



Appeal Decision

Site visit made on 23 February 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 MARCH 2022

Appeal Ref: APP/M3835/D/21/3286791

6 Eirene Road, Marine, Worthing BN12 4DJ

- 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 P Gamble against the decision of Worthing Borough Council.
 - The application Ref AWDM/1268/21, dated 3 July 2021, was refused by notice dated 25 August 2021.
 - The development proposed is part demolition of existing building, extension and raising of the roof from two storey 3no bedroom house with adjusted footprint. South facing first floor balcony, flat roof with roof lantern and photovoltaic panels, relocation of entrance door to side and driveway to north with 3no parking spaces and bin store, associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have been referred to policies in the Submission Draft Worthing Local Plan. I understand that this document has not been independently examined. Therefore, I am not satisfied that these policies will be adopted in the form that they are put to me. As such I afford them limited weight.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of nearby occupiers with particular regard to overlooking, light and any overbearing effect.

Reasons

Character and Appearance

4. The appeal site is located on the northern side of Eirene Road. Its immediate setting is mainly characterised by modest detached bungalows with pitched roofs, some with accommodation in the roof, fronting Eirene Road. This includes no. 4, which is a smaller dwelling than others in the street, although I am not persuaded that it is likely to change. Front boundaries are generally low walls. The adjoining property at no. 8 is a traditional pitched roof two storey building, and there is another two storey block much further down the road which fronts South Avenue. However, these features are uncommon and as such are not a prevailing part of the character and appearance of the area. Consequently, the low level built form with separation above ground level results in a pleasant sense of openness. Furthermore, the main elevations to

Eirene Road behind low boundary treatment create a consistent pattern of development in this regard, which is an attractive feature of this location.

5. The southern side of the road has a markedly different character with the Waterfront development which includes 2-3 storey houses, with differing roof forms including the flat roof at Aurora. Nevertheless, the location and context of the appeal site is notably separate to this development. There is also a second floor flat roof extension under construction at Anchor Court. This is located away from the host property, beyond the junction with Sea Place, and is therefore also clearly distinct from the appeal site and its setting.
6. The appeal site backs onto South Avenue, with a garage and hardstanding accessed from this road. Along the southern side of South Avenue are generally secondary rear gardens, outbuildings and accesses to Eirene Road properties. Consequently, the existing arrangement is appropriate to this character.
7. The proposed development would create a two storey dwelling fronting South Avenue, which occupies the majority of the width of the plot at ground and first floor with a flat roof. The first floor element would extend close to the boundaries of the site at full height which would harmfully undermine the sense of spaciousness between plots above ground floor level. Although there is a small single storey element adjacent to no. 4, this does not diminish the overall scale of the proposed alterations. The flat roof, two storey glazed form of the elevations would also be at odds with the surrounding development. The resultant development would be dominant and visually jarring in this context.
8. Furthermore, the development would result in a secondary rear elevation and back garden facing towards Eirene Road. Planting is proposed to this boundary, however the proposed high timber fence directly behind is likely to be apparent. These features would erode the relationship between the appeal site and Eirene Road and would unacceptably undermine the regular pattern of frontage development in this location.
9. Given the character to this part of South Avenue, the removal of the ancillary parking area is not a benefit to its character and appearance.
10. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. Therefore, in this respect, it would be contrary to Policy 16 of the Core Strategy April 2011 which requires new development to be of good design including responding positively to the important aspects of local character, amongst other things.

Living Conditions

11. The main outlook from the front windows at 4 Eirene Road is across its garden. However, due to the angle of the property and the proximity of the neighbouring dwelling, the proposed 2 storey side elevation to 6 Eirene Road would be highly prominent in these views. I am also provided with details of a sun path shadow analysis in late May, although this is not reflective of light that would typically be available at other times of the year. As such, the proximity, height and forward projection of the proposed dwelling would create an unacceptably overbearing relationship as well as a likely loss of light to these windows.
12. The main outlook from the proposed balcony would be across the host property's rear garden. 1.4m high walls are proposed to both sides. These

would significantly limit direct views towards adjoining gardens and due to the angle of view it is unlikely that views into neighbouring windows would be possible. Whilst peripheral views of the neighbouring front gardens may occur, taking into account their semi-public position this would not be harmful.

Additionally, given the distance from Aurora the proposed balcony would not create an inappropriate level of overlooking to this property. Therefore, I do not find harm with regard to overlooking. However, the lack of harm in this regard is a neutral factor.

13. Consequently, the proposed development would have a harmful effect on the living conditions of existing occupiers with particular regard to light and an overbearing effect. Therefore, in this respect, it would be contrary to Policies H16 and H18 of the Worthing Local Plan (2003). These require development not to reduce amenity for local residents and extensions not to result in an unacceptable degree of overshadowing or have an overbearing effect.

Other Matters

14. The appeal scheme is a lower height than a previously refused scheme¹ and incorporates a balcony set back. Nevertheless, even with these features, I have identified the harm set out above.
15. I am not persuaded that Eirene Road has a notable issue with traffic or car parking. Furthermore, the traffic movements and car parking to Eirene Road associated with the existing property are likely to be very limited. Therefore, any benefit from the proposed development in this regard would be minimal.
16. The proposed development would provide increased natural surveillance to Eirene Road, albeit the road is already reasonably visible from existing first floor windows. It has been designed to achieve solar gain due to its aspect, accommodate the maximum number of photovoltaic panels and to provide natural ventilation. This would minimise the use of non-renewable energy for future occupiers and this is a benefit of the proposed development. However, taking into account the size of the proposed development, these benefits are limited in their scale.
17. On the other hand, the proposed development would result in public and permanent harm to the character and appearance of the area as well as unacceptable living conditions to the occupiers of 4 Eirene Road. As such there are multiple factors that, overall, would result in considerable harm. Consequently, this would not be outweighed by the limited benefits set out above.

Conclusion

18. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR

¹ AWDM/1268/21