



Appeal Decision

Site visit made on 26 November 2020

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/M3835/W/20/3255754

1 – 4 Liverpool Buildings, Liverpool Road, Worthing, BN11 1SY

- 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 Sheet Anchor Evolve Ltd against the decision of Worthing Borough Council.
 - The application Ref AWDM/0579/20, dated 2 April 2020, was refused by notice dated 2 June 2020.
 - The development proposed is external alterations at ground and first floor, together with a part one-storey and part two-storey roof extension to provide 5no. residential units in total (1 x 1 bed, 3 x 2 bed, 1 x studio) with private terraces and communal decks at second and third floor; retention of 2no. existing parking spaces for commercial use; refuse store at ground floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the sites location within the South Street Conservation Area.

Procedural Matters

3. The application form and some of the submitted plans refer to the appeal site as 1 – 5 Liverpool Buildings. However, the Council's decision notice and the appeal form refer to it as 1 – 4 Liverpool Buildings. I understand that the latter is correct and have determined the appeal on that basis. The description of the proposed development on the application form is also slightly different to that in the Council's decision notice. I have adopted the latter as it more accurately describes the proposal.

Reasons

4. The appeal site forms part of a terrace of buildings known as Liverpool Buildings, located south of Liverpool Road. This terrace includes No's 1 – 4 (the appeal site) and No's 5 – 12. It would appear that the whole of Liverpool Buildings was constructed at the same time given its uniform scale and design.
5. Planning permission already exists to extend and refurbish the appeal site as part of a wider scheme that includes No. 5 -13 Liverpool Buildings, as well as 18 -23 South Street (ref. AWDM/1529/18) (2018 Permission). A variation to this consent has also since been approved (ref. AWDM/0906/20). These

permissions show a comprehensive scheme to refurbish and extend the whole of Liverpool Buildings including the former Beales store to provide 45 residential units, new shopfronts and flexible Class A1/A2/A3 uses.

6. Part of the Appellant's case is that there is a reasonable certainty that the 2018 Permission would be built and that, as a consequence, it could be implemented with or in association with the approval of the appeal scheme. The Appellant argues that the 2018 Permission and the 2020 variation provide evidence of an intent to bring that development forward.
7. The mere existence of the 2018 Permission and its variation, does not provide, on its own, any certainty that the whole development will be built. The Appellant acknowledges that if the appeal scheme was allowed, for the 2018 Permission to come forward it would need to be amended and subject to a new application. Moreover, no mechanism is put forward by the Appellant that would require or enable the appeal proposal to be built out only in conjunction with the 2018 Permission.
8. There is, therefore, no firm evidence before me to support the contention that the appeal scheme, if allowed, would be developed in conjunction with the 2018 Permission. I have, therefore, proceeded to determine the appeal on the basis that it seeks planning permission for a standalone development. The Appellant submits, that, even as a standalone development, the appeal proposal would be acceptable.
9. The appeal site lies within the South Street Conservation Area (SSCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (February 2019) (Framework).
10. The Council's South Street Conservation Area Appraisal (Appraisal) sets out the architectural and landscape qualities that contribute to the importance of the whole of the SSCA. This includes the area referred to as The Montague Centre. The Appraisal states that the Montague Centre was constructed in the late 1980's and comprises an enclosed angled shopping street in the heart of Worthing Town Centre. It continues by stating that the new street, created by that development, is enclosed by a bronze section glazed canopy that connects two key town centre spaces, including the *"bell ended space to the north"*. The latter is located in front of the appeal site. The Appraisal confirms that this area is subject to heavy pedestrian flow and is an attractive focal point for street entertainers, an open air café and mobile stalls, that all add interest and colour to this northern space.
11. Whilst the impact of Liverpool Buildings on the SSCA is, in my view, neutral, the uniform appearance of its ground floor shops, in conjunction with those newer shopfronts on the west side of the street (Montague Centre), create a balanced and orderly appearance to the streetscene. The Appraisal refers to it as a *"harmonious street scene."*
12. All of the above factors contribute, in my judgement, to the significance of the SSCA as a whole.

13. Finally, under the heading 'Enhancement Opportunities', the Appraisal identifies the potential to improve or redevelop the eastern side of the Montague Centre (Liverpool Buildings) "*so as to further enhance this enclosed shopping street and Bank Passage.*"
14. The appeal proposal would involve the addition of a part one and part two storey extension to the host building. No plans have been submitted showing the proposed southwest elevation, but based on the submitted floorplans it would appear that this would comprise a blank elevation covering the two additional floors. There are also no details of the materials on this elevation, but again based on the submitted plans these are likely to be a combination of ceramic tile cladding (second floor) and grey rendered panels (third floor). The submitted plans also show the appeal proposal against the outline of the 2018 Permission, making it very difficult to appreciate the impact of a standalone development.
15. Within the above context, the appeal proposal, would, in my view, be highly visible from various public viewpoints, specifically from Liverpool Road and the Montague Centre, and the street that links the two. From those viewpoints, the appeal proposal would appear out of scale in relation to the remainder of Liverpool Buildings. It would introduce a discordant feature that would completely unbalance the remainder of the terrace.
16. The appeal proposal would introduce an awkward juxtaposition between the appeal site and No's 5 – 12 Liverpool Buildings, where its bland southwestern elevation would be particularly prominent. The Appellant contends that views of this elevation would be constrained, but as I observed on my site visit and as is apparent from the various photographs included with the appeal submissions, this would clearly not be the case. These prominent views would be of a proposed building that appears to have been abruptly truncated.
17. Overall, the proposal would result in a building that was disproportionately large and out of keeping with the rhythm, form and massing of the remaining part of Liverpool Buildings. The proposed building would not sit comfortably on the site and the increased prominence of this small corner of Liverpool Buildings would be harmful to the character and appearance of the local townscape, and thus the important contribution that this location makes to the whole of the SSCA.
18. In comparison, the 2018 Permission would secure a solution that incorporates the whole of Liverpool Buildings, including the appeal site, resulting in a development that would, in my view, significantly enhance the character and appearance of the SSCA, creating a far more harmonious and complete feel to the streetscene.
19. The Appellant contends that it is often not practical or realistic for different landowners to collaborate to bring forward a comprehensive scheme, but provide no detailed explanation or justification as to why that would not be possible in this case. Similarly, I have not been provided with evidence of whether any approaches have been made to the adjoining landowner or vice versa, or whether any discussions have taken place over the possibility of a comprehensive scheme.
20. The Appellant submits that the proposed additions would be modest. For the reasons set out above, I do not agree. The height of the existing building

would effectively be doubled on part of the site, a significant increase in scale compared to existing. The Appellant also contends that the proposal would represent a landmark building, but again provides no detailed evidence to support that statement.

21. The Council have drawn attention to the fact that the variation of the 2018 Permission includes a different pallet of materials to that on the appeal scheme, with brickwork, to match existing, replacing ceramic tile cladding and rendered panels. The Council contend that this further highlights the disjointed and harmful impact that would result from a standalone permission. Whilst I agree with the Appellant that this is a matter that could be resolved, I am not persuaded that it could be dealt with by way of a condition given the substantial change to the scheme before me that this would entail.
22. The Appellant has referred to their preference to realise the development potential of the appeal site and that the freestanding permission is being sought for commercial reasons. That may be so, but it does not affect the findings I have reached above. The appellant also submits that the appeal proposal would be the same height as surrounding buildings and would read as a continuation of those building, and relate well to the streetscene. For the reasons set out above, I disagree. The appellant refers to precedents involving similar forms of development granted by other local authorities. However, I have considered the appeal proposal on its individual merits having regard to the particular circumstances of this case and its local context. Even so, I do not know the full planning circumstances of these developments and it is not possible for me, therefore, to determine whether they are comparable to the appeal proposal.
23. The Council do not allege that there would be any harm to the setting of the Chapel Road Conservation Area, located to the north of the appeal site. Whilst there would be limited views of the appeal proposal from the southern boundary of this Conservation Area, due to this and the physical separation involved, the proposed development would not, in my view, be harmful to its setting.
24. For the reasons set out above, I find that the appeal proposal would result in significant harm to the character and appearance of the area, and as such it would not preserve or enhance the SSCA. As is required, particularly by the Framework, considerable importance and weight must be attached to the harm to this designated heritage asset. The appeal proposal would, in my judgement, lead to less than substantial harm to the significance of the designated heritage asset. The level of harm would be high, and there are no public benefits, delivering either economic or social or environmental objectives, that would outweigh that harm. Accordingly, I find that the proposed development would be contrary to paragraphs 127, 184, 192 – 194 and 196 of the Framework.
25. In relation to Policy 16 of the Worthing Core Strategy, the Appellant submits that it is out of date and inconsistent with the Framework, specifically its wording “*preserving and enhancing existing assets*” and omission of the requirement to weigh harm to designated assets with public benefits. Policy 16 applies to the built environment and design, and relates to all forms of new development in Worthing. The policy identifies, amongst other requirements, the need for new development to respond positively to important aspects of

local character, exploit all opportunities for enhancement, and demonstrate good quality architectural design and composition taking account of the physical, historical and environmental characteristics of the area. In relation to the latter requirements, which, in my view, are consistent with the Framework, the appeal proposal would, for the reasons I have set out above, be contrary to Policy 16. In relation to the reference in the second paragraph of Policy 16 to “*preserving and enhancing*” historic assets and its omission of the requirement to balance harm with public benefits, as I have found, the appeal proposal would, in these respects, be contrary to the policies of the Framework that seek to conserve and where appropriate enhance designated heritage assets.

Other Matters

26. The appeal site lies within the setting of designated Grade II Listed Buildings at 41 -43 South Street and 32 Liverpool Road (Lloyds Bank). Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special regard must be had to the desirability of preserving the buildings setting. Similar advice is to be found in the Framework. The Council concluded that the appeal proposal would not result in any harm to their setting due to the relationship of the appeal proposal to these assets, the degree of physical separation and the building relationships established by the 2018 Permission. On balance, I concur with the Council and find that the appeal proposal would not result in any harm to the setting of these heritage assets.

Planning balance and conclusions

27. The Council acknowledge that they are unable to identify a 5-year supply of housing land and that the relevant housing policies of the development plan are out of date. In these circumstances, paragraph 11 d) i) of the Framework requires planning permission to be granted unless the application of the policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development proposed. Footnote 6 confirms that the policies referred to are those in the Framework, rather than those in the development plan, and include policies relating to designated heritage assets.
28. There are a number of benefits to the appeal proposal. These include securing new residential units within a sustainable location and therefore boosting the supply of new homes in line with paragraph 59 of the Framework, and securing the more effective use of the appeal site. Even so, as I have found, the appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset, and this harm would not be outweighed by any public or other benefits. Accordingly, the application of the policies in the Framework that seek to protect designated heritage assets provides, therefore, a clear reason for refusing the appeal proposal. The presumption in favour of sustainable development envisaged in the Framework does not apply in this instance.
29. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR