



Appeal Decision

Site visit made on 10 September 2019

by J E Jolly BA (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/M3835/W/19/3232165

28 Sea Place, Goring-by-Sea, Worthing, West Sussex BN12 4BZ

- 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 Clive Neil-Smith against the decision of Worthing Borough Council.
 - The application Ref AWDM/1347/18, dated 30 August 2018, was refused by notice dated 28 March 2019.
 - The development proposed is the construction of new 1.5 storey detached flatted scheme to provide 2 x 2-bedroom flats and 1 x 1-bedroom flat with associated parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of new 1.5 storey detached flatted scheme to provide 2 x 2-bedroom flats and 1 x 1-bedroom flat with associated parking and amenity space at 28 Sea Place, Goring-by-Sea, Worthing, West Sussex BN12 4BZ in accordance with the terms of the application, AWDM/1347/18, dated 30 August 2018, subject to the conditions set out in Annex A

Procedural Matter

2. For clarity, in consideration of the main issue related to site drainage I have referred to Policy 15 (Flood Risk) of the Worthing Core Strategy 2011, rather than Policy 16 (Built Environment and Design). The Council has agreed that Policy 16 was stated in error on their Decision Notice.

Main Issues

3. The effect of the proposed development on; i) the character and appearance of the area, ii) the living conditions of neighbouring occupants at 26 and 30 Sea Place and 'Elsted', South Avenue in respect of light, overlooking and privacy and; iii) site drainage.

Reasons

Character and Appearance

4. The appeal site is located in a residential area close to Goring sea-front. The area has a mix of one and two-storey dwellings of varying sizes, ages and styles that include brick and tile finishes as well as timber clad properties.

5. Off-street parking behind landscaped set-backs and low walls are typical in the area. A range of more recent developments and conversions can be seen nearby on both Eirene Road and Marine Crescent.
6. The appeal site constitutes a generous plot that previously accommodated a bungalow and is bounded on three sides by other bungalows, some of which have been extended. The rear and side boundaries are a mix of mature hedging and fences. To the front boundary the remains of a flint wall associated with the demolished bungalow can be seen.
7. The proposal is for 3 flats as part of a single access, two-storey, dwelling with 4 parking spaces, refuse, recycling and cycle storage space to the front of the development. To the rear of the flats there would be a communal garden space. Visually the dwelling would comprise of Sussex hip, flat and gable roofs finished in clay tiles, brick and white-weather boards. There would also be first floor, front and rear, obscured glazed balconies.
8. The proposed development would be in a dense residential area that offers a mix of styles including those of a contemporary appearance. As such, and in this particular location, the proposal would not be incongruous with the surrounding area.
9. Further, whilst the development would be close to the side boundaries of Nos 26 and 28 and the rear boundary of 'Elsted' the scheme has been designed to respect the lower heights of these properties through the use of hip roofs and efficient use of the large plot.
10. Moreover, in combination with the imposition of a soft-landscaping condition, the on-plot parking arrangement associated with the development would be similar to the surrounding off-street parking provision. Therefore, the design and detail of the proposal would result in a development that is unobtrusive and comfortably accommodated on the relatively large plot.
11. Therefore, the proposal complies with saved Policy H18 of the Worthing Local Plan 2003 (WLP), Policies 8, 9 and 16 of the Worthing Core Strategy Plan 2011 (WCS) and the Worthing Borough Council Guide to Residential Development Supplementary Planning Document 2013 (SPD), which state amongst other things that all new development will be expected to demonstrate good quality architectural and landscape design and use materials that take account of the local area and have an acceptable level of amenity.
12. For similar reasons the proposal accords with Paragraph 127 of the National Planning Policy Framework (the Framework) which identifies that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living Conditions

13. No 26 and No 30 and 'Elsted' have side and rear boundaries adjacent to the appeal site. However, the proposed communal garden, despite the presence of glazed balconies, provides adequate separation and privacy to the rear of the property. Indeed, while there may be some potential overlooking the proposal is at a distance to neighbouring properties that is not uncommon in the surrounding area. Similarly, to the side of the proposal the elevations have small, unobtrusive windows that would avoid direct overlooking into nearby windows and would therefore, not be harmful to the neighbouring occupants.

14. The proposal, as with the former bungalow, is surrounded by residential development and therefore, the sunlight and daylight experienced to the side and rear of the property may well rise and fall during the day and through the course of the year. However, as the plot is relatively spacious there would be sufficient daylight to serve the habitable rooms.
15. Accordingly, for the reasons given above the development would not be materially harmful to the living conditions and amenity of the neighbouring occupants. Consequently, the scheme accords with saved Policies H16 and H18 of the WLP, the SPD and Paragraph 127 of The Framework which state that a development should promote health and well-being, with a high standard of amenity for existing and future users and makes good use of natural light.

Site drainage

16. The Appellant has not provided a drainage scheme that includes a Surface Water Management Plan. As I have limited evidence before me in respect of flood risk a drainage assessment would be required. In order to conform with Policy 15 of the WCS, and ahead of any development, the imposition of a condition related to surface water disposal is necessary and appropriate. The Appellant has confirmed in writing that he would be willing to comply with such a condition.

Conditions

17. I have considered the conditions against Paragraph 55 of The Framework and the national Planning Practice Guidance. As well as the standard time limit condition, a condition requiring that the development is carried out in accordance with the approved plans is imposed in the interests of certainty.
18. In order to protect the appearance of the area, I have also imposed a condition requiring the external materials used in the construction to match those set out on the submitted drawings. In the interests of character and appearance; a condition related to windows and openings, conditions for the provision of hard and soft landscaping associated with the dwelling and also boundary treatments.
19. Conditions are also imposed for the vehicular access and parking associated with the dwelling in the interests of highway safety and a condition related to secure cycle parking to encourage sustainable transport options.
20. Finally, a condition related to surface water drainage to reduce the risk of flood and in the interests of adequate site drainage.

Conclusion

21. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions in Annex A.

JE JOLLY

INSPECTOR

Annex A – Conditions

- a) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- b) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan Ground Floor level drawing No 24 Rev C, 06.12.2019; Sketch design drawing No 21 Rev C, 06.12.18 and Street-scene plan (Proposed Sea Place Street View) 17110-27 Rev C, 12.01.2019.
- c) No development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed buildings as well as driveways, footpaths and patios has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.
- d) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the dwelling.
- e) No development shall take place until full details of all hard and soft landscaping works (including the proposed times of planting) and a permeable parking area have been submitted to and approved in writing by the Local Planning Authority and all landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- f) Prior to commencement of any above ground construction details of all boundary treatment shall have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be provided in accordance with the approved details prior to occupation of the building.
- g) No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
- h) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
- i) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan; Block Plan Ground Floor level drawing No 24 Rev C, 06.12.2018. These spaces shall thereafter be retained at all times for their designated purpose.

- j) Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

*****End of Conditions*****