
Appeal Decision

Site visit made on 12 October 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/M3835/W/21/3271461

10 Mersey Road, Durrington, Worthing BN13 3NQ

- 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 G Cowlyn against the decision of Worthing Borough Council.
 - The application Ref AWDM/0023/21, dated 8 January 2021, was refused by notice dated 8 March 2021.
 - The development proposed is described as alterations and extensions to create an additional two bedroom four person dwelling; 1 additional parking space, new crossover, associated landscaping and bin storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the development on:
 - the living conditions of occupants of 5 Tamar Close in relation to outlook, and of 21 Hamble Gardens in relation to privacy and noise and disturbance; and
 - the character and appearance of the area.

Reasons

Living conditions

3. Nos 10, 5 and 21 are all single storey bungalows. No 5 stands on the adjoining plot towards the east, and No 21 stands on the adjoining plot towards the west.
4. No 5 stands alongside and is orientated roughly perpendicular to No 10. A modest rise in ground levels means that the ridge of No 10 stands higher than that of No 5. As No 10 is both located immediately adjacent to the rear boundary of No 5, and the back garden of No 5 is reasonably shallow, these characteristics mean that No 10 has an existing overbearing effect on No 5 and its garden. This appears to have been the case since the bungalows were built. The current absence of any substantial structure along the remainder of the boundary between the plots provides some relief.
5. The development would include a rear extension built in line with the eastern gable facing No 5. This would similarly run adjacent to the boundary between

the plots, and would occupy the remainder of the open space along it. As such, built form would dominate and fully enclose the rearward outlook from both No 5 and its garden.

6. The roof of the extension would rake away from the boundary, and the ridge would be stepped down. The difference in levels would however limit the success of these measures in reducing the physical and visual presence of built form. Indeed, the eaves line of the extension would still stand well above the level of the boundary fence. Individually, the overbearing effects of the extension would be far more modest than those of the existing gable. However, when taken in combination, the increased presence of built form adjacent to the boundary, and the extent of resulting enclosure, would be harmfully oppressive in its effect. I find this to be true whether or not the occupants of No 5 have raised an objection on these grounds.
7. The appellant states that a similar form could be constructed as permitted development. However, whilst both parties agree that such a form would in fact be more modest in height, I have been provided with no clear indication that the construction of such an extension would occur were the appeal to be dismissed. The existence of permitted development rights does not therefore provide a basis for me to consider that the harm caused by the appeal scheme would be acceptable.
8. No 21 is also orientated roughly perpendicular to No 10, but unlike No 5 it is positioned rearward of the western gable of No 10.
9. At the time the Council assessed the application the boundary between No 10 and No 21 was largely open. Given that this allowed views between, privacy was lacking. This arrangement appeared somewhat unusual, and the boundary has been fenced since. As such there both currently is and would be no clear view between the dwellings or gardens. No adverse effects on the privacy of occupants of No 21 would therefore arise as a result of the development.
10. The proposed rear extension would also run in line with the western gable. Part of the extension would thus lie directly to the rear of No 21. The effect on the outlook from No 21 would be limited. The provision of bifold doors on the corner of the extension closest to the boundary could however result in noise leakage from the living space within. Noise could also be generated on the adjoining patio. The extent and nature of such noise and resulted disturbance would depend on whether or how much the doors were opened, the activities within, and how the occupants chose to use their garden. These variables provide no certainty as to the effects. It is however apparent that the layout of development within the area means that noise leakage from dwellings and from garden activities may often occur in close proximity to garden boundaries. In this regard the effects of the appeal scheme would not be exceptional. As such, no unacceptable harm would be caused to occupants of No 21 as a result of noise and disturbance.
11. For the reasons outlined above I conclude that whilst the development would not have an unacceptable effect on the living conditions of occupants of No 21, the effects on the occupants of No 5 would be unacceptably harmful. The development would therefore conflict with saved Policy H18 of the Worthing Local Plan 2003 which states that development which would result in an unacceptable reduction in amenity for local residents will not be permitted.

Character and appearance

12. Development within the immediate setting of No 10 is made up of detached single storey and chalet bungalows. This is repeated within the broader streetscene, which additionally contains groups of 2-storey dwellings. Designs and forms vary, with the modest rectilinear form of No 10 amongst the simplest.
13. The development would see the existing building form retained and extended to the side and rear. As the extensions would be stepped down, and that at the side stepped back, the existing form would remain clearly discernible within the streetscene. So much so, that subject to the frontage remaining open, the creation of the second dwelling would not be immediately apparent.
14. The twin gable ended extension to the rear would be visible from only limited angles within the street. Its addition would see the simple rectilinear form of No 10 changed. However, as gable ended projections are otherwise a common design feature of single storey bungalows within surrounding streets, it is unlikely that either the rear extension, or the overall form proposed would draw attention.
15. As garden sizes would fall within the existing range, the proposed layout would neither be nor appear uncharacteristically cramped. This is notwithstanding the adverse effects I have identified above in relation to No 5, which would ultimately stem from the existing position of the gable end.
16. The 'contemporary' palette of proposed finishes would differ from those most common within the surrounding area. They would however differ somewhat less from those currently present at No 5, which already includes modern grey cladding. For this reason and given that the proposed finishes would not in themselves appear inherently unattractive, simple cosmetic differences alone would not give rise to an unacceptable visual effect.
17. The Council's submissions make general reference to the acceptability of 'infill' and 'backland' development. However, the appeal scheme would not represent an example of either type of development given that the 2 proposed dwellings would be formed via extension of the existing building.
18. For the reasons outlined above I conclude that the development would have an acceptable effect on the character and appearance of the area. The development would therefore comply with Policy 16 of the Worthing Core Strategy 2011 which amongst other things expects development to demonstrate good quality architecture, and in this regard provides scope for contemporary design solutions.

Other Matters

19. The appellant states that the building fabric would be upgraded to a more efficient standard than at present. However, as the building could be upgraded whether the development occurred or not, this consideration does not attract weight.
20. The Council acknowledges that it does not have a demonstrable 5-year supply (5YHLS) of deliverable housing sites. I have not been provided with any indication of the extent of the shortfall. Nonetheless, the policies most important for determining the application are therefore out of date, and

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole.

21. The Framework seeks to boost the supply of housing, to make efficient use of land, and to ensure that development occurs in accessible locations. The appeal scheme would help to fulfil these objectives. Nonetheless, the social, economic and environmental benefits arising from the provision of a single additional dwelling would be very limited in scale, both in themselves and in relation to a 5YHLS shortfall of any given size.
22. Moreover, these benefits could not be delivered without giving rise to an unacceptably adverse effect on the living conditions of occupants of No 5. In this regard the scheme would conflict with the overarching objective set out within paragraph 130 of the Framework of ensuring that developments promote a high standard of amenity. This is a consideration to which I attach substantially greater weight than those above, and with which I additionally note that saved Policy H18 is consistent.
23. I find therefore that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. Consequently, the instruction to grant permission set out within paragraph 11 does not apply.

Conclusion

24. The effects of the development in relation to the living conditions of occupants of No 5 would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR