Appeal Decision

Site visit made on 13 October 2008

by S J Emerson BSc DipTP MRTPI

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

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Decision date:
23 October 2008

Appeal Ref: APP/M3835/A/08/2075778
The Old Brewery, 21B Warwick Road, Worthing BN11 5ET

- 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 Roger Dawson against the decision of Worthing Borough Council.
- The application Ref WB/08/0181/FULL, dated 15 February 2008, was refused by notice dated 14 April 2008.
- The development proposed is the alteration of the layout of the bin store and flat 1.

Decision

1. I dismiss the appeal.

Main issues

2. The main issue is whether the proposal makes reasonable provision for the storage of refuse and recyclable materials in the interests of the living conditions of residents and the street scene.

Reasons

Background

3. The Old Brewery is an unusual 3 and 4 storey building that has recently been converted into 7 flats under planning permission WB/99/00288/FULL granted in 1999. There is one flat on the ground floor and the upstairs flats are served from a central staircase at the end of a long hall leading from a single door onto Warwick Road. The property is within the Steyne Gardens Conservation Area which consists of several early Victorian terraced residential streets, a public park and part of Brighton Road which has commercial frontages.

4. The approved layout plan for the conversion showed a small room to the side of the staircase marked *bins* which provided access to a large room marked *store*. Condition 7 of the 1999 permission required, in summary, that the *dustbin store* shown on the submitted plans should be provided to the satisfaction of the local planning authority and thereafter not altered or used for any other purpose. The approved layout plan has not been implemented. The area indicated as a *store* has been made a 3rd bedroom for the ground floor flat and the area marked *bins* is not as deep as shown and has an angled entrance through 2 fire doors from the hall. There are also another set of fire doors in the hall not shown on the approved plans. The Council has threatened the owner with a breach of condition notice on the basis that the area marked bins and store on the approved plans should both be provided. It is not clear whether such a breach of condition notice has been served and, if so, whether

a prosecution is being pursued. I have nothing to indicate that the Courts have had to interpret the meaning of Condition 7.

The appeal proposal.

5. The appeal proposal is to make a long narrow bin store by extending the existing small area into part of the 3rd bedroom of the ground floor flat. The access to this bin store would be as currently built. The new store would accommodate 7 bins of 0.5m x 0.5m x 0.9m high. Above these bins would be 2 shelves to accommodate paper and plastic recycling crates for each flat.

The suitability of the proposed arrangements

6. The proposed arrangements would be better than what currently exists because it would provide each of the 7 flats with space for a dustbin and the required pair of recycling crates. The existing small bin store could accommodate only a couple of bins. Use of the proposed store would not be very easy as bins and crates would have to be carried out through 2 closely spaced fire doors into the hall, then through the main fire doors, along the hall and finally out of the front door.

7. The Council indicate that the method of refuse collection in Worthing is changing and that each household will soon be provided with 2 wheelie bins - one for refuse and one for all types of recycling. There would not be room in the proposed store for the 14 bins issued to the 7 flats and the shelving would be superfluous. Given the number of doors to pass through and the step down to the street, the use of wheelie bins would not be easy. Neither party has indicated what alternatives, if any, the Council would normally make available to households which do not have sufficient space to accommodate the 2 bins. If only wheelie bins can be used in the new collection regime then the proposed store is inadequate.

8. The consequence of an inadequate store is that half of the bins associated with these 7 flats would have to be outside. There is no external space associated with this block of flats for external bin storage. In commenting on the application, the Council's Waste Strategy Manager refers to use of the *rear courtyard* as a possible acceptable compromise, but no such courtyard exists. The only place where bins could be kept outside is in the alleyway which runs between Warwick Road and York Road at the side of the building. This alleyway provides rear access to houses fronting Alfred Place and various flats and other premises fronting Brighton Road. I saw that a number of properties were using the alleyway to store refuse, including one or more of the flats in the Old Brewery, but it was not possible to clearly identify all the refuse bins and sacks.

9. The use of the alleyway to store refuse detracts from the attractive appearance of Warwick Road and York Road and from the character and appearance of the Steyne Conservation Area. The alleyway appears to be the only entrance to some of the flats at the rear of properties fronting Alfred Road and Brighton Road and its use for refuse storage makes it unpleasant for those residents. Thus the use of the alleyway for this purpose by 3 or 4 of the flats in the Old Brewery would clearly exacerbate the problems that already exist.

10. On the evidence available, the proposal is not a satisfactory solution for the accommodation of refuse and recycling for The Old Brewery and would have

harmful consequences. The proposed store would be better than the existing arrangements, since more space would be made available, even though it would not be enough for the 2 wheelie bins per household. However, the existing store is not authorised and it is reasonable to compare what is proposed with what was approved and what the Council might be able to secure through enforcement action.

11. If the Council is correct in its view that condition 7 requires the provision of the area marked *bins* and the area marked *store* and that these spaces should be made available to residents of the flats for bin storage, then the approved scheme is far preferable than the present proposal. There would then be more than enough room for 2 wheelie bins per household. However, I cannot assume that the condition should be interpreted in this way. If the condition requires only the provision of the area marked *bins* on the approved plan, that would accommodate possibly only 6 wheelie bins double parked. The proposal would therefore represent a slight improvement on that situation. It is not for me to come to a definitive view of the requirement of the condition since that is not the matter directly before me and its interpretation may be the subject of court action.

12. The appeal proposal would be inadequate for the proper storage of refuse and recycling using the Council's proposed collection arrangements and as a result would have adverse consequences for the street scene and the living conditions of nearby residents. There is uncertainty over what size of bin store might be secured by the enforcement of Condition 7 and given that uncertainty, but the possibility of better provision than currently proposed, I am not persuaded that I should approve a layout that would be inadequate and have harmful consequences.

Simon Emerson

INSPECTOR