



Appeal Decision

Site visit made on 25 January 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/M3835/W/21/3274486

44 Northbrook Road, Broadwater, Worthing BN14 8PW

- 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 John Stammers against the decision of Worthing Borough Council.
 - The application Ref AWDM/0065/21, dated 18 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is 'New Dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension to form a one bedroom dwelling with one parking space at 44 Northbrook Road, Broadwater, Worthing BN14 8PW in accordance with the terms of the application, Ref AWDM/0065/21, dated 18 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SLP01, BP01, E01, E02, E03, E04, P01, P02, P03, P04, P05.
 - 3) No part of the new development shall be first occupied until an electric vehicle charging space has been provided in accordance with the plans and details to be submitted to and approved by the Local Planning Authority.
 - 4) If during the development, any visible contaminated or odorous material (for example asbestos containing material, stained soil, petrol/ diesel/ solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Preliminary Matters

2. The description of development was amended by the Council to read 'two storey side extension to form a one bedroom dwelling with one parking space', which adequately describes the entirety of the works proposed. The amended description was used by the appellant on the appeal form and I have determined the appeal on the basis of this amended description.
3. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the revised Framework and I have taken into account any responses received.

Main Issues

4. The main issues are:
 - i) the effect of the development proposed on the character and appearance of the area, and
 - ii) whether the development proposed would provide an acceptable standard of living conditions for future occupiers, with particular reference to outdoor amenity space.

Reasons

Character and Appearance of the Area

5. The appeal site is in a residential area where properties in the immediate vicinity of the site are predominantly groups of two storey terraces with two storey projecting bay features. Many have been extended and altered to varying degrees.
6. The gap which currently exists between the appeal property and 2 Clarendon Road provides a visual break between the two terraces and provides a view from the street to the mature trees beyond which contributes positively to the character and appearance of the area.
7. At the ground floor level the gap between the properties is already largely enclosed by the existing extensions, boundary treatments and soft landscaping. As a result the impact of the proposed extensions at ground floor level would have little impact on the perception of space between the properties when compared to the existing situation. The simplified roof form of the proposed single storey element is likely to be of some visual benefit.
8. I appreciate the Council's concerns for the design of the proposed ground floor front elevation, in particular the extent of the projecting bay feature. However this is likely to be largely concealed from view by the soft landscaping and parking space immediately in front of it, reducing its impact on the street scene.
9. The flank wall of the proposed first floor level would maintain a line parallel to the main property. Combined with its stepped-down ridge line, the first floor would appear as a visually subordinate addition to the main property and the terrace. Due to the angled boundary it would project to the boundary line only at its rear most corner. This would inevitably result in a reduction in the gap between the properties and the loss of some of the views to the trees beyond.

However due to its design, hipped roof profile and stepped down ridgeline, the extension would not create visual terracing with 2 Clarendon Road and the two groups of terraces would remain visually distinct. Views of the trees would continue to be possible to a degree, primarily above the roof of the extension. I do not therefore consider the first floor extension would appear unduly cramped. As the appeal site is uncommon in its shape and characteristics I am satisfied that the proposals would adequately reflect the pattern of development in the area.

10. For these reasons I do not find that the proposed extensions would appear unduly cramped or overbearing in this location and the proposals would adhere to the principles of policy 16 of the Worthing Core Strategy 2011 insofar as it requires good design and the advice regarding infill development contained in the Residential Development Supplementary Planning Document (SPD) 2013 by reason of its appropriate design.

Living Conditions

11. As the new dwelling has one bedroom it would not provide family housing, as defined by the Residential Development SPD. The guidance contained in the SPD regarding outdoor amenity space focuses on family housing.
12. I agree that the use of the proposed open space at the front of the site is unlikely to provide quality outdoor space to future occupiers through being heavily overlooked. The rear outdoor area for the additional unit would provide a narrow space which would be likely to feel heavily enclosed by the surrounding boundary treatments and surrounding built forms. Nonetheless, it would provide a private and secure area for future occupiers and would be of a size capable of accommodating some domestic paraphernalia for its future occupants. I consider this space would be adequate to serve the proposed one bedroom unit.
13. I note the Council's concerns for the cumulative impact of the quality of the amenity space and the internal layout, particularly as the main living area would be served only by the rear facing double doors. However, considered as a whole, the new residential unit would benefit from dual aspect with an acceptable level of outlook to the front and rear. As the internal space meets the local floorspace standard, I consider that overall the new unit would provide an acceptable standard of living conditions for its future occupants.
14. With regard to the main property of 44 Northbrook Road, this is proposed to be retained as a 3 bedroom house, which constitutes family accommodation as defined by the SPD and should have accessible and usable amenity space. While I agree the garden area would be notably reduced, I consider that it remains both easily accessible, private and usable to future occupiers. While the new fencing that divides the site is angled close to the back of the house, this would occur outside a kitchen door rather than outside any notable point of outlook and therefore would not cause unacceptable harm to the living conditions of future occupiers of the property.
15. The proposals would provide an acceptable standard of accommodation and living conditions for the occupiers of both houses and I do not find conflict with policies 8 and 16 of the Core Strategy, or the Residential Development SPD in this regard. The proposals would comply with paragraph 119 of the Framework through ensuring safe and healthy living conditions.

Other Matters

16. I note there was an earlier refusal of planning permission for similar works on the site (reference AWDM/1210/20) which is referred to in the officer's report. While I have not been provided with full details of that earlier scheme, based on the evidence available, I am of the view that the reasons for refusal have been adequately addressed by the appeal scheme for the reasons described above.

Planning Balance and Conclusion

17. The Council state that it does not have a 5 year land supply for housing. Accordingly, I must have regard to paragraph 11 of the Framework as in this context the most important policies are considered out of date and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. The proposals would have the benefit of contributing one additional home to the Borough's housing stock which is a benefit of moderate weight. I have not identified any adverse impacts of granting planning permission in this case and the provisions of paragraph 11 add further weight in favour of granting planning permission.
19. For the reasons set out above, the appeal is allowed.

Conditions

20. I have had regard to the conditions recommended by consultees that are referred to in the officer's report and I have had regard to the advice in Planning Practice Guidance and the Framework in respect of conditions. As the supporting plans show the inclusion of an area for secure cycle parking, I do not feel it necessary to condition further details in this regard. I have imposed a condition relating to the provision of an electric vehicle charging point and have amended the wording to ensure the condition is precise in referring to the new development. This condition is necessary to ensure that future occupiers have access to sustainable travel options. As the development would occupy a larger footprint than the existing extensions I have imposed a condition relating to land contamination to ensure the safety of future occupiers.

C Shearing

INSPECTOR