For official use only (date received): 07/05/2024 15:55:51

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/M3835/W/24/3337865

DETAILS OF THE CASE

Appeal Reference	APP/M3835/W/24/3337865
Appeal By	PEPPERCORN INVESTMENTS LTD
Site Address	Chatsmore House Goring Street Worthing West Sussex BN12 5AH

SENDER DETAILS

Name	MR JOHN CAWDELL
Address	Hollies, 10 Heather Lane Worthing West Sussex BN13 3BU

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

I appreciate that the comments I have submitted in respect of the Part 20 Prior Approval Application will be considered as part of the Appeal process but would like to make the following additional observations.

This particular planning process has been confusing for many people since as far back as August 2022 it appeared no Planning Permission was needed. Subsequently a full Planning Application for the provision of lifts, car parking spaces, cycle racks and enlarged bin store which was unanimously refused by the Planning Committee as it was considered that, 'the proposed development by virtue of its siting and layout of the parking areas and cycle stores would adversely affect the amenities of the neighbouring properties and visual character of the area.'

When that Application no mention was made of the proposal to add two additional storeys onto the flat blocks. The residents advised the Council of this issue.

The Application was duly considered and refused despite the Applicant advising the Planning Committee that the idea of placing two additional storeys on the existing building was pretty much a 'fait accompli' as it was permitted development, and also putting forward the notion that Worthing was going to be inundated with similar proposals as there is such a strong presumption in favour of approval.

It appeared to me to be somewhat threatening and showed that they didn't accept the need for any Part 20 Prior Approval Applications to meet certain criteria particularly in respect of the visual and residential amenity of the area and consequently didn't give those requirements any regard at all.

Indeed they appear unaware that Appeals against the refusal of similar Prior Approvals have been dismissed due to proposals not actually representing Permitted Development in the first place and even if they did then due to the negative effect on the character and appearance of the building, surrounding area and and uncertain effects on the living conditions of existing occupiers and neighbouring properties.

The Appellant is dismissive 0f how long people may spend in their kitchens in respect of placing car parking spaces very close to flats and a cycle rack within an arms length of a window as it is not a habitable room. These kitchens are separate rooms where occupiers might spend a reasonable amount of time, in various states of dress, and where they have a right of privacy. It may be argued that the habitable room definition applied to affordable housing applies here or not but the kitchens to these flats form a very important part of the space within each flat and its privacy needs to be respected.

Following the refusal of the Planning Application a Prior Approval Application was submitted. This was confusing. No mention was made of those elements that had already been refused but they were shown on the plans. When asked to clarify the description the Applicant refused. They also omitted providing details requested on the Application Form of how they met the full requirements of a Part 20 prior Approval Application. To answer 'noted' is unacceptable.

The prior Approval Application was subsequently refused and hence the Appeal. The Local Planning Authority were not of the opinion that the Application was valid as a Part 20 submission and secondly as it was totally inappropriate development, inappropriate in design and would clearly seriously and materially harm the amenity of the existing building and neighbouring premises.

The Application may or may not include elements that have already been unanimously refused as totally unacceptable but does of course exacerbate matters by the addition of two additional storeys.

In the recent past as clearly evidenced by their careful consideration of two developments permitted to the north of the Appeal site the Worthing Planning Team have given serious and meticulous consideration to the impact the height of a building will have on its own appearance and its impact on the street scene and surrounding area. Consequently only very small elements of these developments exhibit anything above three storeys, and even then it is only strategically placed elements that go to four storeys. All that excellent detailed work will be undone if this appeal is allowed.

If this Appeal is allowed the building will be visually jarring and would harmfully disrupt the modest pattern of surrounding development, particularly the immediately adjacent bungalows and two storey properties, unacceptably eroding this very positive characteristic which as been carefully considered by the Worthing Planning Team during the careful consideration of previous Planning Applications.

The conclusion I come too mirrors that of an Inspector who recently determined an appeal in Croydon. This proposal would result in harm to the character and appearance of the area and harm to the privacy of existing occupiers. This would have a serious effect on these occupiers and the surrounding area, and together would result in significant harm. Further this significant harm would not be outweighed by the modest benefit of 12 additional flats.

I appreciate the determination of harm may be subjective. There are however clauses in the leases on the existing flats that seek to preserve the residential and visual amenity of the occupants, neighbours and surrounding area. These include no parking anywhere on site, no interference at all with the garden areas and no washing to be hung on the balconies. I appreciate these lease clauses are not in themselves planning issues but they clearly illustrate and clarify what the Freeholder considers harmful to residential and visual amenity. Similarly the Restrictive Covenant on the site prohibiting any development which exceeds three storeys is there to preserve the residential and visual amenity of the area for everyone and is in place to prevent such an inappropriate proposal as this recognising that such a development would cause serious harm to many. Again this serious harm would not be outweighed by the benefit of 12 flats.
Please would you dismiss this appeal.
John Cawdell MBA., BTP., Dip.RM., MRTPI (Retired