The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2023

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/M3835/D/23/3332374
87 Sea Lane, Goring-By-Sea, Worthing, West Sussex BN12 4PR

- 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 & Mrs Kraszewski against the decision of Worthing Borough Council.
- The application Ref: AWDM/0697/23, dated 2 May 2023, was refused by notice dated 5 October 2023.
- The development proposed is a ground floor extension, loft conversion consisting of roof lights to south and west elevations and removal of existing chimney.

Decision

1. The appeal is dismissed insofar as it relates to the ground floor extension and removal of existing chimney. The appeal is allowed insofar as it relates to the loft conversion and planning permission is granted for a loft conversion consisting of roof lights to the south and west elevations in accordance with the terms of the application, ref: AWDM/0697/23, dated 2 May 2023, and the plans submitted with it so far as relevant to that part of the development hereby permission and subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans (i) Site layout plan and (ii) Proposed loft conversion plan ref: DENRA/1959/2.

   3) No development shall commence until details of the materials to be used for the velux windows as shown on plan ref: DENRA/1959/2 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.

Preliminary Matter

2. The Council's decision notice has a different description of the appeal proposal than that used on the planning application form. I have used the wording on the Council's decision notice as this more accurately describes the proposal.

3. The proposal seeks planning permission for the retrospective removal of a chimney. It also seeks permission for a proposed single storey rear extension to the host property, and conversion of the loft with two velux rooflight windows to the south and three velux rooflights to the west. I have reflected

the part-retrospective nature of the development as appropriate throughout my Decision.

4. A revised version of the National Planning Policy Framework ('the Framework') was published in December 2023. None of the changes were material to the appeal and I have not therefore invited observations from the main parties with regard to the Framework.

Main Issues

5. The main issue is the effect of the development on the character or appearance of the area, including the Goring Conservation Area.

Reasons

6. The appeal site is a large detached two storey house located on the corner of Sea Lane and Ashurst Drive within the Goring Conservation Area (CA). Built in the 1930s, the appeal property has been identified by the Council as a positive contributor and a local interest building and therefore a non-designated heritage asset. The property is set within a spacious plot and displays high quality art deco period architecture.

7. Section 71 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 209 of the Framework requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application requiring a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.

8. The appeal property forms part of a run of three similarly designed dwellings with Nos 89 and 91 located on the western side of Sea Lane. The Goring Conservation Area Appraisal (GCAA) recognises these dwellings as forming an interesting group. All three properties have similar architectural detailing such as arched facades that highlight their individual and collective design quality. Chimneys are also a character feature on many of the dwellings within the wider CA. The GCAA recognises the formality of the street layout, which is associated with the original masterplan for the estate. The appeal site contributes to the formality of the layout acting as a bookend with No 91, either side of No 89. Overall, the three dwellings both individually and collectively as a group with regard to their appearance and layout, make a positive contribution to the special significance of the CA.

The Chimney

9. The information provided shows a photograph of the chimney before its removal. Whilst it appeared in need of some renovation it does not conclusively demonstrate it was in need of permanent removal. The chimneys that remain on Nos 89 and 91 are contiguous with each other and complimentary features that have a positive contribution to the appearance of those dwellings. The

absence of the chimney on the appeal property is therefore at odds with the other two properties within the group, and many other dwellings in the CA.

10. The removal of the chimney, therefore, has resulted in harm to the character and appearance of the dwelling and area, including to the CA, contrary to Policies DM5 and DM24 of the Worthing Local Plan 2020-2026 (2023) (the Local Plan), which require development to respect and enhance the character of the site and prevailing area, and respect, preserve and where appropriate enhance heritage assets and their settings.

The Rear Extension

11. The single storey rear extension is appropriate in overall scale and height as it would not extend beyond any of the existing elevations and could be accommodated within the building's recess to the rear without appearing unduly prominent in the street scene on Sea Lane or Ashurst Drive. The impact of the extension's appearance from wider views would also be limited given its location in the plot and presence of large mature hedgerows on the southern boundary.

12. However, whilst the overall scale is acceptable, the design of its windows and bi-fold doors would be at odds with the art deco design and style of windows on the existing dwelling. Similarly, the part gable / asymmetrical roof design would not relate well to the existing dwelling's appearance and would appear as an unsympathetic addition to it in design terms. I acknowledge that the impact of the proposed fenestration would be very limited in terms of public views and be contained mainly to within the site. However, the roof form is more visible and, in any event, this doesn't alter the fact that the overall appearance would be incongruous with the host property. Given the property's contribution to the significance of the CA, both individually and as part of the aforementioned group, as well as itself being a non-designated heritage asset, the extension would result in harm to the character and appearance of the property and area.

13. I note the appellant has highlighted there have been applications approved to other properties nearby although the specific details have not been provided to me. Notwithstanding this, I must determine this appeal on its own merits.

14. In summary, the proposed design would appear as a discordant addition to the dwelling and would harm its overall appearance contrary to Policies DM5 and DM24 of the Local Plan, which require development to be of high quality design and to respect, preserve and where appropriate enhance heritage assets and settings.

The Loft Conversion

15. The loft conversion proposes the addition of velux windows on the western and southern elevations. Whilst velux windows are not a prominent feature across the conservation area, in this case would be located either to the rear or to the side of the property and not on the most prominent elevation facing Sea Lane.

16. The appellant has confirmed in their submission that they would use conservation windows with black external profiles, glazing bars and that would sit flush with the roof tiles with no projection. I agree that suitable conservation-style windows would be essential in this case given the status of the host building as a non-designated heritage asset and location within the

CA. Whilst the appellant has provided an indication of the type of window proposed, I consider that it would be appropriate for the local planning authority to retain control over the final details through a suitably worded condition.

17. In summary, and in view of the location on the roof and comparatively small size of windows proposed, I find that, subject to conditions, this part of the proposal accords with Policies DM5 and DM24 of the Local Plan.

Planning Balance

18. I consider the harm to the CA to be less than substantial. Paragraph 208 of the Framework confirms that where less than substantial harm exists to a designed heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

19. In this regard, no public benefits have been presented to outweigh the harm I have identified from the removal of the chimney and proposed rear extension. I note that the appellant removed the chimney due to structural reasons, it being redundant as well as to improve internal room size and layout. However, there is no reason to believe, or claim made, that it was required to secure the continued viable use of the property, nor that its removal was required to reduce or remove a structural risk to the heritage asset.

20. Whilst there may well have been practical reasons for its removal, these are related only to the dwelling and do not have any wider public benefit sufficient to outweigh the harm to the CA identified. Accordingly, there are no public benefits. In accordance with Paragraph 205 of the Framework, I place great weight on the less than substantial harm to the significance of the heritage assets that I have identified. There are no material considerations that indicate that the proposal should be determined other than in accordance with the development plan.

21. The harm I have identified also results in a harmful effect on the appearance of the dwelling. In applying the balanced judgment required by Paragraph 209 of the Framework, there are no material considerations that would outweigh the identified harm to this non-designated heritage asset.

22. As set out above, I have found that the loft conversion is in accordance with the development plan. As this could be constructed separately from the other parts of the proposal, I have determined that a split decision is appropriate in this case and grant planning permission for the loft conversion subject to conditions, which are discussed in the following section.

Conditions

23. I have considered which planning conditions are required having regard to the tests contained in Planning Practice Guidance (PPG). It is necessary to include the standard time limit condition for the parts of the development that I have allowed. It is also necessary to attach a condition to specify the approved plans to provide clarity on what has been approved.

24. Given the site's location in the CA and architectural quality of the host property, it is necessary to require the final details of the velux windows to be agreed by the local planning authority prior to the commencement of development. I have attached a suitably worded condition to secure this.

Conclusion

25. For the reasons given above, and taking account of all material planning considerations, I conclude that a split decision is appropriate and the loft conversion including velux windows is allowed and the chimney and rear extension are dismissed.

N Perrins

INSPECTOR