Expiry Date - 04/07/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0517/23 **Recommendation – REFUSE**

Site: **7 Downview Road Worthing West Sussex BN11 4QN**

Proposal: **Retention of timber garage and 2.2m high boundary fence (retrospective application)**

Date of site visit: 24/05/23 and 30/06/23

Neighbours checked: Y

Additional neighbour notifications: Additional neighbours consulted having been missed off original consultations.

Site and Surroundings

The site is located to the west side of Downview Road and opposite the junction with Heene Way in a residential area and within the development boundary for Worthing. The property comprises of a detached two storey house with white render to the elevations and a tiled hipped roof. The property is occupied as two flats and this application relates to No.7 Downview Road. The curtilage of the property is split in to different ownership with the front garden belonging to the applicant and the rear garden belonging to No.7A. The property is set back a good distance from the road behind a flint and brick wall and evergreen hedge to the front and a driveway to the side. There is a garden to the front of the building, enclosed by fencing and used by the applicant.

The site is not within a conservation area, is not a listed building and there are no protected trees on site.

Proposal

Retrospective planning permission is sought for the retention of a garage and boundary fence.

The garage has been erected 1.2m from the front (east) boundary of the site and 1.8m from the north boundary and measures 5.1m wide by 6.3m deep with a flat roof of 2.3m high. The garage has been erected on a concrete base of 0.25m deep. The garage has been constructed from timber with a rubber roof, roller shutter garage door in dark green and dark brown PVC windows and doors to the east, west and north elevations.

The garage was completed on 14/03/23.

The garage is used for the storage of 2 classic cars as an ancillary function to the residential use of the dwelling house.

A 2.2m high fence has been erected to part of the north boundary extending up to the front north-east corner of the site and extending above the brick wall. The fence is constructed from wide planks supported on timber posts.

Relevant Planning History:

None relevant

Consultations:

WSCC Highways - This application is for the retention of timber garage and 2.2m high boundary fence. The site is located on Downview Road, an unclassified road subject to a speed restriction of 30 mph.

The proposals are retrospective, with the works having been completed on 14/03/2023. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely during this time.

The proposed garage is of suitable size to accommodate at least one car parking space. On-site turning appears achievable, allowing cars to exit the site in a forward gear.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Representations:

One objection received:

The delight of Downview Road is the variety of residential properties providing a good mix. In isolation, the reason for the construction of this substantial stand-alone double garage for the storage of cars is understandable. If the application was for a unit to the side or the rear of the property I would not object regardless of my concerns around parking.

Unfortunately, the building is not to the rear of the property but immediately adjacent to the front garden wall and as such is well beyond the building line. Whilst not a block to the application it does change the look and feel of a quiet residential street. The unit is in part hidden by the solid fence which has been constructed in heavy duty materials which are more suited to a commercial site. The concerns in the application around fly tipping are noted however the heavy-duty security fencing does have a negative impact on the street.

Whilst the impact of the garage and the fence are softened by the mature and secluded front gardens to either side of no 7, the 'look' is completely out of keeping for a residential street and the visual impact is not attractive.

If in the future the occupiers of nos 5 and 9 where to move and the gardens made less secluded, the development would stand out well beyond the other properties in the road and look very intrusive and completely at odds with the rest of the area.

There is a less pressing but still relevant concern around parking. By constructing a building for the storage of two vehicles this removes space that was previously utilised by former owners of the property for day to day off street parking. The application does not indicate whether the car storage unit is for use by the occupier of the property or could be enjoyed by a non-resident third party.

Over the past 23 years the demand on parking in the road has increased hugely so this does have a negative impact on the availability of spaces which has been apparent since the building was erected.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality.

Policy Context

The National Planning Policy Framework advises in Paragraph 126 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 indicates that development should: (b) be visually attractive and (c) sympathetic to local character and history, and in Paragraph 134 states: "Development that is not well designed should be refused especially where it fails to reflect local design guidance and supplementary planning documents such as design guides and codes".

Policy DM5 – Quality of the Built Environment, of the Worthing Local Plan (adopted 28th March 2023) requires that; *All new development (including extensions, residential annexes, alterations, ancillary development, change of use and intensification) should:*

i) be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. This will include consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping;
ii) enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, tree canopy, impact on street scene and layout of the development;
iii) make a positive contribution to the sense of place, local character and distinctiveness of an area;

and …

Ensuring Good Design
d) Development must reflect government guidance on design and take into account any local design guidance and supplementary planning documents such as design guides and codes. Weight will be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings.

The Council's SPG - Extending or altering your home, advises that:

As with other extensions, it is better to set a garage back from the front of a dwelling… The use of different types of garage in a street frontage can destroy the harmony of the street scene. The use by adjoining owners of similar garages will avoid this and help to maintain the rhythm of the original house design.

The above policies and relevant sections of the Design Guidance, SPG – 'Extending or altering your home' clearly set out the expectations for development and require that ancillary development is well designed to reflect the predominant characteristics of the local area, does not adversely affect the appearance of the street scene, is of a scale that is proportionate to existing and surrounding development and makes a positive contribution to the area.

Visual Amenity

Whilst there is an eclectic mix of property design and form in the area, all maintain a reasonably consistent set-back from the road, generally with flint and brick walls to the front boundary, interspersed with driveways. There is an abundance of mature trees and vegetation (both evergreen and deciduous) to the front gardens of many properties, particularly to the west side of the road where the application property is sited. Although these trees provide a verdant street scene during the spring and summer months, views into the property frontages are much more open during the autumn and winter. Despite the evergreen hedge to the front boundary of the site and other trees within the site

and at neighbouring properties, the garage and fencing are both clearly visible in the street scene throughout the year.

There are no other garages or ancillary buildings positioned forwards of the house or adjacent to the front boundary in the area. The garage, in its position at the front of the site does not respect the prevailing character of the area in terms of its siting or layout and fails to enhance the local environment having an adverse impact on the character and appearance of the street scene. The materials used for the garage consisting of mismatched timber boards further detracts from its appearance and does not meet the high quality design standards expected of development, particularly in a prominent position. The large scale of the garage and box like design only serve to exacerbate its uncharacteristic appearance in the street scene.

The only mitigating factor in terms of visibility is the hedge to the front of the site which at present provides screening to the east elevation of the garage, facing the road. The existing hedge to the front of the site has been in place for many years and was not planted as part of the development and does not form part of the application for consideration and cannot be relied upon to mitigate harm caused by the development in the long term. It is therefore not possible to impose any controls by way of condition on this hedge requiring its retention or a particular height maintained. Any controls imposed on this hedge would fail to comply with the relevant tests for conditions. The applicant could potentially remove this hedge without requiring further consent. If the hedge were to be removed, reduced in height or becomes diseased, this would result in even more prominent views of the garage appearing as a dominant and intrusive structure that significantly detracts from the character of the area. As a living plant it is reasonable to expect that the hedge overtime may deteriorate and its longevity in the street scene cannot be guaranteed.

With the only mitigating factor for the harm caused by the development being an existing hedge that cannot be controlled by this planning application, the significant harm to the character of the street scene arising from the siting, scale, form, appearance and design of the garage in this position cannot be outweighed by a hedge that cannot be secured in the long term.

The fence to part of the north side boundary is also prominent in the street scene due to its height, colour and appearance. This fence is considered to have a detrimental impact on the character of the locality and appears intrusive in the street scene. As currently constructed this has an unacceptable impact on the visual amenities of the area.

At 2.2m high this fence is 0.2m higher than that allowed under permitted development, although this usually tapers down to a lower level closer to the pavement. Given that this is a side boundary and therefore less prominent overall, if the top plank were to be removed and the timber stained a darker colour rather than the current vivid orange, this would help to assimilate the fencing in to the backdrop of trees behind, thereby significantly improving its appearance.

The retention of the garage and fencing in this position would have a significant and harmful impact on the character of the street scene and visual amenities of the locality.

Residential Amenity

The garage is positioned approximately 9.6m from the front windows of the application house and at this distance would not result in overshadowing or loss of light to the occupiers of No.7A.

There would be no adverse impact on the residential amenities of adjacent occupiers as a result of retention of the garage and fence in the position at the front of the site.

Trees

Although there are no protected trees on site, there are several mature trees within the front garden which are considered to make a valuable contribution to the character of the street scene. Whilst no damage to these trees is visible at present, it is noted that the garage is built very close to one of these trees and the impacts of the development on the long-term health of this tree are unknown.

Recommendation

REFUSE for the reason:-

1. The garage due to its prominent siting at the front of the site, results in a dominant and visually intrusive form of development that fails to respect the prevailing character of the area or to enhance the local environment. The large scale, mismatched timber boards to the exterior and box-like design further exacerbate its uncharacteristic appearance in the street scene and fails to achieve a high quality design or to make a positive contribution to the sense of place, local character and distinctiveness of the area, resulting in a discordant addition to the street scene that causes significant harm to the visual amenities of the locality. The proposal is therefore contrary to Policy DM5 of the Worthing Local Plan, Supplementary Planning Guidance 'Extending or altering your home' and the policies of the revised National Planning Policy Framework.

2. The fence due to its height, colour and appearance detracts from the character of the street scene and fails to enhance the local environment having a detrimental impact on the visual amenities of the locality. The proposal is therefore contrary to Policy DM5 of the Worthing Local Plan, Supplementary Planning Guidance 'Extending or altering your home' and the policies of the revised National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal

and informing the Applicant of those concerns. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Amanda Haslett Date: 26/07/23

Authorised by: Jo Morin Date: 27.07.2023