



Appeal Decision

Site visit made on 23 July 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/M3835/W/19/3228175

Love Cottage, 2B Hayling Rise, High Salvington, Worthing, BN13 3AL

- 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 Clark against the decision of Worthing Borough Council.
 - The application Ref: AWDM/0673/17 dated 26 April 2017, was refused by notice dated 9 November 2018.
 - The development proposed is the replacement of the existing one-bedroom family annexe, a flat roof bungalow at; Love Cottage, 2B Hayling Rise Worthing West Sussex, BN13 3AL with a new 2-bedroom family annexe bungalow under a pitched tiled roof, within the existing site curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of an existing one-bedroom family annexe, a flat roof bungalow, with a new 2-bedroom family annexe bungalow under a pitched tiled roof, within the existing site curtilage at Love Cottage, 2B Hayling Rise, High Salvington, Worthing, BN13 3AL in accordance with the terms of the application Ref: AWDM/0673/17 dated 26 April 2017, 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 drawings: 15/1371/TP 001a Rev A Existing block & location plan, 15/1371/TP 002a Rev B Existing layout & elevations of one bedroom bungalow, 15/1371/TP 005a Rev A Proposed block & site plan, 15/1371/TP 003a Rev B Proposed layout & elevations of two-bedroom Annexe and 15/1371/TP 004a Existing & proposed street scene.
 - 3) No development above ground works shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension 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 / samples.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2A Hayling Rise.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance

3. Hayling Rise is a mature residential street fronted predominantly by detached brick-built bungalows with both hipped roofs and gables stepping up the road as it rises to the north. The dwellings are set back from the road behind, predominantly, low brick walls. The appeal site comprises the curtilage of 2A Hayling Rise, which sits in a long plot alongside Hayling Rise. The proposed development would be located to the rear of the existing dwelling at the top end of the plot at a higher level than the dwelling.
4. Views of the proposed development from higher up Hayling Rise would be filtered by existing trees on the northern boundary of the appeal site and it would be seen in the context of the bulk of No 2A behind. When passing and when viewed from lower down Hayling Rise the roof would be visible, but it would not be prominent, particularly as it would be seen largely either in the context of existing vegetation and / or larger dwellings.
5. The appellant indicates that the existing boundary trees and hedging are to be retained. Even if these were to be removed, I do not consider that the proposed development would be intrusive or incongruous in the street scene as it would be seen from only a limited section of Hayling Rise and within the context of existing development. The hipped roof form would reflect roofs elsewhere along Hayling Rise and, although sited on higher ground relative to No. 2A, I consider that it would have a satisfactory visual relationship with the main dwelling.
6. I note the Council's reference to a previous appeal decision in 2006. I do not have the full details of this appeal, but the Council's evidence is that this appeal related to a proposed development 5.5 m high. The current proposed development would be 3.7 m high and as such it is materially different to the previous scheme. I consider that the proposed development would not be harmful to the street scene and I therefore conclude that the proposed development would not conflict with Policy 16 of the Worthing Core Strategy (2011) or Policy BE1 of the Worthing Local Plan.

Living conditions

7. The proposed development would be sited close to the boundary with No. 43 Arundel Road and extend along that boundary to a greater extent than the existing building. There would therefore be a greater length of wall presented to the rear curtilage of No. 43. However, the shallow pitched roof of the proposed building would slope away, and I do not consider that the extended bulk of the proposed annexe would be overbearing for the occupiers of No. 43.
8. I note the requests from the occupier of No. 43 for a restriction on any future planning applications relating to No. 2A or No. 2B and for the removal of trees to compensate for the loss of light caused by the new pitched roof. However, it is not possible to restrict applications for planning permission in this way and,

given the shallow angle of the pitched roof, I do not consider that the proposed development would materially increase overshadowing of No. 43.

9. In respect of No. 2A, the proposed annexe would be slightly wider than the existing annexe but would be no closer to No. 2A than the existing annexe and the shallow roof pitch would slope away from No. 2A. Accordingly, I do not consider that the proposed development would be overbearing for the occupiers of No. 2A. Given the distances to other properties in the vicinity of the appeal site, including No. 2 Hayling Rise, I do not consider that it would be overbearing for the occupiers of those properties.
10. Notwithstanding my conclusions above, I note that neither Policy 16 of the WCS nor Policy BE1 of the WLP specifically seek to protect living conditions. I therefore find no conflict with these policies in respect of the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Other matters

11. Objections to the proposed development were raised by the occupiers of No. 2 on the grounds of overdevelopment, additional traffic and parking pressure, being overbearing and causing loss of light to No. 43. The occupiers of No. 2 also refer to previous applications to build on the appeal site and confusion over house numbering.
12. As regards overdevelopment, reference is made to a log cabin to the south of the plot. I do not have the full details of this cabin but, in any event, I do not consider that the proposed development would result in overdevelopment of the site given the size of the overall plot. I accept that the proposed annexe would not have a back garden like those of other dwellings on Hayling Rise, but I do not consider that this would result in material harm to the street scene as these rear gardens do not contribute significantly to that street scene.
13. The proposed development would retain two off-street parking spaces for the occupiers of No. 2A and No. 2B. I note that the Highways Authority raised no objection to the development and the Council did not refuse permission for the development on the basis of additional traffic or parking issues. I consider that these impacts of the proposed development would be acceptable in relation to highway / pedestrian safety and the character and appearance of the area.
14. I have concluded above that the development would not be overbearing nor materially increase overshadowing for the occupiers of No. 43. I am aware of the planning history for the appeal site from the Council's evidence, but I have to determine this appeal based on the proposal before me. I understand the potential for confusion between No. 2, No. 2A and No. 2B, but house numbering is not a planning matter.

Conclusion

15. For the reasons given above, the appeal is allowed, and planning permission is granted subject to conditions, which are necessary in the interests of certainty and to safeguard the character and appearance of the area.

Martin Small

INSPECTOR