



Appeal Decision

Site Visit made on 6 July 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/M3835/W/20/3262884

49 Church Walk, Selden, Worthing BN11 2LT

- 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 David Quelch against the decision of Worthing Borough Council.
 - The application Ref AWDM/1067/20, dated 9 July 2020, was refused by notice dated 14 September 2020.
 - The development proposed is "Demolition of garages, proposed two storey detached building comprising of 2no. one bedroom studio flats with 2no. parking space. Remove existing conservatory and replace with bay window extension; new gable roof extension and new enlarged dormer (east elevation) associated alterations and landscaping".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of proposed development from the Council's decision notice as this is clearer and more precise than that specified in the application form. The appellant has used this description in their appeal form, confirming it is the development they are seeking planning permission for.

Main Issues

3. The main issues are: (i) the effect of the proposed development on the living conditions of the occupants of neighbouring properties, with particular regard to light and outlook; and (ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is a corner plot skirted by a low-level wall, comprising one half of a pair of two storey semi-detached houses and a detached row of three garages. The house has been converted into seven flats set over three levels, with a front facing gable, front and side facing bay windows and side and rear facing dormers. It is proposed to demolish the existing garages and erect a two-storey building containing two one-bedroom flats, with associated parking and garden space, and carry out various alterations to the main house.
5. The proposed building would be further from the boundary shared with 47 Church Walk than the existing garages, but the single storey height of the existing garages limits their impact on neighbours. The proposed building

- would be sited over 1.5m from the boundary with No.47, but this would not prevent the occupants of No.47 from being faced with a tall blank wall with high level windows in the gable ends when using their garden. The effect on outlook from inside the house of No.47 would be less harmful, but the height and distance involved would still result in an unacceptable loss of outlook.
6. The effect would be worse for occupants of the Garden Flat within the main house. Part of the area that currently forms their outside space would be given over to provide access to the proposed flats, and the proposed building would further enclose the small area of open space available to them. The confined layout of the Garden Flat means that it currently offers a poor outlook, but the impact of part of the proposed building being this close to the rear facing door and window of the Garden Flat would further reduce the outlook available to occupants.
 7. The Council have claimed the proposed flats would have an adverse impact on the amount of light that would be received by the rear windows of the Garden Flat; however, in the absence of any detailed assessments to demonstrate this, due to the orientation of the buildings and the existing enclosed arrangement of those windows, it appears to me that any reduction in light levels received by those windows would likely be negligible.
 8. I note that a rear facing first floor window serving Flat 3 within the main house would be removed and replaced with a new window on the side elevation. This would prevent the proposed flats from having any adverse impact upon the living conditions of the residents of that flat. None of the proposed alterations to the main house would harm the living conditions of the occupants of any properties.
 9. Therefore, the proposed development would not cause any unacceptable loss of light to any neighbours, but the proposed flats would unacceptably reduce the outlook of the residents of No.47 and The Garden Flat, significantly harming their living conditions. The proposed development would therefore fail to accord with Saved Policy H18 of the Worthing Local Plan (2003), which seeks to avoid development which would result in an unacceptable reduction in amenity for local residents.

Character and Appearance

10. The surrounding area is characterised by a mix of mainly Edwardian detached and semi-detached two storey houses with front facing gables and bay windows set behind front gardens and off-street parking, within generous plots. Some houses have been converted into flats and there are examples of three and four storey blocks of flats nearby too. Separation distances between buildings vary, but the overriding character along Church Walk and Windsor Road is of a spacious residential suburb.
11. The proposed flats would appear as a contemporary building fronting onto the Windsor Road elevation of the appeal site, with facing brickwork and corresponding twin gables and two storey aluminium panelled bay windows on its front elevation. It would be slightly lower in height than the rear projection of the house and the neighbouring building on Windsor Road, with small separation gaps on either side. The proposed building would appear cramped within the plot due to its significant mass arranged close to the site's rear and side boundaries and the existing house. Although these separation distances

would reflect others within the area, it would be clear in the street scene that the proposed building occupies most of its plot, at odds with its spacious surroundings.

12. The proposed ground floor bay window extension on the side elevation of the house would replace a UPVC framed lean-to conservatory in a prominent position on the front corner. It would be uncharacteristically large and dominate both the front and side elevations of the building on account of the open nature of the site. Despite being of a similar size as the existing conservatory, there would be no benefit to the appearance of the building due to the informal appearance of the existing conservatory being replaced by the more significant and formal extension proposed.
13. At roof level, it is proposed to extend the existing dormer on the Windsor Road side elevation of the house from its current width of one window to three. Dormer windows of various sizes can be seen in the surrounding area, but in this position, on a prominent side elevation, the proposed dormer extension would disrupt the existing roofscape to create a feature entirely discordant with the existing building and surrounding area. The existence of a three storey block of flats with a mansard roof nearby would not soften its impact or make it appear any more appropriate in this location.
14. The proposed hip-to-gable extension on the side elevation of the house would reflect the roof form of the building on the opposite side of Windsor Road, but lack its detailing. It would have little effect on the character or appearance of the building or surrounding area. Similarly, the proposed bay window at first floor level on the side elevation would appear commensurate with the building, but would rely on a bay window of corresponding size below to integrate appropriately. The proposed relocation of a window to Flat 3 from the rear elevation to the side elevation of the house would not have any adverse impact on the character or appearance of the building or surrounding area.
15. Overall, and taking into account the above, the proposal would harm the character and appearance of the area. This would be contrary to Policy 16 of the Worthing Core Strategy (2011) and Saved H16 of the Worthing Local Plan (2003). These require, amongst other things, new development to demonstrate good quality design, which should respond positively to local character, and in the case of extensions and alterations to existing dwellings, they should be of a scale and design which is satisfactory in relation to the existing property.

Other Matters

16. The Council is unable to demonstrate the supply of housing sites required by the Framework¹. In cases such as this, the most important policies are deemed to be out of date and Paragraph 11(d)(ii) of the Framework states that planning permission should be granted for applications involving the provision of housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I have found harm relating to the two main issues of the case. Specifically, this relates to the living conditions of neighbouring occupants and the character and appearance of the area. Whilst I may attribute less weight to the most important policies by virtue of them

¹ The National Planning Policy Framework 2019

- being out of date, harm arising out of the proposed development would not be as affected. These harms would be wide ranging and long lasting and as such I would ascribe substantial weight to them.
17. The local economy would benefit in terms of jobs and expenditure, but this would mainly relate to the construction phase which would mean any benefit would be short term. Two new units of accommodation would be provided which, whilst beneficial, would be a small contribution to any undersupply in the grand scheme. It has been claimed the proposal would repair a disrupted streetscene and protect neighbouring amenity, but I do not share these views for the reasons I have given above.
 18. The proposed bay window extensions would expand the living space for the occupants of the flats and it is claimed the ground floor extension would allow year-round use. That said, it is unclear as to whether the existing floorspace is substandard and how year long use of the ground floor extension would make a significant difference to occupants' living conditions. In respect of the dormer extension reference has been made to a Notice² served by the Council's Private Sector Housing Team requiring alterations to be made to Flat 6 to ensure an improved standard of living space is provided for the flat's occupants, but it has not been demonstrated that the proposed dormer extension is the only means by which satisfactory living space could be provided. I am therefore unconvinced that the appellant's only option to secure such benefits is through causing harm to the character and appearance of the area.
 19. I have seen the Council's Action Plan³, which confirms a significant under-delivery of housing within the borough and explains that part of the overarching objective of the emerging spatial strategy is to maximise appropriate development on brownfield land. However, whilst the Action Plan encourages the delivery of homes within the borough, it also acknowledges the challenges of delivering housing within existing suburban areas where local characteristics and a lack of space can prevent development from being easily accommodated.
 20. The benefits of the proposal would be therefore be modest. As such I would assign moderate weight to them. Paragraphs 59, 68 and 118 of the Framework encourage the use of small sites to help meet housing requirements, with great weight to be given to suitable brownfield sites within existing settlements for homes. However, paragraph 117 states planning decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Amongst other things, Paragraphs 124 and 127 clarify that good design is a key aspect of sustainable development and that planning decisions should ensure developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout, are sympathetic to local character and have a high standard of amenity for existing users.
 21. Taking into account the above, it is sufficiently clear to me that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework

² Housing Improvement Notice dated 5 March 2020

³ Worthing Borough Council Housing Delivery Test Action Plan 2020

taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

22. For the reasons given above I conclude that the proposal would fail to accord with the development plan and there are no material considerations, including the Framework, that would indicate planning permission should otherwise be granted. The appeal should therefore be dismissed.

L Douglas

INSPECTOR