Appeal Decision

Site visit made on 16 September 2009

by Peter Bird BSc DipTP MRTPI MRICS

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

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Decision date:
13 October 2009

Appeal Ref: APP/M3835/A/09/2103674
16 Findon Road, Worthing, West Sussex BN14 0AB

- 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 Jeffrey Donald Swann against the decision of Worthing Borough Council.
- The application Ref WB/08/0602/FULL, dated 29 May 2008, was refused by notice dated 13 January 2009.
- The development proposed is described as "Extension and alterations to form 3 No. self contained flats".

Decision

1. I dismiss the appeal.

Procedural Matters

2. The application was amended following its submission by a number of drawings. In my consideration of this appeal I have taken into account those drawings numbered in the Council's decision notice. At my visit I found inconsistencies in several of these drawings. Nevertheless, whilst I have been aware of the inconsistencies, I am satisfied that the degree of the differences concerned has not affected the conclusion I have reached.

3. The final version of the South East Plan (RSS) was published on 6 May 2009. Amongst the documents this replaces is the West Sussex Structure Plan 2001-2016 (SP), as previously saved by the Direction of the Secretary of State. The Council has referred to several SP policies but not those equivalent in the RSS. Nevertheless, I have had regard to the relevant policies in the Worthing Local Plan (LP) and also saved by another Direction of the Secretary of State.

4. The appellant's name as set out above is as shown on the appeal form submitted by him and not as indicated on the planning application. Similarly, the post code for the appeal site is as provided by the appellant.

Main Issues

5. The main issues are the effects of the proposed development on firstly, the living conditions of nearby residents, particularly in relation to outlook, privacy, and noise and disturbance; and secondly, highway safety in relation to the use of the adjacent section of Findon Road/Fontwell Drive by pedestrians and vehicles.

Reasons

6. The appeal property is a detached bungalow situated in a predominantly residential part of the built-up area of Worthing. It faces the southern end of Findon Road adjacent to the junction of Fontwell Drive. At this point Findon Road is separated from the A24 and the junction with the A27 by an extensive landscaped verge.

Living conditions

7. The proposal would alter and enlarge the existing dwelling from a reasonably sized bungalow with accommodation in its roof to a two storey building containing three self contained flats. Despite the inconsistencies in the drawings, there would be little difference in the overall depth of the building from the front to the rear and its overall width from side to side. In relation to the footprint of the existing bungalow, the individual extensions proposed to the front and rear at ground floor level may appear modest. However, in combination, particularly with the proposed additional storey, they would result in a significant transformation in the scale and appearance of the dwelling.

8. Facing the side elevation of the proposed building is a window to a bedroom/study in the adjacent bungalow, No 18 Findon Road. Given the proximity of the A24 nearby and its traffic noise, to my mind the use of rooms with windows (especially south facing windows), other than those facing the A24, is important to the reasonable enjoyment of dwellings in this section of Findon Road. Despite the proposed main roof being hipped, the additional accommodation at first floor level would cause a substantial increase in the bulk and massing of the building. Although the additional bulk would be set back from the windows to No 18's bedroom/study and the boundary with No 18, I nevertheless consider this separation would be insufficient to overcome the overbearing effect of the proposal and this would be harmful to the living conditions of the occupiers of No 18. Moreover, although no calculations have been provided, it seems likely to me that given the orientation of No 18 there would be significant harm to sunlight to its south facing elevation and this adds to my concern.

9. In relation to privacy, the Government guidance *By Design – Better Places to Live* sets out that there are well established rules of thumb (such as a minimum "back to back" distance of 20 metres), these need to be applied flexibly in relation to the specific context and in recognition that the objective of privacy can often be better secured through careful design rather than by physical separation alone. Although bedrooms are shown at the rear of the proposed first floor flat it would be unreasonable to control their use as such, and in my view it would be likely that greater use would be made of them by occupiers of this flat to avoid exposure to the adjacent A24, particularly in the absence of an area of private outdoor space conveniently provided with this unit. A degree of mutual overlooking, particularly from windows in the upper floors of dwellings, is normally found in built-up areas. At my visit I observed windows in the roofs of a number of adjacent bungalows, no doubt serving accommodation ancillary to the main dwelling. However, in this case, physical separation alone would not maintain the privacy expected by residents in this area of bungalows, and I am not persuaded that this could be addressed in the

design of the proposed building. I find that the proposal would be harmful to the privacy of the occupiers of nearby dwellings.

10. The entrance to one of the proposed flats would be in the elevation facing Findon Road, similar to that in the present dwelling. It seems to me that the effect of any significant difference in the pedestrian movements would be in relation to the two entrances proposed in the side elevation opposite the adjacent bungalow, No 18. However, being in a residential area, to my mind the siting of separate entrances at this point for two of the proposed flats would not in itself cause unacceptable harm. However, the pedestrian access to the respective flats would be via the area for vehicular access and parking. The two parking spaces proposed on the frontage would be in close proximity. Apart from the difficulty of the vehicles manoeuvring, and unless parking precisely in the proposed spaces, to my mind the use of these spaces would impede pedestrian access to the entrance in the front elevation. Despite the drive to the existing garage being retained, in relation to present standards this is particularly narrow, even though the appellant indicates that the existing lean-to structures would be removed. Furthermore, the drive would pass in front of the two entrances proposed in the side elevation. In my view, this arrangement is extremely constrained in terms of the proximity of the adjacent spaces, added to which it would involve vehicles having to reverse along a substantial length of the drive at any time of the day, including after dark. In these circumstances it seems likely to me that the use of the space around the building for access and parking by three separate households would result in noise and disturbance to the occupiers of No 18 and the proposed flats.

11. I find that the proposal would have a harmful effect on the living conditions of the occupiers of nearby dwellings, in relation to outlook, privacy, and noise and disturbance. In this regard it would conflict with the aims and objectives of LP Policies BE1, H13, H18 and TR9.

Highway safety

12. When I visited the site there were several vehicles parked in the street. I do not dispute residents' assertions though about the demand for on-street parking, particularly when people return home from work. I appreciate the concern of the Council and residents for highway safety. However, the Government guidance *Manual for Streets* (MfS) addresses traffic flow and road safety for streets with direct frontage access as found here. MfS sets out that it has been found that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily-trafficked roads. In this case, no accident reports have been provided in relation to the junction of Findon Road and Fontwell Drive. On the evidence before me, whilst no on-site turning space is proposed, I do not consider that the number of vehicle movements over the crossover, even widened as proposed and used by vehicles associated with the three proposed residential units rather than the existing single dwelling, would in itself have a significant effect on highway safety.

13. I have set out above that I find the frontage would be poorly arranged for access and parking. From what I observed on site and on the information before me, I am not satisfied that adequate visibility could be secured for the proposed arrangement of parking and access. Therefore, I find that the

proposal would result in a hazard that would threaten the safety of the users of the adjacent highway. In this regard it would conflict with the aims and objectives of LP Policies H13 and TR9 in so far as they relate to on-site parking. I note the appellant is willing to reduce the on-site parking to two spaces. However, this is not the proposal before me and I do not consider the resolution of car parking could be addressed by a suitable planning condition.

Other matters

14. The appeal property is part of a group of bungalows, albeit that a number of which appear to have accommodation in their roofspace, focussed around Fontwell Close and the adjacent section of Findon Road that have a distinctive identity in the street scene. The site's wider context includes other dwelling types; a modern development of two storey dwellings extends along Fontwell Drive, and more traditional two storey housing can be seen along Findon Road to the north. I appreciate the appellant's aim to design the dwelling so as to reflect a two storey property that can be seen in the wider context. However, whilst Planning Policy Statement 3: *Housing* (PPS3) encourages the efficient use of land where appropriate, in assessing design quality, PPS3 advises that this should include the extent to which development creates or enhances a distinctive character that relates well to the surroundings. In this case, I consider the appeal property is part of a group of properties that have a cohesive and distinctive identity which sets them apart from other dwellings, particularly those along Fontwell Drive. In this regard I share the concern of residents in the surrounding area in that I find the proposal would fail to fit in with its surroundings and in so doing would have a harmful effect on the character and appearance of the area. It would therefore conflict with the aims and objectives of LP Policies BE1 and H13.

15. Attention has been drawn to examples of the sub-division of other residential properties in the Worthing area. The full details of these are not before me, but they do not appear to be in the vicinity of the appeal site. Furthermore, they do not justify the present proposal's harm to the distinctiveness of the site's context in this location.

16. I am aware of the appellant's concern in relation to the processing and determination of the application. Nevertheless, I have considered the appeal on its merits having regard to the decision of the Council and the relevant national and local planning policies together with material considerations, including the representations of interested parties.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Peter Bird
INSPECTOR