



Appeal Decision

Site visit made on 17 September 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/M3835/W/18/3217977

22 Lyndhurst Road, East Worthing, Worthing BN11 2DF

- 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 Roffey Homes against the decision of Worthing Borough Council.
 - The application Ref AWD/1518/17, dated 03 October 2017, was refused by notice dated 10 August 2018.
 - The development proposed is described as '*demolition of existing two storey building and erection of a three / four storey block of 30 apartments comprising of four no. one bedroom, 24 no. two bedroom and two no. three bedroom units, provision of undercroft access to car park to the rear, a new access on Farncombe Road, removal of trees and associated landscaping.*'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Prior to the Council's decision to refuse planning permission, the proposal was revised which, amongst other things, altered its housing mix. This was not reflected within an agreed revised description of development. However, as I have dismissed the appeal, this is not a matter that I have explored further.
3. In February 2019, after the submission of the appeal, the latest version of the National Planning Policy Framework (the Framework) was introduced. As both the main parties had the opportunity to comment on this latest version during the appeal, I used it in my assessment without prejudice to any party.

Application for Costs

4. An application for costs was made by Roffey Homes against Worthing Borough Council. This application is the subject of a separate decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to (i) the Farncombe Conservation Area (ii) and Lyndhurst Road.

Reasons

6. The appeal site occupies the south east corner plot at a crossroads, located on the edge of the town centre within Worthing. Lyndhurst Road bounds its longer north side and runs on a roughly east to west axis. Farncombe Road is to the west of the site, which provides it with vehicular access.

7. Within the plot stands a two-storey building, constructed in the 1970s, which fronts on to Lyndhurst Road, set behind grass and parking areas and mature trees, some of which are protected by Tree Preservation Orders (TPO). Previously used as offices and nurses' accommodation, it presently provides sheltered accommodation on a temporary basis.

Conservation Area

8. The site is within the northernmost part of the Farncombe Road Conservation Area (the CA). I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.
9. The significance of the CA is derived from its sinuous street scene of elegant, generously proportioned villas set behind softly landscaped front gardens and the tree lined highway. Although some of the villas have been altered, the primacy of their Victorian design remains, and there are broad consistencies in their widths, 2/3 storey heights, roof profiles and their spacing. This leads them to be viewed as a collective, which reinforces the planned, suburban flow of the CA. Due to its rather anomalous placement within this part of the town, its tranquil and affluent character contrasts with the otherwise busy and urban roads to which it connects. This leads the CA to have a particular sensitivity to change that would encroach upon its spacious character and suburban scale.
10. This is evidenced by the incongruously large and wide 20th century development of Griffin House, which is one several buildings near to the appeal site which break from the character of the CA in one way or another. However, the scale, proportions and siting of the modern buildings to the south of the appeal site, at Horton Court, in addition to the adjacent original villa No 22 Farncombe Road, ensure that this part of the CA continues to make a positive contribution. Furthermore, the CA is logically experienced in significant part or in whole, as one travels through it. For these reasons, development within the appeal site would influence the significance of the CA as a whole.
11. The appeal building is unremarkable, shows an almost blank flank wall to the CA, and is identified negatively within the Farncombe Road Conservation Area Appraisal. Its plot coverage and placement fail to respond to its site or adjacent building lines. However, it is set back from Farncombe Road behind its treed boundary, which reduces its presence and provides a soft and open frontage consistent with this attribute of the CA. Additionally, whilst the detailed design of the building is incongruent to the CA, the width, height and roof profile of its Farncombe Road elevation displays some semblance to the corresponding attributes of the villas. As such, whilst the standing building is a negative contributor to the CA, and a candidate for redevelopment, I find that it causes only limited offense.
12. The scheme seeks to replace it with a flatted development of 30 apartments, catering for people aged 55+. Although the proposal would be only modestly higher than No 22 Farncombe Road, it would be markedly larger and wider than this property and the other villas within the CA. I acknowledge that the detailing of the building seeks to add interest to its frontage along Farncombe Road. However, I find that its repetitive openings, lengthy parapet and significant three storey projecting bay would draw specific attention to its comparatively large scale.

