



Appeal Decision

Site visit made on 21 June 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 JUNE 2021

Appeal Ref: APP/M3835/W/21/3270034

Rear of 1 and 3 Eastcourt Road, Gaisford, Worthing BN14 7DA

- 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 and Mrs F Taheri Westwood against the decision of Worthing Borough Council.
 - The application Ref AWDM/2064/20, dated 10 December 2020, was refused by notice dated 4 February 2021.
 - The development proposed is for the extension and conversion of a garage to form a studio residential unit with garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Appellant has asked for the submitted drawings: 906-01 Rev F - Scheme, 906-02 Rev E - Elevations, and 906 Block Plan, to be superseded by the revised drawings: 906-01 Rev G - Scheme, 906-02 (F) - Elevations, dated February 2021 and 906b - Block Plan. As the latter drawings were submitted too late to be considered as part of the Council's decision-making process, I see no reason to accept them. I have proceeded accordingly with the submitted and timely evidence before me.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of the neighbouring occupiers, and;
 - whether or not the site is suitable for family accommodation

Reasons

Character and appearance

4. The appeal site is located in a dense residential area to the rear of Nos 1 and 3 Eastcourt Road at the corner with Southcourt Road, and faces onto the fenced car-park to the rear of Worthing station behind a low-front wall. The surrounding area is predominantly typified by rendered, two-storey, pitched-roofed period dwellings with courtyards to the front and landscaped gardens to the rear, other than the corner dwellings that have additional garden space to the side elevation.

5. The site is an overgrown plot of garden type land with a dilapidated pitched roof garage to the left-hand side when viewed from Southcourt Road, and is bounded on the left-hand side by a shared footway that provides access to the rear of the terraced, two-storey properties on Eastcourt Road, as well as a vehicular driveway to the properties to the rear of the terraced, two-storey dwellings seen on Southcourt Road. Beyond the rear brick wall boundary of the appeal site the back gardens of the dwellings on Eastcourt Road can be seen, including that of No 3 Eastcourt Road, which has a modest single-storey extension.
6. The proposal is to convert and extend the existing garage to create a single-storey studio flat in matching materials to the surrounding dwellings that would be accessed from Southcourt Road via an enclosed porchway. There would be a patio garden to the front of the proposed development that would accommodate cycle storage and refuse and recycling bins. Fenestration to the proposed dwelling would include a patio door, a kitchen window facing towards the road, and three rooflights. Externally the roof of the proposed development would have a solar panel, and the low-wall to the front boundary of the appeal site would be retained.
7. The development is sited in an established residential area. Therefore, the general principle of development on the appeal site is not at odds with the surrounding area. However, notwithstanding the proposed materials or finishes which could be secured by condition, the proposal would extend the existing built form across most of the limited plot available. As a result the proposed development would be in relatively close proximity and bounded on two sides by the two-storey dwellings on both Eastcourt Road and Southcourt Road. Indeed, the development would not only be dominated by the neighbouring buildings but also appear cramped within the relatively small plot that is also bounded to the front by, albeit somewhat low, brick walls. Moreover, while the appearance of the garage and condition of the site is less than ideal, the relative openness on this corner and back garden location helps to provide a sense of spaciousness in the surrounding built environment, that would be eroded by the construction of a residential dwelling across a space where currently there is none.
8. Furthermore, while the Appellant contends that the appeal site is not associated with any of the surrounding buildings I find to the contrary. Indeed, I noted at my site visit that the immediate area is typified by pitched roofed, two-storey period properties. Whereas, despite the pitched-roof of the existing garage, the proposal before me is for a one-storey contemporary style dwelling with a part flat roof. Consequently, notwithstanding the one-storey extensions in this location, which in any event appear to be part of a main property rather than an individual dwelling, the proposal would be at odds with the surrounding character and appearance of the area. Indeed, even if I were to accept the revised drawings that do not include a porch area, which I have not, or impose a condition related to landscaping, the scale of the proposal would be out of keeping with the rhythm and balance of the two-storey terraced buildings seen in the adjacent street-scene. I conclude therefore, that the development would be cramped on the plot available, detract from the general openness of this specific location, and hence would harm the character and appearance of the area.

9. Therefore, the proposal in respect of the character and appearance of the area, is contrary to Policies 8 and 16 of the Worthing Core Strategy, 2011 (WCS), as supported by the Worthing Borough Council Guide to Residential Development, 2013, (SPD) which say, amongst other things, that development should not adversely affect the appearance of the street-scene by occupying space between buildings which should remain open.
10. For similar reasons, the development does not meet the aim of Paragraph 127 (c) of the National Planning Policy Framework (the Framework), which requires that development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

11. The submitted drawings show that the proposal is possible on the plot available. Moreover, while the development would not meet nationally described space standards, the Council have confirmed that the proposed dwelling would meet the 'Worthing standard' for studio flats, and I find no reason to disagree.
12. However, the proposal would be located directly adjacent to the extensions and back gardens of Nos 1 and 3 Eastcourt Road. Therefore, notwithstanding any existing fenestration to the neighbouring extensions, or the fact that the proposal is limited to a one-storey dwelling, the bulk and mass of the development, that would have blank elevations to the side and rear, would be likely to diminish the daylight and sunlight available to the occupiers or users of the gardens associated with Nos 1 and 3, particularly at certain times of the day and year, or during periods of inclement weather. I conclude then, that the proposal would harm the living conditions of the neighbouring occupiers.
13. Accordingly, in respect of the living conditions of the neighbouring occupiers, the proposal is contrary to saved Policy H18 of the Worthing Local Plan 2003, Policy 16 of the WCS, as supported by the SPD 2013, which require that development, including changes of use and intensification, which would result in an unacceptable reduction in amenity for local residents will not be permitted, and Paragraph 127 (f) of the Framework, which requires that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Family accommodation

14. I acknowledge the aspirations contained within Policy 8 of the WCS which lends support for a net increase in family houses in the Borough. However, notwithstanding the Council's SPD, given the size of the plot available and the location of the proposal adjacent to Worthing Station, the property is likely to be attractive to a range of households in housing need, particularly those without a private motor vehicle or those seeking to commute. Moreover, the location of a home is in part a matter of personal choice that cannot be readily restricted to a specific location or household type. I find therefore, that the proposal accords with Paragraph 61 of the Framework which says, amongst other things, that the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policy.

Other Matters

15. My attention has been drawn to the fact that no objections have been raised by the occupiers of No 3 or other interested parties. However, as the occupancy of No 3 and other nearby dwellings is likely to change over time, I can only give this very limited weight.

Conclusions

16. The main parties agree that the Council cannot demonstrate a five-year housing land supply, as such Paragraph 11 (d) of the Framework is engaged. However, while the proposal would result in some public benefit, i.e. the benefits associated with the construction and provision of a studio flat, I find the overall adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
17. Furthermore, whilst I have found in favour of the Appellant on the third main issue, this does not justify the harm identified in the first and second main issues. The proposed development would conflict with the adopted development plan in respect of the first and second main issues, and there are no material considerations indicating a decision otherwise than in accordance with it.
18. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR