecon Close.

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appearance of the local area. It would comply with policy BE1 of the Worthing Local Plan and also with policies CC6 and BE1 of the South East Plan which have similar objectives.

Conditions and other matters

15. Some third parties are concerned about potential overlooking from the rear of the houses. Although I can appreciate that the development of this site would represent a great change from the open aspect which several properties on Salvington Road presently enjoy, there is nothing in the nature of this proposal which would represent a relationship with surrounding properties which would be abnormal or unacceptable in a developed area, subject to the provision of adequate fencing or screening on the boundary, which can be secured by condition.

16. The Council suggests 15 conditions in the event of my allowing this appeal. I have considered these in the light of government advice contained in Circular 11/95, *The Use of Conditions in Planning Permissions*. In addition to those already discussed, the provision of the car parking can be required by condition but there is no information to justify a requirement to substitute car barns for the garages shown or to narrow the access into the development, a suggestion which is inconsistent with the condition also suggested to amend the boundary treatment indicated at the entrance to the site. A condition requires the submission of details of boundary treatment in any event. There is no information to demonstrate that the permitted development rights normally allowed should be withdrawn, so I have imposed no condition.

17. Conditions are necessary to require the submission of details not shown on the application, such as surface water drainage measures, landscaping of common parts and energy saving measures. A condition is necessary to make off-street provision for contractor's needs during construction but hours of operation are controlled under other legislation. The previous use of the site and what is known of archaeological interest in the area make precautionary actions necessary, which are secured by condition.

P. W. Clark

Inspector