Grounds of Appeal

1 The Local Planning Authority in its refusal notice refers to the *'open character of the street'.* This is correct in terms of certain design features of the estate, mainly the open-plan aspect of many front gardens. However, much of the estate has tall boundary walls close to or abutting public footpaths which are prominent features in the street scene and create a strong sense of enclosure.

2 The new dwelling the subject of this appeal will be sited *behind* such a wall at the end of an existing terrace with minor reconfiguration only of the Galsworthy Road boundary wall. The original designed layout of this part of the estate will be largely unchanged and it is believed that the character and appearance of Galsworthy Road will be unaffected.

3 This part of the estate is characterised by two storey terraces running north/south between The Strand and Galsworthy Road. They are set well apart with garage blocks between them. The proposed house the subject of this appeal will be sited so that a gap of 1.2 m will be retained to the inside of the south boundary wall along the Galsworthy Road frontage. This wall will be extended slightly eastwards and will return with a gate adjacent to the corner of the new house. The boundary wall alteration will be finished in matching brickwork using carefully salvaged bricks from the (return) part of the wall to be demolished.

4 The resultant gap between the flank (south) elevation of the appeal proposal and the south boundary is sufficient to ensure that the dwelling will not impact materially on the road or be overbearing. The flank (south) elevations of the terraces to the east and west of the site vary in distance to Galsworthy Road and because of the large gaps between the individual blocks and the characteristics of this part of the estate (particularly with its enclosing tall boundary walls) it is not considered that such infilling will be harmful to the area or to amenity generally.

5 It is submitted that the proposed dwelling, with its precisely matching appearance to the existing terrace, will blend naturally into the street scene and, when built, there will be little perception to passers-by that it is not part of the original terrace. The same can be said of the new dwelling at No.8a at the northern end of this terrace. With No. 8a, the LPA had concerns similar to those of this current proposal; but such views were not supported on appeal.

6 The proposal involves the removal of flat roofed side/rear extensions to No 12 which present a cluttered appearance to the road. The new dwelling will have the advantage of tidying up this facade and will present an elevation to the road more reflective of the original estate design.

7 Apart from 8a Galsworthy Road, there are a number of other similar developments on this estate that have been granted in the past. Photographs are attached (Appendix A). The examples bear similarities to the appeal proposal particularly in terms of the reduced spacing to the return road frontages.

8 The LPA in its decision notice has a further concern with the appeal proposal regarding *'precedent'.* However, it is submitted that infilling of this kind has already occurred on this estate (with the Council's approval) and there is no evidence of harm in any of these cases. It should be borne in mind that the previous decisions were taken by the LPA in the context of its Adopted Local Plan Built Environment Policies which aimed to safeguard the character, appearance and amenities of the area. It cannot be seen

that the appeal proposal is so different from these earlier decisions to justify planning permission being refused.

9 In its Committee report, the LPA comments that the new house would be *'intrusive and would obtrusively close down the space of this narrow suburban street'*. It is submitted that in the context of the layout of this part of the estate and the generous spacing to existing housing to the east, south and west of the site, this argument is unfounded. Such spacing with this proposal is more generous than in the case of some of the other approved developments referred to in Appendix A. The '*closing* of the gap to the entrance to the cul-de-sac referred to in the LPA's Committee report is difficult to comprehend as the building would not project beyond the established front building line of the existing houses (Nos 8a to 12). The entrance to the cul-de-sac would remain essentially unchanged.

10 This estate was built in the late 1960's and fulfilled planning guidelines at the time. There is currently great demand for new housing and it is believed that this site provides an ideal opportunity for an infill development that will not detract from local amenities or harm the character or appearance of the area.

