

Appeal Decision

Site visit made on 4 January 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 24th January 2017

Appeal Ref: APP/M3835/W/16/3158214

**Land adjacent to Northbrook Barn East, 5 Fulbeck Avenue, Worthing
BN13 3RS**

- 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 A Linton against the decision of Worthing Borough Council.
 - The application Ref AWDM/0388/16, dated 10 March 2016, was refused by notice dated 7 July 2016.
 - The development proposed is 'new build two bedroom semi detached house'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have used the site address as stated on the appeal form and the Council's decision notice as this is more accurate than that stated on the planning application form.

Main Issues

3. The main issues are:
 - i) The effect upon the living conditions of the occupiers of neighbouring properties adjacent to the north east boundary of the site, with particular regard to outlook and privacy, and
 - ii) The effect of the proposed development upon the character and appearance of the area.

Reasons

Living conditions

4. The proposal would have two first floor rear facing dormer windows serving a bedroom and study. Given the orientation of the building in relation to the adjacent recently constructed properties, and the limited separation distance to their rear boundaries, I consider that these windows would afford clear views of substantial parts of the two adjacent rear gardens. There is very limited existing screening on their rear boundary.
 5. The appellant argues that such rooms would only be in intermittent use. This might not necessarily be the case, but even if so, they would still allow clear
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views of the neighbouring gardens. This would be particularly the case for the eastern most window that would afford a direct view over the gardens. Whilst new planting is indicated on the boundary of the site, from the details provided, this would not offer such protection to satisfactorily mitigate against the overlooking.

6. This overlooking of the adjacent rear gardens would result in an unacceptable loss of privacy for the occupiers of the two affected neighbouring properties, to the detriment of their living conditions.
7. Whilst the newly constructed dwellings to the east results in some existing overlooking of the garden area to Northbrook Barn, given the overall size of the garden area, I do not consider that the effect would be as significant as that which would arise from the appeal proposal overlooking smaller garden areas.
8. The overall massing of the development would be limited by its low eaves level and pitched roof. On this basis, I consider that the separation distances to the adjacent neighbouring properties, would be sufficient to prevent it appearing as unacceptably overbearing for the occupiers of those properties. For the same reasons it would not result in any significant overshadowing.
9. The Council's officer report also raises concern regarding noise and disturbance from the proposed parking area, however as this would only serve one dwelling I do not consider that its frequency of use would be such to result in any significant harm in this regard.
10. Whilst I am satisfied that no significant impact would result in terms of outlook, overshadowing and noise, I consider that the proposal would result in a significant loss of privacy for neighbouring properties to the detriment of the living conditions of the occupiers. This would be contrary to the relevant amenity aims of policies H16 and H18 of the Worthing Local Plan 2003 and the Framework.

Character and appearance

11. The existing building to which the appeal proposal would be attached, has sought to replicate the appearance of a traditional Sussex barn. An older former farmhouse building is located adjacent to its south west side elevation. A row of recently constructed properties are located within the former car park site adjacent to the north east side boundary of the site.
12. The curve of the adjacent road would result in the proposal being closer to the front of the site than the existing, though I consider that ample space would be retained to the front to provide for an appropriate setting for the building. The forward siting would not be so pronounced to result in it appearing as visually intrusive in the street scene. Furthermore, the new development further along Fulbeck Avenue in the former car park site would be closer to its site frontage than the appeal proposal. I also consider that there is sufficient separation distance from the proposal to that new development to preserve both the generally spacious character of the street scene and the individual design qualities of both schemes.
13. Whilst the proposal would substantially increase the width of the existing building, I do not consider that this would be so pronounced to result in the extended building appearing as unduly dominant or incongruous within the

street scene. Sufficient space is retained around the building to preserve its spacious setting.

14. The design of the proposed dwelling has sought to be sympathetic to the existing building to which it would be attached, including the same fenestration and roof detail. Whilst the existing building has sought to mirror a traditional barn, it contains strong indications of its residential use. There are already six roof lights in the forward facing roof slope of the existing building and I do not consider that the addition of three further roof lights in the new development would be detrimental to its appearance. Whilst the new proposed ground floor glazing and door would unbalance the appearance of the building as a whole, I do not consider that the loss of the existing symmetry is of such importance to lead to unacceptable harm to its overall character and appearance.
15. A proposed parking and turning area would be located in the eastern corner of the site. Whilst resulting in the loss of part of the existing landscaped area, the majority of the existing landscaped frontage would be retained. Taking into account the opportunity for further landscaping including tree planting, I do not consider that it would be of such a size to appear as unacceptably dominant or unsympathetic in the street scene. I acknowledge that the Council has attached importance to the previously implemented landscaping scheme at the site but I do not consider that the proposal would be so detrimental to this to result in any significant harm to the character and appearance of the area. The Council has also referred to the proposal involving the felling of two mature trees but no further details are provided and the application drawings show the retention of the two largest trees currently in existence in the front half of the site.
16. I therefore find that the proposal would not result in any unacceptable harm to the character and appearance of the area. It would satisfactorily accord with the relevant design aims of policy 16 of the Worthing Core Strategy 2011 and the National Planning Policy Framework (the Framework).

Other matters

17. Although no objections have been received from neighbouring properties, this does not negate the need for me to consider the proposal on its planning merits against the relevant policies of the development plan.
18. The Council's fourth reason for refusal relates to the loss of a ditch connected to an existing pond, resulting in surface water run-off issues to the detriment of highway safety and drainage. However, the ditch has now been in-filled and the Council has subsequently confirmed in its appeal statement that its engineers accept the situation subject to the proposal being able to demonstrate adequate means of disposal of surface water run-off, which could be secured by condition. Given my conclusion on the main issues, it is not necessary for me to consider this matter any further.

Conclusion

I have found that the proposal would not result in significant harm to the character and appearance of the area. However, it would result in unacceptable harm to the living conditions of the occupiers of neighbouring properties. That harm is the overriding consideration in this case.

19. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR