



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: 30 JUNE 2021

Appeal Ref: APP/M3835/W/20/3263927

Land rear of 282-286 Goring Road, Worthing BN12 4PE

- 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 Legal-Link Limited against the decision of Worthing Borough Council.
 - The application Ref AWDM/0797/20, dated 22 May 2020, was refused by notice dated 28 September 2020.
 - The development proposed is for the erection of a three-storey residential building comprising of 6 No self-contained dwellings (Use Class C3) with associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - the living conditions of future and neighbouring occupiers.

Reasons

Character and appearance

3. The appeal site is located behind 'Mulberry Parade' on Goring Road, which is a shopping parade that has a number of residential dwellings above the shops that look out onto a car park and service road to the rear of the parade across an elevated and railed walkway. The surrounding area is predominantly typified by a mix of three-storey commercial and apartment buildings facing the road, as well as two-storey brick and tile dwellings that look onto Goring Road across a pavement, verge and/or garden.
4. The car-park to the back of 'Mulberry Parade' has an access road to the left-hand side of the shops when viewed from the main highway, and an exit road to the other side which runs along the boundary with the road facing No 268 Goring Road. The service road behind 'Mulberry Parade' does not have a footway to the 'delivery area' which has a number of stores/doors that link to the shops to the front of the parade. The stores have flues and air-conditioning units above, and the dwellings of Nos 298-310 Goring Road appear to be accessed via stairways to either end of the parade.

5. Beyond the left-hand side boundary of the car-park, when viewed from 'Mulberry Parade' No 314 Goring Road can be seen. No 314 is a contemporary style white-rendered terraced type development which looks onto the highway that runs along 'Mulberry Gardens' which has dwellings facing the road. The dwellings on 'Mulberry Gardens' are shielded by a line of tall mature trees to the rear boundary of the car-park surrounding the appeal site. The appeal plot itself is a square 'island' of unkempt land towards the centre-line of the car park which has been secured by 'Heras' and chain-link metal fencing. The site is located directly adjacent to the waste and recycling-bin lined service road of the shopping parade, and faces towards the dwellings of Nos 298-310 Goring Road which are located above 'Mulberry Parade'. There is a brick built single-storey building/store to the left-hand side of the site when viewed from the parade, and the remaining areas in front of both the side boundaries of the appeal site are marked as parking spaces, although the rear boundary of the plot is edged with double-yellow lines.
6. The proposal is to construct six flats as part of a white-rendered, timber-detailed, flat roof three-storey development. The proposed development would have recessed balconies, as well as 6 on-plot parking spaces, cycle storage and waste and recycling facilities.
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. Indeed, the proposed materials of the flat roofed three-storey building, that would tidy an otherwise long disused area, would broadly accord with the nearby dwellings, such as No 314. However, I noted at my site visit that the surrounding area is typified by dwellings facing the road behind paths or landscaping. For example, those seen to the front and side of the appeal site on Goring Road, including No 314 which faces onto 'Mulberry Gardens' behind a defined walled boundary, and has landscaping and a number of open parking and gardens spaces within its elevated plot. Whereas, the built form of the proposed apartment type development would extend across the entirety of the limited plot available and look on to the rear of 'Mulberry Parade' rather than onto the highway. Moreover, the stark boundaries of the proposed development would not in my view be overcome by the imposition of a landscaping condition. Therefore, whether the proposal would result in 'piecemeal' development contrary to the Council's aspirations or not, the unusual siting of the development within a car-park behind 'Mulberry Parade' and away from the road frontage would be incongruous with the surrounding area. Therefore, I conclude that the proposal would harm the character and appearance of the area.
8. Consequently the proposal is contrary to saved Policy H18 of the Worthing Local Plan, 2003 (WLP), and 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 new development should display a good quality of architectural composition and detailing as well as respond positively to the important aspects of local character.
9. 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

a) Future occupiers

10. I note that there are residential dwellings surrounding and facing the appeal site. However, I have limited details of those schemes before me and cannot be certain if those dwellings were permitted under the same development plan as the proposal before me or not. Therefore, as is correct, I have considered the proposed development on its own planning merits.
11. As such, the main parties agree that the proposed development would meet nationally described space standards. I find no reason to disagree. Nonetheless, the dwellings would be located in a relatively large car-park to the rear of an active shopping parade that has a delivery area and stores with flues and air-conditioning units atop that face towards the appeal site across a service road without a pavement. Therefore, there is likely to be significant and regular activity associated with the shops and the 40 space car-park.
12. However, while it is in the gift of the Appellant to do so, I have limited technical evidence in respect of a noise assessment before me. Nevertheless, amongst other businesses, the shopping parade includes a number of takeaway units that are likely to be open for extended periods of time, including in the evening and at weekends, that would be frequented by delivery-type scooter drivers and patronised by local residents in pursuit of hot food. As such, whether noise levels would be lower on the upper floors of the development or not, given the provision of balcony space and proximity of the parade to the proposed development, the regular activity associated with the businesses, that would include for example, deliveries and unloading, shutting of car-doors, the starting of car and scooter engines, the operation of flues and air-conditioning units, waste and recycling bin collection, as well as general conversation associated with customers and staff, would erode the peace and well-being of the future occupiers. I note that the Council's Environmental Health Department has suggested that potential noise levels could be reduced through the introduction of sound-proofing schemes. However, even if the sound-proofing were secured by condition, the fact remains that on warmer days of the year, in the interest of comfort, the future occupiers of the development would be likely to want or need their windows to remain open, and hence would be subject to the noise and activity associated with the car-park and 'Mulberry Parade.'
13. In addition the proposed development would be sited without a linking pedestrian footway from Goring Road. Therefore, at darker times of the day or year, or during periods of inclement or icy weather, the lack of a defined and well-lit pavement is likely to make access to the development troublesome for future occupiers, particularly for those with limited mobility or wheelchair users.
14. I find therefore, that the proposal would harm the living conditions of future occupiers and therefore is contrary to saved Policies RES7 and H18 of the WLP, which aims include 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.

b) Neighbouring occupiers

15. The proposal has a number of external balconies and a range of high-level fenestration that is in relatively close proximity and faces towards the dwellings at Nos 298-310. While these rear parade dwellings have predominantly obscured windows to limit views from the car-park and the surrounding area, the open style railings of the raised access walkway would provide the opportunity for future occupiers of the upper floors of the proposal to look directly onto the activities and comings and goings of the visitors and residents of Nos 298-310. As such, whether the relatively wide walkway is used as an amenity space or not, the proximity of the proposal would be overbearing and overly dominant, and hence harm the living conditions of the occupiers of the neighbouring dwellings.
16. Accordingly, in respect of the living conditions the proposal is contrary to saved WLP Policy H18 and Policy 16 of the WCS, as supported by the SPD, which make clear that developments that result in an unacceptable reduction in amenity for local residents will not be permitted, and Paragraph 127(f) of the Framework.

Planning Balance and Conclusions

17. The Council is unable to demonstrate a 5-year supply of deliverable housing sites, and has been found lacking in respect of its most recent Housing Delivery Test. Consequently, Paragraph 11 (d) of the Framework is engaged and planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.
18. I acknowledge that the unused brownfield appeal site is in a sustainable location and would result in some public benefit, i.e. the benefits associated with the construction and provision of six new flats that meet nationally described space standards and have on-plot parking. Furthermore, that there would be a limited effect on highway safety, and that the Appellant has offered to provide biodiversity gains in connection with the proposal that could be secured by condition. As such, I give these benefits moderate weight in respect of the proposal. Nonetheless, for the reasons given above, I find the overall adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
19. Having considered all matters raised in support of the development I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the development is in conflict with the adopted development plan when considered as a whole, and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies, I conclude that the appeal should be dismissed.

JE JOLLY

INSPECTOR