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Appeal Decision

Site visit made on 6 August 2008

by D Grace BSc DipTP MRTPI

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

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Decision date: 19 August 2008

Appeal Ref: APP/M3835/A/08/2066233
40 Ladydell Road, Worthing BN11 2JU

- 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 M Vrooble against the decision of Worthing Borough Council.
- The application Ref. WB/07/1252/FULL, dated 5 October 2007, was refused by notice dated 4 December 2007.
- The development proposed is conversion of existing property into two dwellings and development of two semi-detached houses.

Decision

1. For the reasons given below, **I dismiss the appeal.**

Procedural Matter

2. Subsequent to the refusal of permission the appellant has submitted a revised scheme for car parking and associated landscaping in support of the appeal. This reduces the proposed parking provision from two to one space per dwelling which would materially alter the nature of the scheme. I consider it is not appropriate to determine the appeal on the basis of these new proposals because it would prejudice the opportunity for interested parties, in particular those that have indicated concerns about the car parking implications of the development, to make representations on the proposed changes. I have, therefore, dealt with the appeal on the basis of the plans that were the subject of the Council's decision.

Main Issues

3. I consider there are two main issues in this appeal. The first is the effect of the proposed development on the character and appearance of the surrounding area. The second is whether the scheme would provide acceptable living conditions for the future occupiers in terms of private amenity space, visual impact and sunlight.

Reasons

4. The appeal site is previously-developed land at a sustainable location. The maximised re-use of such land is encouraged by Planning Policy Statement 3: Housing (PPS3). However, PPS3 also indicates that design which is inappropriate in its context should not be accepted. I consider this below.

5. ***Character and appearance*** – The appeal site is situated to the south of a row of semi-detached houses of uniform appearance. However, overall, the street has a mixture of building forms and styles and varied plot widths and spacing between buildings. In my view, this variety is a significant feature of the overall character of Ladydell Road.

6. There would be a generous gap between the proposed new houses and No. 44. Whilst the southernmost of the proposed pair would be close to No. 40, it would not be at odds with the overall pattern of development in the street and, in my opinion, the proposed semi-detached dwellings would not appear cramped in relation to the neighbouring buildings.

7. The ridge line of the proposed new houses would be lower than the dwellings to the north. However taking into account the lower floor level, I consider their scale would be acceptable, particularly as the roof apex would align with that of No. 40. I also consider the overall mass of the proposed houses would strike an acceptable balance between the pair of dwellings to the north and the lesser bulk of No. 40 to the south.

8. The design of the proposed semi-detached houses includes two storey projecting bays with gable features at roof level. Such features are typical of the street. There is a mixture of roof forms nearby and I consider the part-hipped form would be acceptable in that context. The scheme also includes dormers on the front elevation. Whilst these are not common in Ladydell Road, there are examples nearby and in the context of the mixed roof shapes and strong gable features at roof level, I consider they would not be unacceptably intrusive. The proposed coloured render and tile materials would be appropriate and the details of these could be controlled by condition.

9. There is a large Ash tree in the south-west corner of the site that is the subject of a tree preservation order. The Council does not object to the development in relation to this and I agree that, subject to protection measures during construction works, the scheme would not result in harm to this tree.

10. For the above reasons I consider the siting, form and overall design of the proposed semi-detached houses would be acceptable in the context of the overall character of Ladydell Road. However, I consider that would not be the case with the proposed car parking arrangements. Notwithstanding that hardstandings have been introduced in front of a limited number of dwellings, I consider planted front gardens behind boundary walls are a distinctive and unifying element in the character of the street and are important to the overall nature of the street scene. The mature vegetation on the appeal site makes an important contribution in this respect. I accept the appellant's contention that there is no planning reason to prevent demolition of the existing front boundary wall. However, notwithstanding this, I consider a row of six car parking spaces side by side along the Ladydell Road frontage of the site, largely unrelieved by planting, would be a harsh and intrusive feature that would be incongruously at odds with the overall character of the street and substantially detract from the quality of the street scene.

11. The revised car parking and landscaping scheme submitted by the appellant would, to some extent, reduce this impact but for the reasons I have given above I consider it is not reasonable or acceptable to deal with the appeal on that basis. Overall, I consider the harm to the townscape that would result from the access and parking element of the appeal scheme would be so unacceptable that it is the determining matter in the first main issue. That the scheme would improve the appearance of the existing building does not alter my view in this respect. I therefore conclude, overall, that the proposed development would unacceptably harm the character and appearance of the surrounding area and would conflict with Policies CH1 and DEV1 of the West Sussex Structure Plan 2001-2016 and Policies BE1 and H13 of the Worthing Local Plan. I further conclude that this harm is such that it outweighs the accord of the proposal with the aims of PPS3 in terms of encouraging the maximised re-use of previously-developed land.

12. ***Living conditions*** – The existing building, No.40, would limit the outlook from one of the ground floor rear windows of the southernmost proposed house. However, the room that window serves would also have a larger window in the main rear elevation that would have a significantly more open aspect. At first floor level the nearest window to No. 40 would be for a bathroom and would be obscure glazed. For these reasons I consider the outlook from the rear of this proposed dwelling would be acceptable. Also, taking into account that the dwelling to the east is a bungalow, I consider the rear garden of the proposed house would have sufficient open outlook for it not to seem oppressively enclosed. No.40 would overshadow part of the garden of the proposed house for part of the day but not, in my opinion, to an extent that would in itself justify withholding permission.

13. The westernmost of the dwellings in the subdivision scheme would have a reasonable area of private amenity space. The garden for the other unit would be more restricted but would allow space for some garden activities and would be suited to households that do not require a large garden area. The specific details of the proposed means of enclosure are not clear in the application plans. However, taking into account the lower level of the gardens in relation to Dawes Avenue, I consider the means of enclosure could be dealt with by means of a condition to ensure that they do not harm the street scene whilst providing adequate privacy and safety for users of the gardens.

14. I conclude on the second main issue that the proposed development would not result in unacceptable living conditions for the future occupiers in terms of private amenity space, visual impact or sunlight and would not conflict with Structure Plan Policy DEV1 in those respects.

15. Interested parties are concerned that the scheme would exacerbate on-street parking problems in the area. However, I consider the proposed provision of two spaces per dwelling would be sufficient to ensure that the scheme would not be likely to increase pressure on on-street parking opportunities in the area. Concerns are also raised about the effect of the development on surface water drainage. However, the Council indicates that this can be dealt with by means of a condition and I accept that.

16. Notwithstanding my favourable conclusions in respect of living conditions and the other matters above, I consider my overall conclusion on the first main issue is the determining matter in this appeal.

17. I note that the Council does not object in principle to the proposed conversion of No.40 into two dwellings. I accept that view. Also, I have concluded that the proposals would make acceptable provision for amenity space to meet the needs of the occupiers of the dwellings. However, that is in the context of the overall proposed layout of the site. I have considered the opportunity to make a split decision granting permission for the conversion part of the scheme but not the new-build part. However, I have concluded that this would not be appropriate because, in my view, that would result in an unacceptably piecemeal approach to the layout of amenity space, landscaping and car parking on the site as a whole that would appear contrived and arbitrary and detract from the character and appearance of the area.

18. I have considered all other matters raised, including those at the application stage, but find nothing leads me to a different overall conclusion.

D Grace

INSPECTOR