
Appeal Decision

Site visit made on 17 January 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/M3835/W/16/3155540

Bradley House, Heene Road, Worthing BN11 4PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Leslie Salt (Town and City Garages) against Worthing Borough Council.
 - The application Ref AWD/0312/16 is dated 27 February 2016.
 - The development proposed is the demolition of 4 garages and erection of 2 No one bedroom flats incorporating 2 garages and ancillary ground floor storage space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council indicates that had been in a position to determine the planning application, it would have been refused for the following reasons: the effect on the Heene Conservation Area and No 77 Manor Road; the effect on the living conditions of the occupiers of No 77 Manor Road and Bradley House in respect of outlook and daylight, and the living conditions of Bradley House in respect of privacy, and also the effect on the living conditions of future occupiers of the first floor flat in respect of the amount of indoor floorspace to be provided.

Main Issues

3. The main issues are:
 - i) Whether the proposed development would preserve or enhance the character or appearance of the Heene Conservation Area;
 - ii) The effect of the proposed development on the living conditions of the occupiers of No 77 Manor Road and Bradley House in respect of outlook, and the living conditions of the occupiers of Bradley House in respect of privacy.

Reasons

Conservation Area

4. The appeal site is located within the Heene Conservation Area. The area is mainly residential in character. The roads are wide and the houses have fairly large front gardens with mature planting. The area has a very pleasant, spacious characteristic. Houses vary in age and design although the houses in
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- Manor Road are mainly large villa style houses with attractive red brick, tile hanging, bay windows, pitched and hipped roofs and chimneys.
5. The appeal site is adjacent to No 77 Manor Road which the Council refer to as a Local Interest Building. It is representative of the age and design of houses found within the Conservation Area and it has a large double height bay facing towards the appeal site. Although No 77 has a flat roof side extension and is a tall property it nevertheless makes a very positive contribution to the appearance of the Conservation Area. Bradley House is a large purpose built block of flats constructed in the 1960s. Although it has bay windows on the Heene Road and Manor Road frontage, it contrasts strongly in design to the majority of buildings in the Conservation Area and is a prominent building. There is a strong sense of separation and spaciousness between Bradley House and No 77 that is part of the character of this area.
 6. The scheme would involve the demolition of four of the single storey garages which serve the properties at Bradley House. This would be replaced with an extension to Bradley House. The extension would be two and three storeys in height with an under-croft providing access to parking spaces and garages to the rear of Bradley House. Some elements of the design of the extension would match that of the existing flats with similar materials. I note that it is intended to provide planting and landscaping to the front of the proposed extension.
 7. However, the under-croft and design of the ground floor of the extension would result in a building which would appear very different to that of Bradley House. The bays would not extend to the ground floor as they do in the rest of the building, and the storage area of the ground floor would have a blank expanse of wall which would be in contrast to the interest found in the main block. The building line would also come slightly forward of that of the existing block of flats. The side elevation close to No 77 would have a significant mass which would be prominent when seen from Manor Road near No 77. It would draw the eye and appear prominent in the street scene.
 8. Furthermore, due to the height and design of the extension in close proximity to No 77, this would significantly reduce the sense of spaciousness which exists between the main block of flats and No 77. It would also come slightly forward of the bay windows at No 77, which would partly obscure the view of this key feature when travelling from Heene Road towards No 77. Proposals for landscaping would not be sufficient to mitigate these effects.
 9. I acknowledge planning permission was granted in the 1950s for 14 flats. However, this was some considerable time ago and I have not been provided with the circumstances which led to this proposal being acceptable at that time. I therefore give this factor very little weight. I have been referred to development at Lancaster Place, and other extensions in the area. I do not have the full details of the circumstances that led to these being acceptable and so cannot be sure they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.
 10. For the reasons given above, I conclude that the proposed development would fail to preserve and enhance the character and appearance of the Heene Conservation Area. It would be in conflict with Policy 16 of the Worthing Core Strategy (CS) 2011. This amongst other things seeks new development which should display a good quality of architectural composition and detailing as well

as respond positively to the important aspects of local character, exploiting all reasonable opportunities for enhancement, and preserve and enhance existing assets. It would be contrary to the provisions of the National Planning Policy Framework (the Framework) in respect of protecting and enhancing the built and historic environment.

Living conditions

11. The proposed extension would come forward of the side bay windows at No 77 Manor Road. These serve as windows for habitable rooms albeit there is an additional but smaller window in the front elevation of the first floor of No 77. A porch obscures views of the additional ground floor window. The blank side elevation on the east side would be high and in close proximity to these windows. It would be highly visible to the occupiers of No 77, and its mass and bulk would appear unduly intrusive at both ground and first floor level.
12. The flats to the rear of Bradley House which would be closest to the extension have habitable rooms which would face towards the extension. Although the extension would in a similar position to the single storey garages the increase in size and height would be very noticeable to the occupiers, particularly residents on the ground floor. The extension would significantly decrease the sense of openness in this location, and would lead to a sense of feeling much darker and being enclosed for the occupiers of these flats.
13. There would be two windows within the proposed flats which would face north. However, taking account of the angle at which these windows would be in relation to the existing flats this would provide oblique views. It would therefore not give rise to a significant increase in overlooking. However, this does not outweigh the harm I have found.
14. For the reasons given above, I conclude that the proposed development would cause harm to the living conditions of the occupiers of No 77 Manor Road and Bradley House in respect of outlook. It would be in conflict with saved Policy H18 of the Worthing Borough Local Plan. This seeks new development that would not result in an unacceptable reduction in amenity for local residents. It would be contrary to the Framework in respect of providing a good standard of amenity for all existing and future occupiers of land and buildings.

Other matters

15. The Council refer to the first floor flat of the proposed development as providing internal floorspace which would be less than the national space standards. The layout would provide a bedroom which would have sufficient circulation space and space for storage. The kitchen, living room and dining room area would be large enough to allow some separation between these uses. In these circumstances, the amount of internal space to be provided does not weigh against the proposal.
16. There is some shared outdoor garden areas to the front and side of Bradley House. This would be fairly close to the proposed flats and easily accessible to the future occupiers. Although there would be a slight increase in the numbers of people who could access the space, I consider this would not be significant and it would not be detrimental to the existing occupiers.
17. The Council does not object to the proposal in terms of its effect on parking and highway safety. I note that the garages are available for owners and

tenants of Bradley House. Additional spaces would be provided which would be marked out, and the two garages although small, would replace the loss of the existing garages. I find that the proposal would be acceptable in this regard. However, this is not sufficient to justify the appeal proposal.

Conclusion and balance

18. When the proposed development is considered in the context of harm to the significance of the designated heritage asset, the harm may be considered as less than substantial. The Framework requires that any such harm be assessed against any public benefits including securing its optimum viable use. The proposal would make a very small contribution to the housing supply and mix of units within the area. The scheme would also result in additional insulation for part of the existing building. However, even when considered together these are very modest benefits. They would be significantly outweighed by the harm to the character and appearance of Heene Conservation Area.
19. The Council indicate that they are unable to demonstrate a five year supply of housing land. Applying the test of paragraph 14 of the Framework the combined adverse impacts on the Conservation Area and the living conditions of the adjacent occupiers would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. It is thus not sustainable development for which there is a presumption in favour.
20. In reaching this conclusion I have considered all other matters but have found nothing that changes my conclusion that the appeal should be dismissed.

L Gibbons

INSPECTOR