



Appeal Decision

Site visit made on 11 January 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 JANUARY 2022

Appeal Ref: APP/M3835/W/21/3272608

Land R/O 1 Hillview Rise, Offington, Worthing BN14 0BU

- 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 R Clutterbuck against the decision of Worthing Borough Council.
 - The application Ref AWDM/2146/20, dated 24 December 2020, was refused by notice dated 22 February 2021.
 - The development proposed is for the erection of detached one bedroom dwelling and creation of new access off Hillview Rise.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On plan 20/95 PL1 the side elevation drawings are not properly orientated thus show the wrong roof line, but there is enough information in the other plan drawings for me to understand the proposed development.
3. Since the Council took its decision and the appeal was submitted, a revised National Planning Policy Framework (the Framework) has been published. The main parties have been given an opportunity to comment on the revised Framework and I have taken it into account in reaching my decision.

Main Issues

4. The main issues are the effect of the proposed development on: -
 - the character and appearance of the area;
 - the living conditions of the occupants of 1 Hillview Road with regard to light, outlook, and privacy; and
 - the provision of family housing.

Reasons

Character and appearance

5. Hillview Rise is divided in two by the junction with Hillview Road. The eastern section of Hillview Rise has a less defined appearance including chalet bungalows and the side boundaries of rear gardens. The properties on Hillview Road are two-storey, detached and the majority have a large gabled frontage.

6. The western section of Hillview Rise is more homogenous with the character of the wider area and includes the appeal site. Within this part of the street, properties are modest with open frontages and well-proportioned rear gardens. They follow defined building lines and relate to the sloped nature of the topography.
7. There is a mix of detached and semi-detached properties which are similar in age, regular in appearance and predominantly single storey. They are mainly rectilinear in form with bonnet roofs. Some of the semi-detached pairs have matching, forward projecting elements with hipped roofs. These are subsidiary to the main body of the properties creating a wide 'U' shaped frontage. There are examples of various amendments and extensions, but the appearance and character of the area remains relatively uniform.
8. The lack of development on the appeal site creates a visual and physical gap between the existing dwellings on the western part of Hillview Rise and Hillview Road. On the opposite side of the junction, this is balanced by the rear gardens on the eastern side of Hillview Rise.
9. To overcome the reasoning in relation to character and appearance in the previous appeals related to this site (APP/M3835/W/19/3222970 and APP/M3835/W/19/3222973), the proposal has sought to retain the visual gap by cutting into the slope of the site and keeping the overall height of the proposed dwelling low. The proposed design of the dwelling has also taken design cues from the prevailing building style in the area, specifically the bonnet roof form and the 'U' shaped frontages.
10. By keeping the height of the development low, the roof would have a shallower pitch and a different wall to roof ratio from the surrounding properties. In isolation this would not be harmful. However, when this is considered in conjunction with the disproportionate 'U' shaped frontage, where the forward projecting elements dominate the front elevation, the use of locally relevant design features would appear contrived. The proposed enclosure of the frontage by a high fence and proximity of the proposed building to the rear boundary of the site would lead to a cramped and inward-looking design at odds with its surroundings. The proposed development would therefore fail to either assimilate with the appearance of the local built form or provide a novel interpretation of local character.
11. The Council considers that the potential impact of the living conditions of the occupants of 1 Hillview Road could put pressure on the removal of the street tree within the pavement towards the south-east corner of the site, thereby further altering the character of Hillview Rise. The site was visited in winter when there were no leaves on the trees. Given its strongly vertical nature and position of the tree referred to, I am satisfied that the proposed development would not give rise to pressure for its removal.
12. The appellant has drawn comparison to 1A Hillview Rise which was approved at appeal (APP/M3835/A/09/2094577) and replaced an existing garage building. No original plans have been submitted to allow me to compare the pre-existing site conditions. However, having read the appeal decision, I am satisfied that the circumstances are substantially different to those before me.
13. In conclusion, 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 paragraph 130 of the Framework, as it would not respond positively to local character. It would also conflict with the Guide to Residential Development Supplementary Planning Document 2013, in so far as it relates to Policy 16.

Living Conditions

14. On viewing the site and appreciating the level difference and boundary treatment between it and the rear of 1 Hillview Road. I consider the impact on the occupants of No 1 in relation to daylight and sunlight to be limited in comparison to the current situation.
15. However, the proposed development would have the main and secondary entrances on the east elevation directly facing No 1. The cycle storage, bin storage and car parking would all be situated along this boundary. The proximity of these functional features would mean a significant increase in use and movement very close to the rear elevation of No 1. This would constitute an intensification of use which would detrimentally affect the occupants of No 1 with regard to outlook and privacy. In this case the use of fencing along the shared boundary would not mediate this harm, as although it would remove potential overlooking, it would not alter the physical proximity of the most heavily used parts of the proposed dwelling to No 1.
16. Notwithstanding my findings with regard to the effect of the proposed development on the occupants of 1 Hillview Road with regard to light, I conclude that the proposed development would harm the living conditions of the occupants of 1 Hillview Road with regard to outlook and privacy. This is contrary to saved Policy H18 of the Worthing Local Plan 2003 and Policy 16 of the Worthing Core Strategy 2011, which do not permit development resulting in an unacceptable reduction in amenity for local residents. The Guide to Residential Development Supplementary Planning Document 2013, and Paragraph 130 of the Framework, support this position.

Family housing

17. Policy 8 of the Worthing Core Strategy 2011 provides criteria on housing mix, with particular reference to the need for family housing to balance the provision of flatted development in recent years. Whilst this policy is now of some age, its ethos to provide high quality homes to address the needs of the community is compatible with the Framework and is continued into emerging Policy DM1 of the Submission Draft Worthing Local Plan.
18. The main parties do not dispute that the proposed development would not constitute family housing. Furthermore, no evidence has been submitted showing that family homes are no longer required within the locality. The appellant submits that the proposed development would be accessible for both its intended future occupiers and for their successors. I am also mindful that the appellants' personal circumstances have changed since the previous appeals and that the proposed development would provide suitable accommodation to address their needs. While I consider that accessible homes have an important part to play in the housing stock, this does not overcome the local policy aim to deliver family-sized accommodation.
19. I attach substantial weight to the development plan policy. As such, I am not convinced that the circumstances before me would outweigh the adopted

policy. Accordingly, the proposed development would have a harmful effect on the provision of family housing. In this regard, it would be contrary to Policy 8 of the Worthing Core Strategy 2011, as set out above.

Other Matters

20. The appellant has referred to several judgements relating to how local plans should be used and has provided me with various paragraphs from the Framework. I have had regard to these, but they do not mediate the harm caused to the character and appearance of the area, the living conditions of neighbouring residents and the provision of family housing.
21. Third parties have raised concerns relating to the potential effect on the roads and ecology of the site. However, as I am dismissing the appeal, I have not pursued these matters further.

Planning Balance and Conclusion

22. The Council cannot demonstrate a 5-year housing supply, nor has it met the targets set out in the Housing Delivery Test, and the main parties agree on this. As such, it is necessary for me to apply paragraph 11 of the Framework.
23. Although there would likely be a small, short-term benefit on the local economy during the construction process, this would be very limited. No evidence has been submitted to prove that the site is not appropriate for any other uses or that the use proposed is the most suitable. I appreciate that the provision of a single dwelling would contribute to reducing the current housing shortfall of the Borough, but this would be limited. Additionally, the provision of an accessible house would also have limited benefits. However, I have found material harm in relation to the character and appearance of the area, the living conditions of the occupants of 1 Hillview Road, and the provision of family housing. These matters significantly and demonstrably outweigh the limited benefits to the scheme.
24. The planning balance is therefore not in favour of the appeal scheme. It does not comply with the development plan as a whole nor the approach in the National Planning Policy Framework, and there are no other material considerations that would indicate a contrary decision. The appeal is therefore dismissed.

RJ Redford

INSPECTOR