



Appeal Decision

Site visit made on 29 March 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/M3835/W/21/3281219

45 Hurston Close, Offington, Worthing BN14 0AX

- 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 P Bell Thompson against the decision of Worthing Borough Council.
- The application Ref AWDM/0531/21, dated 23 March 2021, was refused by notice dated 17 June 2021.
- The development proposed is new dwelling to NE side of plot. Existing property retained.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposed development on the living conditions of the occupiers of Nos 10 and 11 Fontwell Close; and
 - b) the effect on the character and appearance of the area.

Reasons

Living conditions

3. The proposed dwelling would occupy land to the side of 45 Hurston Close. This area is presently open and undeveloped, except for a conservatory which would need to be removed to facilitate the development. Adjoining the north-western boundary of the plot are Nos 10 and 11 Fontwell Close, a pair of bungalows in a neighbouring cul-de-sac. These properties have small gardens which are set lower than the appeal site due to sloping ground levels.
4. The side flank of the proposed dwelling would extend along a large portion of the garden to No 10. The eaves would be relatively modest and the roof of the building would pitch away from the boundary. Nevertheless, due to the height and depth of the dwelling, and its positioning tight to the boundary, the development would be prominent and oppressive. The building would create a harmful sense of enclosure within the neighbours' main private amenity space.
5. The rear garden to 11 Fontwell Close is extremely shallow and the difference in ground levels is more pronounced. The bulk of the proposed dwelling would be set off to one side, but it would be elevated in relation to No 11 and the buildings would be separated by just 7.55 m. As a result, the development

would be overbearing for the neighbour. It would also lead to a significant loss of privacy, as a first floor bedroom window in the new dwelling would overlook the conservatory and garden of No 11 at close range. These views would be more direct than those already available from No 45.

6. Taken together, the adverse impacts on the living conditions of neighbours would be significant and there would be a clear conflict with Policy H18 of the Worthing Local Plan (saved policies 2007), insofar as it seeks to ensure that development does not result in an unacceptable reduction in amenity for local residents. This policy is consistent with paragraph 130 of the National Planning Policy Framework (the Framework) which promotes health and well-being in new development, and high standards of amenity for existing and future users.

Character and appearance

7. With the exception of a cluster of bungalows at its northern end, most of Hurston Close is characterised by two-storey housing. The majority of dwellings are detached and tightly spaced. There is an eclectic mix of designs, all of them modern. No 45 Hurston Close lies within a southern spur of the cul-de-sac where the properties are loosely arranged around a vehicle turning head. The layout here is less regimented, but the individual properties are still relatively close together.
8. The proposed dwelling would be sited adjacent to 45 Hurston Close, between the existing property and the fenced garden boundaries of bungalows in Fontwell Close. The plot would be narrower than others within this part of the cul-de-sac, but not to the extent that the development would appear cramped. There would be sufficient gaps to the buildings on either side and the new dwelling would be set back from the highway in a similar manner to No 45, with scope to landscape the site frontage.
9. The chalet style design would be a departure from the two-storey houses in the remainder of the street, but given the variety which exists it would not appear discordant. The one and a half storey design would provide an appropriate transition between the two-storey scale of No 45 and the diminutive bungalows in Fontwell Close, the roofs of which are clearly visible from Hurston Close above boundary fencing. Although the Council has raised concerns over the scale of the dwelling, I do not consider that it would appear excessively bulky.
10. Overall, I consider that this would read as an infill development and it would be in keeping with the suburban character of this residential cul-de-sac. Thus, I do not share the Council's view that the development would be harmful to visual amenity. I conclude that there would be no material harm to the character or appearance of the area. The proposal would comply with Policy 16 of the Worthing Core Strategy (2011) insofar as it requires development to demonstrate good quality architectural and landscape design which responds positively to the important aspects of local character.

Other Matters

11. The appellant has drawn attention to new dwellings at 4a Hurston Close and 140 Warren Road. I do not know the full background to those developments, but they are not directly comparable to the appeal scheme before me in any event. I have determined the case before me on its merits.

Planning Balance and Conclusion

12. The Council is unable to demonstrate a five year supply of deliverable housing sites. The 2019-2020 Annual Monitoring Report identifies the current supply at only 1.15 years. Paragraph 11 of the Framework indicates that in such circumstances, 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 Framework taken as a whole.
13. The proposal would make a small contribution towards remedying the housing shortage. It would also enable the appellants to downsize and remain local to their family. The latter is a private benefit which carries limited weight in my assessment, but I have taken it into account as a material consideration.
14. Although the proposal would not adversely affect the character or appearance of the area, it would cause significant harm to the living conditions of residents in Fontwell Close. The Framework emphasises the need to achieve high standards of amenity, including for future occupiers, and I have therefore attached substantial weight to the harm. Although the acute housing shortage means that the provision of new homes must be a priority, in the overall balance I conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits. The proposal would not constitute a sustainable form of development and accordingly there would be no material considerations to outweigh the conflict with the development plan.
15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR