The Planning Inspectorate

Appeal Decision

Site visit made on 29 July 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/M3835/W/19/3228834
40-42 South Street, Worthing BN11 3AA

- 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 Geneva Investment Group Ltd against the decision of Worthing Borough Council.
- The application Ref AWDM/0614/18, dated 20 April 2018, was refused by notice dated 5 December 2018.
- The development proposed is conversion of existing building at 1st, 2nd and 3rd floors and alterations and extensions to rear of main building and existing rear storage building to accommodate 9 no. residential flats.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has requested that the appeal should be determined on the basis of a revised plan, Drawing No 3810-2001 Revision E, and two visualisations of the proposed development, submitted as part of the appeal. As the revised plan only shows minor amendments, and the Council has commented on the revised plan and visualisations in their appeal statement, I do not consider their interests would be prejudiced if I take the revised plan and visualisations into account. I shall therefore determine the appeal on the basis of the plans referred to on the application form, as well as the aforementioned revised plan and two visualisations of the proposed development.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the South Street Conservation Area (CA).

Reasons

4. The appeal site is located on the east side of South Street within the CA. The main elevation of the appeal property on South Street is three storeys with additional rooms within the roof space. At the time of my site visit, the ground floor of the building fronting onto South Street was undergoing refurbishment in readiness for retail use.

5. A rear extension links the building on South Street to a two-storey pitched roof building which fronts onto Marine Place. Due to a bend in the road this building

is in a prominent position where Marine Place meets Bedford Row. It is also aligned forward of buildings to the south of it on the west side of Marine Place. Hence, its south elevation is readily visible above the boundary wall to the rear of No 36 Marine Place in views along Marine Place when approached from the south. Furthermore, Marine Place, as a result of the bend in the road, is more open in the vicinity of the site. Hence, relatively broad views of the site are possible when approaching from Bedford Row.

6. The CA is characterised by a variety of buildings, built mainly during the rapid expansion of the town in the late 18th century and the first decade of the 19th century, when Worthing became notable as a fashionable genteel seaside resort. Over time, new shops, car parks and other commercial buildings have been built, however buildings of architectural and historic interest remain a significant positive feature of CA. Marine Place is historically important because it is part of the early growth of the town. The first Wesleyan Methodist Chapel built in 1822 is close to the site on the east side of Marine Place and the listed Bedford Hall is directly opposite the site at the corner of Marine Place and Bedford Row. Moreover, there is a row of mostly Grade II listed town houses in Bedford Row east of the site.

7. Unlike the southern half of South Street and Marine Place where many original buildings between these streets have been replaced by ones of greater height and mass, the urban grain in the northern half of these streets and around Bedford Row has largely remained unaltered. The buildings at the site including the two-storey pitched roof building fronting onto Marine Place, albeit that it is somewhat rundown in appearance, combined with the aforementioned buildings of architectural and historic interest in Marine Place and Bedford Row, contribute distinctively and positively to the urban grain and character of the CA.

8. The proposal would retain the ground floor for retail use. The building fronting onto South Street would be converted and extended to the rear to form five flats. The pitched roof of the existing two-storey building fronting onto Marine Place would be removed and the building extended to form four flats across the upper three floors. As a result, the building fronting onto Marine Place would be four storeys in height and the design would incorporate a recessed unit on the fourth floor and a flat roof. It would therefore be very substantially altered in design, scale, bulk, mass and character from the existing relatively modest traditional built form. Although the walls would be white render to match the existing building, notwithstanding the design amendments relating to details of elevational treatments, the proposed extended building fronting onto Marine Place would not compliment and reinforce the existing historical urban grain that is present in the northern half of South Street and Marine Place.

9. Although the proposed extensions would not be visible from South Street the proposed alterations to the building fronting onto Marine Place would, by virtue of its prominent position within the street, be very readily visible locally in Marine Place and Bedford Row and in views along Marine Place when approached from the south from Marine Parade. Overall, the scale, bulk, massing and appearance of the proposal would be at odds with the prevailing historic and architectural character and appearance of Marine Place and Bedford Row. As a result, the development would detract from the character and appearance of the street scene and the wider CA. Therefore, I conclude

that the proposed development would harm the character and appearance of the area.

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 193 of the National Planning Policy Framework (the Framework) is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

11. In light of this and my findings above, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA. Therefore, the proposal would conflict with the expectations of the Framework and Policy 16 of the adopted Worthing Borough Council Core Strategy 2011 (CS) which, amongst other things, seeks to ensure that the settlement structure, landscape features and buildings which represent the historic character of Worthing should be maintained; preserving and enhancing existing assets. In respect of paragraph 196 of the Framework, I quantify that the harm to the CA would be less than substantial. Such harm needs to be balanced against any public benefits the development might bring.

12. There would be a modest public benefit associated with the provision of nine units of residential accommodation in a Borough where the Council accepts it cannot demonstrate a deliverable five-year supply of housing sites. I have afforded this moderate weight in favour of the development. The proposal would also result in some support for local services and facilities, both during construction and when the residential units are occupied. Nevertheless, given the modest number of residential units proposed, I have afforded this a small amount of weight in favour of the development. These identified public benefits would be significantly outweighed by the harm that would be caused to the character and appearance of the CA.

Planning Balance

13. As noted above, the Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites in relation to locally assessed housing needs. As such, in accordance with paragraph 11 of the Framework and footnote 7 therewith, the Development Plan policies which are most important for determining the appeal should be considered out-of-date.

14. Notwithstanding my conclusion on the main issue above, I have had regard to paragraph 11 of the Framework and footnote 6 therewith. Paragraph 11 states that where relevant policies are out-of-date, permission should be granted unless specific policies in the Framework, including policies relating to designated heritage assets, indicate that development should be restricted or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As I have already found that the Framework policy relating to heritage assets in paragraph 196 indicates that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal. The development would result in harm to the character and appearance of the CA contrary to Policy 16 of the development plan and the conservation requirements of the Framework.

Other Matters

15. Since the planning application was determined and the appeal lodged, the appellant has submitted to the Council a unilateral undertaking dated 12 June 2019 pursuant to section 106 of the Act[1]. This contains a planning obligation for a financial contribution towards affordable housing. The Council state that the contribution is in accordance with Policy 10 of the CS, which requires a 10% affordable housing financial contribution on all sites of 6 to 10 dwellings.

16. However, paragraph 63 of the Framework states that, other than in designated rural areas, provision for affordable housing should not be sought for residential developments that are not major[2] development. Paragraph 47 of the Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

17. The Framework is a material consideration in determining planning applications and appeals. The proposed development is not major development and although the development plan indicates that a contribution towards affordable housing would be sought, this is out-of-date in respect of the Framework. Taking this into account, I conclude that, in accordance with the Framework, the financial contribution towards affordable housing is not necessary. I would add, however, that even if the affordable housing was necessary and hence provided, any such benefit would not have outweighed or altered my overall conclusion on the main issue.

18. The proposed development would not be unacceptable as regards living conditions, accommodation standards, highway safety and flood risk, although these attract neutral weight. The appellant points out that the site is in a highly sustainable town centre location close to transport links and the development would provide an opportunity to make efficient use of existing vacant buildings. I have taken these points into account however they do not outweigh the harm I have found in respect of character and appearance.

19. My attention has been drawn to recently granted planning permissions for other similar development in the area, including at the appeal site[3]. The fact that apparently similar development has been granted planning permission is not justification to allow a proposal which would have a harmful effect on the character and appearance of the CA. I have considered this appeal proposal on its individual planning merits and none of the other matters raised alter or outweigh my conclusion on the main issues.

Conclusion

20. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR

[1] Town and Country Planning Act 1990.
[2] For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.
[3] Reference AWDM/0941/16