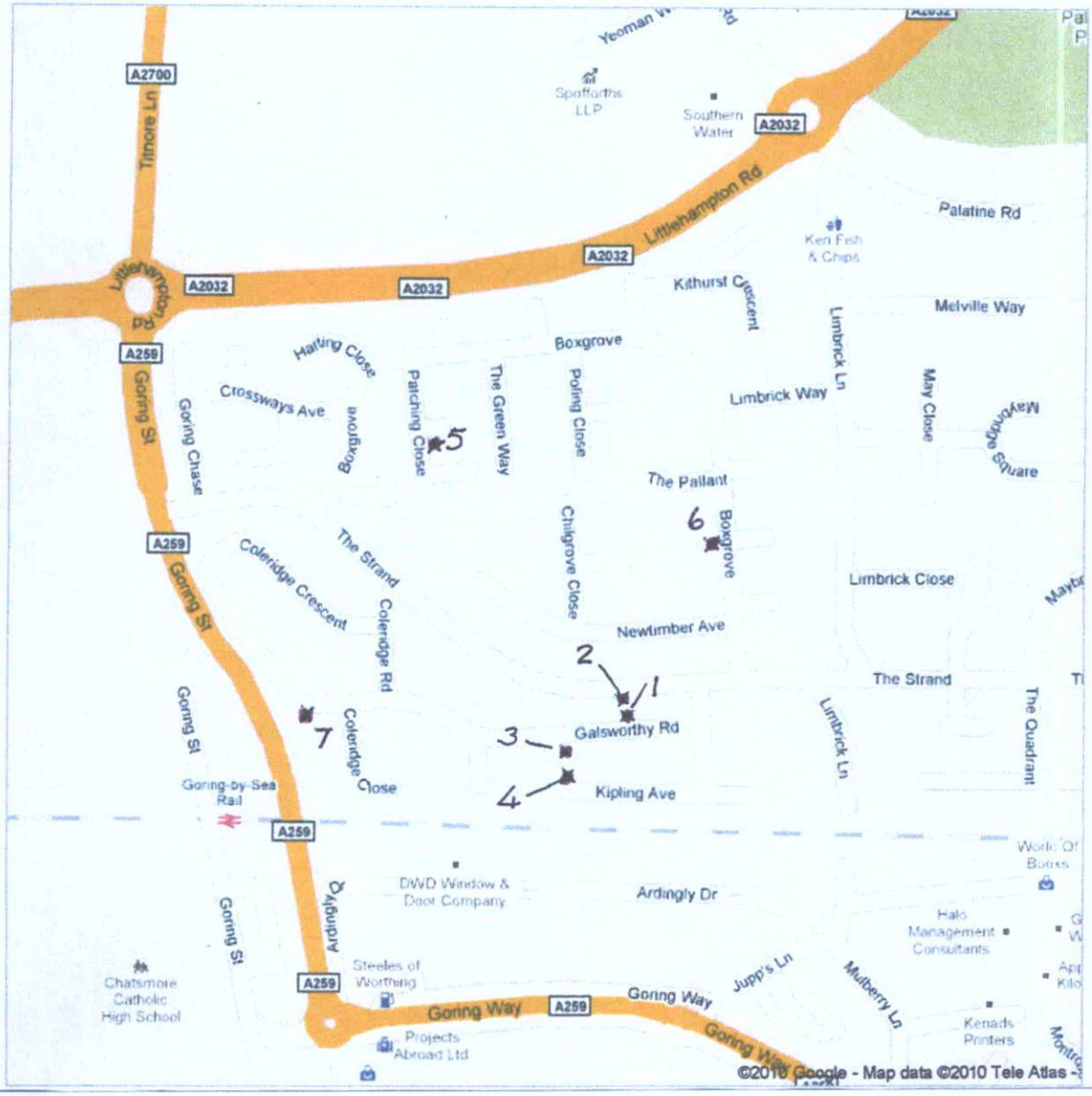
11 Having regard to the above comments and that infilling of this kind is comparatively commonplace on this estate and has not been harmful, the Inspector is respectively requested to grant this appeal.

12 For the Inspector's information, bearing in mind that the site is very close to 8a Galsworthy Road, a copy of the relevant appeal decision in respect of that property is attached (Appendix B).

September 2010

APPENDIX A

## PHOTOGRAPHS




1 Appeal Site

2 New dwelling 8a Galsworthy Road

3 43a Galsworthy Road

4 40a Kipling Avenue

5 15 Patching Close

6 21 Boxgrove

7 64 Coleridge Crescent

Appeal site viewed from a south-east direction




Appeal site viewed from a southerly direction



8 Galsworthy Road (new dwelling approved on appeal)



43A Galsworthy Road



40A Kipling Avenue:



15 Patching Close:



21 Boxgrove – new dwelling (under construction) close to Chilgrove Close public footpath:



64 Coleridge Close recent infill dwelling adjacent to Coleridge Mews:



APPENDIX B

# Appeal Decision

Site visit made on 23 June 2009

**by Philip Willmer** BSc Dip Arch RIBA

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

The Planning Inspectorate
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**Decision date:**
**13 July 2009**

**Appeal Ref: APP/M3835/A/09/2098371**
**8 Galsworthy Road, Goring-by-Sea, Worthing, West Sussex, BN12 6LN.**

- 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 and Mrs Warwick Davis against the decision of Worthing Borough Council.
- The application Ref WB/08/1010/FULL, dated 22 August 2008, was refused by notice dated 1 December 2008.
- The development proposed is the erection of a three bedroom house to the side of the property.

## Decision

1. I allow the appeal and grant planning permission for the erection of a three bedroom house to the side of the property at 8 Galsworthy Road, Goring-by-Sea, Worthing, West Sussex, BN12 6LN in accordance with the terms of the application Ref WB/08/1010/FULL, dated 22 August 2008, and the plans submitted therewith, subject to the following conditions:

   1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

   2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.

   3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the dwelling. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives prior written consent to any variation. All hard landscaping shall be completed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted.

   4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the position, design, materials and type of any boundary treatment to be erected. The boundary treatment shall be completed before the dwelling hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

   5) No development shall take place until details of the cycle store and facilities for the storage of refuse and recycling have been submitted to and approved in

writing by the local planning authority. The cycle store and the facilities for the storage of refuse and recycling shall be completed and made available before the dwelling hereby permitted is first occupied and thereafter retained unless otherwise agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

6) No development shall take place until and unless provision is available within the site, in accordance with details to be submitted to and approved in writing by the local planning authority, to accommodate all the contractors' temporary buildings, plant and material storage associated with the development. Such provision shall be retained for these purposes until completion and then removed from site.

7) No work in respect of the implementation of the development hereby permitted shall be undertaken on Sundays or on Bank or Public Holidays. On all other days such work shall only be undertaken between the hours of 8.00 am and 6.00 pm.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the front elevation of the dwelling hereby approved unless permission is granted by the local planning authority.

9) Notwithstanding the provisions of Schedule 2 Part 1: Class A and Class E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, buildings or other enclosures shall be constructed unless permission is granted by the local planning authority.

**Main Issue**

2. I consider the main issue to be the effect of the proposed development on the character and appearance of the area.

**Reasons**

3. The property the subject of this appeal, 8 Galsworthy Road, is a two storey end of terrace house. It forms part of a planned residential development characterised by single and two storey dwellings laid out in terraces of three or more dwellings. Pedestrian access to the fronts of the houses (8-12) is from an access way, serving an identical terrace of three houses (2-6) to the east, off Galsworthy Road. The gable wall and side garden, however, face on to The Strand, a through road separating this development on its south side from a development of semi-detached housing to the north. The side gardens of the properties accessed from Galsworthy Road are generally separated from The Strand by high boundary walls/fences.

4. The appellants propose the construction of an additional dwelling built off the flank wall of number 8 in the side garden. Planning Policy Statement 3 *Housing* (PPS3) promotes designs and layouts which make efficient and effective use of land, with a key objective being the re-use of previously developed land. However, it goes on to advise that good design is fundamental to the development of high quality new housing. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

5. From the design drawings I see that the new dwelling, as well as maintaining the same ridge and eaves line, would have virtually the same footprint and fenestration pattern as the existing houses in the terrace. In addition, a new chimney stack is proposed so that for all intents and purposes the new dwelling would be visually identical to the others. The internal layout, as well as incorporating a further bedroom, has also been modified to meet current building regulations in terms of layout.

6. As well as maintaining a path between the new flank wall and the boundary to The Strand, refuse and cycle storage are proposed to the front. Both number 8 and the new dwelling would have private rear garden areas similar to neighbouring properties.

7. I saw from my visit that there has been little change to the layout of the original planned development and that open spaces, spaces between dwellings and the relationships between the ends of terrace blocks have remained generally as originally designed.

8. My attention has been drawn to an appeal in respect of 147 Kipling Avenue, (Appeal ref: APP/M3835/A/02/1095544). Unlike this case this was for a first floor extension to make that house larger. In my view an enlarged house in this location would have been uncharacteristic of its neighbours and, as the Inspector found, would have impinged on the character and form of the development as well as the spaces between buildings and the open plan feel of the estate.

9. The proposed development here would bring this terrace closer to The Strand. However, this is a wide open boulevard and therefore the proposed dwelling, which would appear different to an extension simply to enlarge the house, would, in my judgement, be neither overbearing nor unduly detract from the spacious character of The Strand leading to a cramped appearance.

10. The end walls of the existing terraces, because of the architectural character and style of the existing development, are simple face brickwork with no modelling or relief detailing. The gable wall of the new house would match those of the neighbouring properties. Although the end wall would be closer to The Strand, in my judgement the simple matching appearance of the wall would not have the detrimental visual impact on the street scene feared by the Council. Furthermore, in my opinion, the breaking up of the at present rather regimented building line formed by the gable walls of numbers 2, 6 and 8 and the end walls of the garage blocks to The Strand would, in itself, bring some visual relief and interest when the development is viewed from that through road.

11. The Council has brought to my attention an appeal decision ref: T/APP/M3835/A/95/257202. In addition to it pre-dating the Worthing Borough Local Plan (LP) and PPS3, the proposal is arguably similar to that before me as the dwelling's flank wall faces The Strand. However, as number 2 Kipling Avenue sits on a prominent corner plot at the junction with The Strand and the proposal was to form a larger house rather than, as here, a new matching dwelling, I do not consider that the urban design and planning considerations are directly comparable to this proposal that I have considered on its individual merits.

12. I conclude in respect of the main issue that the proposed development by reason of its scale, massing, siting and design would not have a detrimental impact on the character and appearance of the area. The proposal therefore accords with the aims of saved Policies BE1 and H18 of the Worthing Local Plan as they relate to the quality of development.

13. For the reasons given above and having regard to all other matters raised, I consider that the appeal should succeed. In accordance with the Council's suggestions, and to ensure a high quality development, I have included conditions about building materials, landscaping, screen walls and fences. In addition, to protect neighbours' living conditions, I shall require provision to be made within the site for contractors' accommodation and the storage of plant and materials. I have also precluded construction works except on certain days and within defined times. I have removed permitted development rights so that the Council can retain control over future extensions and alterations that would impact on the open plan character of the locality. As cycle and refuse storage is only shown on the application drawings in plan, I have required details to be approved by the Council.

*Philip Willmer*
INSPECTOR