Sb. Rep

Appeal Decision

Site visit made on 27 May 2009

by Peter Bird BSc DipTP MRTPI MRICS

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

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Decision date: 15 June 2009

Appeal Ref: APP/M3835/A/09/2097654

Stanhope Farm, Arundel Road, Clapham, Worthing, West Sussex BN13 3UA

- 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 Rob Pratt against the decision of Worthing Borough Council.
- The application Ref WB/08/0558/FULL, dated 20 May 2008, was refused by notice dated 19 August 2008.
- The development proposed is described as "Proposed garage conversion and erection of detached garage/store".

Procedural Matters

1. I consider that the parts of the proposed development are clearly severable. I therefore propose to issue a split decision in this case.

Decision

2. I **dismiss** the appeal in relation to the **proposed garage conversion (Part A)**; and I **allow** the appeal in relation to the **erection of a detached garage/store (Part B)**. I therefore grant planning permission for the erection of a detached garage/store at Stanhope Farm, Arundel Road, Clapham, Worthing, West Sussex BN13 3UA in accordance with the terms of the application, Ref WB/08/0558/FULL, dated 20 May 2008, and the plans submitted therewith, subject to the following conditions:

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

   ii) No development shall take place until details 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.

   iii) The garage/store hereby permitted shall be kept available for the purposes of domestic parking of vehicles and storage for the occupiers of the converted barn, known as Stanhope Farm, at all times.

   iv) Notwithstanding the provisions of Article 3 and Class E of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 (or any order revoking, re-enacting or modifying that Order), no enlargement,

improvement or alteration shall be made to the garage/store hereby permitted.

Main Issues

3. The main issues are firstly, whether the proposed garage conversion would provide an acceptable standard of accommodation, with particular regard to its use for habitable accommodation ancillary to the main dwelling, Stanhope Farm; and secondly, its effect on the living conditions of the occupiers of the adjacent residential property, Stanhope Lodge.

Reasons

4. Stanhope Farm comprises a converted and enlarged barn that is part of a cluster of buildings situated in a countryside location adjacent to the outskirts of the built-up area of Worthing. It lies behind The Coach and Horses public house and Stanhope Lodge, both of which are Grade II listed buildings and separate the appeal property from the old A27 which has been by-passed by the dual carriageway of the improved A27.

5. The appellant proposes to convert a garage into ancillary accommodation suitable for an elderly partly disabled person. The planning permission, Ref WB/95/0666, for the garage is subject to conditions, one of which states that "*The building shall be used as a private domestic garage in connection with the main barn once it has been fully converted to residential use in accordance with the approved plans and for no other purpose.*" The reason for this condition is to safeguard the amenities of the neighbouring properties.

6. The garage would be altered to contain a bed-sit area and bathroom. An opening is proposed in the side of the garage to provide access to the adjacent summerhouse. The appellant's aim is clearly to provide accommodation ancillary to the converted barn, Stanhope Farm, rather than a separate unit of accommodation. In terms of floor area I consider that the accommodation would not be unduly small but would provide a reasonable amount of space which could be furnished for the intended purposes. Although next to the site's northern boundary, the garage is well-related to the main dwelling and the distance separating them is not excessive for the purposes of servicing the accommodation. The Council indicates that the opening for the present garage doors would be enlarged and four full length glazed panels inserted. However, the appellant has confirmed that the size of the opening would remain as existing and the doors are intended to be double folding in order that the building could revert back to a garage in the future. Nevertheless, the substantial glazing of the doors and the southerly view across to the converted barn would, to my mind, be a satisfactory outlook that would not be harmful to the living conditions of future occupiers of the garage conversion, despite the accommodation's modest size.

7. Towards the end of the garage roof adjacent to Stanhope Lodge, a pair of conservation rooflights is proposed to be installed. One of the rooflights would be above the bathroom and the other above the bed-sit area. I viewed the site from Stanhope Lodge, including a small but pleasantly laid out amenity space together with the adjacent habitable room that faces the back of the existing

garage. The appellant accepts that the public house is not noisy, but points out that it is open from 11.00am to 11.00pm. At the time of my visit in the middle of the afternoon, the main background noise appeared to be from traffic along the A27. Nevertheless, I consider that the proposed rooflight, particularly above the bed-sit area, would be sufficiently close to the adjacent garden and accommodation at Stanhope Lodge so that noise emanating from this opening would be intrusive to the reasonable enjoyment of the living conditions of this neighbouring property.

8. I note the appellant is willing to omit the rooflight on the eastern side of the building. However, I consider the other rooflight would be the more likely opening from which noise would be heard. Even if both rooflights were to be fixed shut, it is not clear on the information before me as to whether the building would be satisfactorily ventilated so as to provide acceptable habitable accommodation.

9. I find that the proposed garage conversion would provide an acceptable standard of accommodation, with particular regard to its use for habitable accommodation ancillary to the main dwelling, Stanhope Farm. However, this would not outweigh the harmful effect on the living conditions of the occupiers of the adjacent residential property, Stanhope Lodge. In this regard Part A of the proposal would conflict with Policy DEV1 of the West Sussex Structure Plan 2001-2016 and Policy H18 of the Worthing Local Plan, in that amongst the considerations of these policies they aim to minimise the potential conflict between land uses and activities, particularly the amenity for residents, for example through noise.

Other matters (Part B)

10. Having regard to the earlier planning history, I understand that the appeal site is within an area subject to the countryside policies of the development plan. However, adjacent is an extensive area, predominantly of open fields, that is allocated for housing development. The proposed garage/store would be located to the south of the main dwelling and near to the site's entrance in an area which, in my view, blends in with the openness of the adjacent fields. Its design would reflect that of buildings seen in rural locations. Given the proposed building's modest scale and sympathetic design it would not detract from the character and appearance of the area, bearing in mind the nearby allocation for housing. The Council has no objections to the proposed garage/store and I share this view, subject to the conditions that I have set out above. Nevertheless, this does not alter my conclusion in relation to Part A.

Conditions

11. I have considered the use of conditions in relation to Part B having regard to the advice contained in Circular 11/95. Where appropriate I have amended those suggested to reflect the advice and relevant model. The control of materials, including the brick plinth, is necessary in the interests of the character and appearance of this setting. Similarly, the use of the building needs to be controlled for parking and storage. The Council has suggested a condition restricting alterations to the building, which would in effect remove a certain class of permitted development. However, and despite the allocation of

nearby land for housing development, I consider that control of future works to the proposed garage /store are justified in the interests of the remaining open setting of Stanhope Farm and particularly the adjacent listed buildings.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that Part A of the appeal proposal should be dismissed and that Part B should be allowed, subject to conditions.

Peter Bird
INSPECTOR