13. Its top floor would be recessed and would form its roof. However, its vertical face would be visible from public areas, as would its living accommodation within its numerous apertures. Given such, I find that the proposal would be clearly appreciable as a conspicuously large and wide, four-storey building. For these reasons, it would break harmfully from the spacious, suburban grain and collectively proportioned buildings which characterise the CA.
14. The building's proximity to No 22 Farncombe Road would better reflect the spacing of buildings across the CA. However, the pattern of development within the CA is defined not just by the rhythm of its separation distances, but by the collective scale of its buildings. The proposal's proximity to No 22 Farncombe Road would therefore do little to assimilate the building into the street scene. This is equally the case with regard to the building's closer conformance to the extrapolated Farncombe Road building line. Whilst the visual depth of the proposal would be comparable to other properties within the area, particularly Nos 4 and 14 Farncombe Road, these other properties are principally original villas, and, unlike the proposal, they read as such within the CA.
15. The large corner element of the building would effectively demark the entrance to the CA and, due to the alignment of the road, it would have a particularly prominent position. It is clear from the evidence that this feature seeks to fill a gap within the Lyndhurst Road street scene when viewed from the west, address the unconventional geometry of the appeal site, and provide a building which turns the corner between its two street elevations. However, I find that its combined height, bold form and vertical emphasis would be incompatible with the CA's comparatively suburban scale.
16. The appellant has drawn my attention to the tower within the St John's Ambulance building on the opposite side of Farncombe Road. Although a large feature, it is set back away from the road and offset from the site's corner. It is also seen as part of a more compatibly scaled building. Consequently, this neighbouring building does not impose itself upon the CA in the same way that the proposal would.
17. I acknowledge that the architectural treatment of the building would provide a contemporary iteration of Victorian detailing, based on a rigorous examination of surrounding form. It is also the case that the scheme would create an active frontage to the CA, improved natural surveillance and existing areas of hardstanding would be replaced with softer landscaping. The vehicular access and parking would also be relocated away from the CA. These are positive elements of the scheme's design. However, they would not overcome the fundamental issues I have identified in relation to its scale.
18. Taking all factors into consideration, the proposal would harmfully divert from the spacious and suburban character which defines the significance of the CA. I find that the harm to the CA would be less than substantial. Any such harm nevertheless merits great weight in accordance with Paragraph 193 of the Framework and falls to be weighed in the balance with the public benefits of the development.
19. The government is seeking to significantly boost the supply of homes and the proposal would reuse an unattractive, previously developed site to provide 30 apartments in an accessible location, catering for a specific demographic with housing need in the area. The parking provision would include disabled spaces, addressing the needs of those with reduced mobility. The scheme would

therefore provide social and economic public benefits. Given the housing need in the area as most recently expressed, I find that these public benefits would weigh moderately in the scheme's favour. However, they would not outweigh the harm to the designated heritage asset that I have identified.

Lyndhurst Road

20. Lyndhurst Road is a long public thoroughfare. Due to its length and multiple phases of development, it contains a multitude of architectural forms. It also has an irregular building line, with some buildings set back, and others hard to the highway edge. There are two, three and four storey buildings, flats, terraces and semi-detached dwellings, all of which contribute to the clear variety of the streetscape.
21. The north elevation of the proposal would have two building lines, one set back and one close to the highway. This would adhere to the varietal building lines on both sides of Lyndhurst Road, and allow for the protection of the Monterrey Cypress, which is protected by TPO. This approach would also assist in breaking the visual mass of the building by effectively dividing the elevation into two elements. Given such, I find that the north elevation of the proposed building would sit well within its environment.
22. Turning to the Lyndhurst Road crossroads adjacent to the site, I agree that it does exhibit a degree of spaciousness. However, this appears to be more a consequence of the extensive, engineered scale of the highway. Whilst trees offer some natural relief, the differing architectural forms, siting and orientation of its corner buildings create, in my view, a rather inarticulate piece of public realm. As such, notwithstanding my findings in relation to the appeal site's contribution to the significance of the CA, and the harm that the scheme would cause to this designated heritage asset, I find that its effect on the character and appearance of Lyndhurst Road would be acceptable.

Conclusion on main issue

23. Drawing together my findings on this issue, although the scheme would not harm the character and appearance of Lyndhurst Road, it would fail to preserve the character and appearance of the Farncombe Road Conservation Area. Consequently, the proposal would conflict with the heritage and design aims of Policy 16 of the Worthing Borough Council Core Strategy (adopted 2011) and the Framework.

Other Considerations - Viability

24. The appellant has drawn my attention to a viability assessment which indicates that any physical reduction to the scheme would render it financially unviable, and this is undisputed by the main parties. Further to this, the appellant cannot foresee an alternative form of development that would be viable and policy compliant and has directed me to the awkward spaces between the Horton Court buildings as an indication of the shortcomings of an alternative approach.
25. However, the development at Horton Court represents a single alternative, and does not substantiate the conclusion that the appeal proposal is the one and only approach that would work within the site. It seems to me therefore that, whilst the unviability of further amendments to the appeal scheme is evident, this is not analogous with the undeliverability of the site in general terms. As such, on the basis of the evidence before me, I do not share the view that this

matter should weigh towards allowing development which would unacceptably harm the CA.

Other Matters

26. The appellant has also drawn my attention to the site's status as previously developed land and considers the proposal to make efficient reuse of such a site, pursuant to the aims of the Framework in this regard. However, given that the scheme would not maintain or improve the character of the environment, I have found that this would not be the case. The absence of unacceptable impacts with regard to flooding and the living conditions of neighbouring residents are neutral factors in my assessment.
27. I have had regard to comments about the procedural conduct of the Council, particularly in relation to a pre-application enquiry with the appellants at the appeal site¹. I am also conscious of the length of time that this scheme has been discussed, and the changes that have been made by the appellant to attempt to resolve the Council's concerns, as part of iterative dialogue between the two parties. However, these matters are not germane to this section 78 appeal, which is confined to an assessment of the planning merits of the case.

Planning Balance

28. It is undisputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Consequently, Paragraph 11 d) of the Framework applies to this decision. It states that in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Pursuant to footnote 6 of the Framework, this includes instances of harm to a designated heritage asset.
29. I have found that the scheme would cause less than substantial harm to the significance of the Farncombe Conservation Area and that the public benefits of the proposal housing would not outweigh the harm. The proposal would therefore conflict with the development plan when read as a whole and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

30. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

¹ Ref PREAPP/1088/16