



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: 29 December 2020

Appeal Ref: APP/M3835/W/20/3254345

117 Littlehampton Road, Salvington, Worthing, BN13 1QU

- 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 & Mrs Phillips against the decision of Worthing Borough Council.
 - The application Ref AWDM/0385/20, dated the 24 February 2020, was refused by notice dated the 11 May 2020.
 - The development proposed is a 2 No bedroom bungalow to rear of 117 Littlehampton Road, with 2 No. parking and 2 No. cycle spaces with access from Littlehampton Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) the effect of the proposed development on the character and appearance of the area; and (b) the effect of the proposed development on the living conditions of the occupiers of neighbouring properties in respect of noise, privacy and general disturbance.

Reasons

Character and appearance

3. The appeal site comprises 117 Littlehampton Road, a detached two storey house with gardens to the front and rear. The surrounding area comprises a mixture of two storey houses, either detached or semi-detached, as well as bungalows, which vary in terms of their design, size and style. Even so, a common feature of the appeal site and the properties that surround it is that they occupy generous plots, with reasonably sized gardens to the front and larger gardens at the rear.
4. The appeal site's gardens are visually prominent within the streetscene, due not only to the mature trees found within its front garden, but also those found within the rear garden. The latter includes a number of large Cypress trees on the rear boundary, which are prominent in various viewpoints from surrounding roads including Rusper Road, to the south, where they provide an important green backdrop to the properties in that road.
5. Within this context, the appeal proposal would introduce a large new building into the rear garden of the host property. Whilst it would be single storey, its eaves would extend above the existing boundary fencing to 115 Littlehampton Road. Combined with its large hipped roof, the proposed building would be

highly visible from surrounding properties. The appeal proposal would introduce, therefore, a significant mass of building where there is currently no similar development, out of keeping with the prevailing pattern of development. The proposed building would also impact adversely on the sense of openness and greenery that prevails, both positive features of the area that contribute significantly to its local character.

6. The proposed building, together with the areas for parking and turning, as well as the new access inbetween the host property and 119 Littlehampton Road (No.119), would result in a large part of the rear garden being covered in building and hard surfacing. Moreover, the close proximity of the proposed building to the southern and western boundaries of the appeal site would result in a cramped layout and a contrived form of development that would be out of character with its surrounds.
7. Paragraphs 4.27 – 4.29 (inclusive) of the Council's Guide to Residential Development Supplementary Planning Document (SPD) deal with the acceptability of backland (including tandem) development on garden land. It emphasises the important role of rear gardens in contributing to local character, green infrastructure, biodiversity and wildlife. It continues by stating that the loss of garden land should be resisted where new development would significantly erode the value of the green infrastructure that it contains, without appropriate mitigation. In relation to tandem development, as proposed on the appeal site, the SPD also states that this form of development *"is more often than not an anomalous and contrived form of development that makes little contribution to local distinctiveness."*
8. The SPD's advice is consistent with paragraph 70 of the National Planning Policy Framework (February 2019) (Framework), which states that planning policies should consider the case to resist inappropriate development of residential gardens *"for example where development would cause harm to the local area"*. Similar advice is set out in paragraphs 122 (d) and 127 (c) of the Framework. As I have found, the appeal proposal would result in harm to the character and appearance of the area and would significantly erode the contribution that the appeal site makes to the green infrastructure of the area.
9. The appellant submits that as the Council's Tree Officer raised no objection there were no grounds to include the reference to the loss of protected trees in the first reason for refusal. Having reviewed the Tree Preservation Order, No. 26 of 2002 and the submitted Arboricultural Report, I agree with the appellant that the proposal would not involve the loss of any protected trees. However, the proposal would result in the loss of some 6 trees and a group of trees, which the Arboricultural Report confirms would be removed to facilitate the proposed development. The Report continues by identifying 2 further trees for removal, for sound arboricultural management. Even so, the loss of some 6 trees and a group of trees, as well as associated greenery, would have a harmful impact on the visual amenities of the area. The Arboricultural Report states that their loss could be mitigated by a robust planting strategy. I do not agree and there is no detailed evidence before me to support that statement.
10. The appellant contends that as there were no objections from the Tree Officer it follows that the proposal would not be harmful to visual amenities. That is not a finding I share. The Council's Planning Officers were not bound to follow this advice and it would not preclude them reaching, as I have, a planning

judgement on the acceptability of the loss of trees and greenery that the appeal proposal would give rise to.

11. The appellant argues that this form of backland development is common in Worthing and provides photographs of similar developments elsewhere. The Council state that there is no similar backland development in the local area, that the examples given are not comparable and pre-date the SPD. 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.
12. For the above reasons, I find that the appeal proposal would cause unacceptable harm to the character and appearance of the area contrary to Policy 16 of the Worthing Core Strategy, the Guide to Residential Development SPD and paragraphs 70, 122 d) and 127 c) of the Framework.

Living conditions - neighbours

13. The submitted plans indicate that the new parking spaces and turning area, to serve the proposed dwelling, would be sited well beyond the existing main rear wall of the host property. As a consequence, the comings and goings generated by the proposed parking/turning area would be pronounced and visible to the occupiers of the host property and adjoining properties. Additional noise and disturbance would result from vehicles entering and leaving the parking area, manoeuvring and from doors closing, all occurring in a location where no such activities currently take place.
14. Moreover, the new access to serve the proposed dwelling would be sited very close to the boundary of the host property with No.119. As I observed on my site visit, No. 119 has a number of windows on its side elevation that would be affected by the increased noise and disturbance from both vehicles and pedestrians moving to and from the proposed dwelling.
15. Given the above, the appeal proposal would, in my judgement, result in an unneighbourly form of development, to both the host property and surrounding properties. I am not convinced, however, that the impact of the proposal on the privacy of the host property or adjoining occupiers would be sufficient in itself to justify the refusal of planning permission.
16. The appellant submits that the intensification of the use arising from the proposal would be minimal. For the reasons given above, I do not agree. The appellant also argues that the proposal would provide adequate back-to-back separation with the host property, that the relationship to retained trees would be acceptable, that the garage block at the rear would provide screening and that both the host property and the new dwelling would be provided with garden areas to relevant standards. However, these factors are not, in my view, evidence that the relationships proposed in this appeal would be acceptable. Moreover, the proposal would introduce noise and disturbance into a location where neighbouring occupiers would reasonably be entitled to expect to be able to enjoy the relative peace and tranquillity of their rear gardens.
17. I therefore find that the proposed intensification of the use of the appeal site resulting from the proposed development would be unneighbourly and would

result in harm to the living conditions of the occupiers of the host property and neighbouring properties contrary to saved Policy H18 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and paragraph 127 f) of the Framework. These seek to ensure that new development does not cause unacceptable harm to the living conditions of existing and future occupiers.

Planning balance and conclusions

18. 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) ii of the Framework requires planning permission to be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
19. The appeal proposal would boost housing supply in a sustainable location. However, the proposal is only for one new dwelling and therefore its contribution to future housing provision would be very small. In addition, the proposal is not seeking to address a specific local need or provide affordable housing.
20. The adverse impact of the appeal proposal on the character and appearance of the area, to local distinctiveness and to neighbouring occupiers living conditions, would, on the other hand, be significant. In my view, the harm I have identified would significantly and demonstrably outweigh the limited benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
21. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR