
Appeal Decision

Site visit made on 25 April 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 05 May 2017

Appeal Ref: APP/M3835/W/16/3167411

16A/B Southcourt Road, Worthing, West Sussex, BN14 7DQ

- 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 Antony Crowley against the decision of Worthing Borough Council.
 - The application Ref AWDM/1731/15, dated 25 November 2015, was refused by notice dated 21 October 2016.
 - The development proposed is extension and alteration to create 2 x 1 bedroom self-contained flats.
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Preliminary matters

1. The application drawings considered by the Council are Nos. 16/01, 16/02, 16/03, 16/04/1, 16/04/2, 16/05 and 16/06. These conform to the revised description of the scheme, agreed with the Council, as extension, alteration and conversion of the building to create two bedsit units. I have considered the appeal on this basis.
2. The site is located south of No. 17 Southcourt Road and No. 22 Westcourt Road. It is not clear from which of these addresses the first floor windows facing the site are accessed from.

Costs application

3. An application for costs was made by Mr Antony Crowley against Worthing Borough Council. This application is the subject of a separate decision.

Decision

4. The appeal is allowed and planning permission is granted for extension, alteration and conversion to create 2 bedsit units at 16A/B Southcourt Road, Worthing, West Sussex, BN14 7DQ in accordance with the terms of the application, Ref AWDM/1731/15, dated 25 November 2015 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/01, 16/02, 16/03, 16/04/1, 16/04/2, 16/05 and 16/06.
 - 3) The development hereby permitted shall not be occupied until the windows on the north west elevation at first floor level have been fitted
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with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened in such a way as to allow a view out. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 5) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development 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.
- 6) No occupation of the development hereby approved shall take place until the cycle and bin store provision has been made in accordance with the approved drawings. The cycle and bin store provision shall be permanently retained and maintained thereafter.
- 7) The first floor accommodation shall not be brought into use until the screening shown on drawing No. 16/06 has been installed.
- 8) No heat pumps or associated equipment shall be installed until details of noise emissions in all phases of operation have been provided to the local planning authority and approved in writing. The heat pumps shall be installed and maintained thereafter in accordance with the manufacturers recommendations.

Reasons

5. The main issues in this appeal are firstly whether the standard of accommodation that would be provided would be adequate, and secondly the effect on the living conditions of adjacent occupiers, in terms of privacy.

6. The appeal building consists of a 2 storey brick structure with a pitched roof, probably of Victorian origin. The approved use of the building is as a workshop (class B1 or B2). It lies behind a row of terraced houses in Westcourt Road and backs onto light industrial premises near Worthing Station.
7. The gross internal area of the ground floor unit would be 31 square metres (sqm) which would be very close to the minimum floor area of 32 sqm suggested for a studio flat in Worthing's space standards Supplementary Planning Document (SPD) of February 2012. As the ground floor unit includes useful outside space and allows for cross ventilation and daylighting on the south east and north west sides as well as a sizeable kitchen, I consider it would provide a satisfactory standard of accommodation.
8. The SPD notes that where extensions or conversions are concerned, an element of flexibility is appropriate, whereby a balance can be struck, as long as acceptable living accommodation results. I have applied this principle with respect to the first floor unit, which despite having a gross internal area of only 21 sqm, shares the ground floor laundry as well as the cycle store and bin storage in the yard. There is no space standard for a bedsit in the adopted SPD, nor is there firm guidance in the National Planning Policy Framework of March 2012 (NPPF). However this unit would considerably exceed the minimum area given for a one bed unit for a couple in Adur and Worthing's Standards for Houses in Multiple Occupation guidance of 2015. The circumstances of a house in multiple occupation are somewhat different because more communal accommodation is normally shared. Whether this unit would provide acceptable living accommodation then becomes a matter of fact and degree. I consider that on balance, the shared facilities, elevated position, outside landing, generous natural light and separate external front door are significant benefits that would make the first floor unit spacious in feel and acceptable despite falling short of the recommendations set out in the SPD for a studio flat.
9. Turning to the impact on privacy, some upper floor windows of the first floor unit would face the rear bedroom windows of houses in Westcourt Road. These windows are already partially obscure glazed and I noted that a window in No. 17 Southcourt Road or No. 22 Westcourt Road is also obscure glazed, reflecting the likelihood of an overlooking issue in the past. A condition requiring new windows to be fully obscure glazed would prevent any possibility of unacceptable overlooking in the future. To allow for a degree of cross ventilation, this condition is adapted to allow opening providing there is no view out. Both windows are included in the condition because of the private rear yard of No. 17, as well as the potential for reglazing of the upper floor window in the future.
10. There is no dispute that the building is in a sustainable location within easy reach of public transport and all necessary facilities. The proposed conversion would make a useful contribution to the provision of housing in the Borough. There would be no conflict with the environmental and design aims of the 2011 Worthing Borough Council Core Strategy policy 16 or the amenity protection objectives of saved policy H18 of the Worthing Local Plan of 2007; and limited conflict with the aims of the SPD. There would be no conflict with any policy in the NPPF. Viewing the development plan context in the round, planning permission should not be withheld.

Conditions

11. As well as the usual time limitation clause, conditions are imposed to ensure obscure glazing and to control contamination on this former industrial site. External materials need to be approved in the interests of the character of the area. The cycle and bin store provision needs to be provided before occupation because these aspects are important environmental and sustainability aspects of the development. No occupation of the first floor accommodation should take place until the external landing screening is in place in order to protect the living conditions of neighbours. The proposed heat pumps need to be acceptable in terms of noise. Finally, the development should be constructed in accordance with the approved drawings for the avoidance of doubt and in the interests of good planning.
12. For all the above reasons, the appeal should succeed.

Paul Jackson

INSPECTOR