
Appeal Decision

Site visit made on 17 March 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST April 2022

Appeal Ref: APP/M3835/W/22/3291281

32 Central Avenue, Offington, Worthing BN14 0EA

- 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 Farshad Sisan against the decision of Worthing Borough Council.
 - The application Ref AWDM/1917/21, dated 19 October 2021, was refused by notice dated 18 January 2022.
 - The proposed development is to extend the ground floor and replace the roof including new upper floor habitable space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have been referred to policies in the Submission Draft Worthing Local Plan 2020-2036. However, I have not been made aware that the document has progressed sufficiently to carry much weight in this appeal.

Main Issues

3. The main issues are the effect of the development on:
 - a) the character of the dwelling and the surrounding area; and
 - b) the living conditions of the occupiers of neighbouring houses in respect of privacy and overbearing impact.

Reasons

Character and appearance

4. The appeal site comprises a detached bungalow and attached single garage on Central Avenue, with a off-street parking to the front. The plot size is relatively modest in the context of the local neighbourhood, which is predominantly residential in nature.
 5. The proposal would create habitable accommodation at first floor level, considerably increasing the size and scale of the existing bungalow in terms of footprint and height. In my view, the extent of development would not be sympathetic to the diminutive scale of the existing bungalow and those properties to either side.
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6. The cumulative impact of the mass and bulk at first floor level, together with the substantial gable walls facing the front and rear, would result in a top-heavy appearance that would be dominant and obtrusive within the context of the local streetscene. Overall, given the relatively small scale of the site, I consider that the scheme would represent an overdevelopment of the land.
7. I recognise that the wider area contains dwellings of differing size and scale, including a two-storey residence on the opposite side of Central Avenue. However, I saw at my site visit that this occupies a wider plot than the appeal site. Therefore I do not consider that it is comparable to the scheme before me. In any event, additions to other houses would be neutral considerations in any balance against planning harm, and I am mindful that each case must be assessed on its own merits.
8. I acknowledge those other matters that have been advanced in support of the development; the addition results in improvements to the layout of the dwelling to meet living requirements, and the property will be updated and insulated to modern standards. However, neither of these points could justify the harm I have identified above.
9. I am aware that permitted development rights can be used as a fall-back position. However, there is no evidence before me that a lawful development certificate has been granted by the Council in this respect, and as such I consequently afford any fall-back situation limited weight.
10. I conclude that the scheme would result in harm to the character and appearance of the dwelling and the surrounding area. It would be in conflict with Policy H16 of the Worthing Borough Council Local Plan 2003 (LP), Policy 16 of the Worthing Core Strategy 2011 (CS) and the Extending or Altering Your Home Supplementary Planning Guidance (SPD). Taken together these seek to ensure new development is of acceptable scale and appearance. It would also be inconsistent with the advice in the Framework which states that good design is a key aspect of sustainable development.

Living conditions

11. The development would be substantially higher than the existing bungalow, with considerably greater mass and bulk in close proximity relative to the adjoining property at 79 Hollingbury Gardens, which broadly lies at a right angle to the appeal site. This would create a significant extent of built form which would dominate the outlook from the facing windows and side/rear garden area of no.79, which I consider would appear oppressive and overbearing, and materially worse than the existing state of affairs. Moreover, although shown with obscure glazing, the two side dormer windows facing towards no.79 would result in an increased perception of overlooking to the detriment of the living environment of the occupants.
12. Given the side-to-side relationship with 30 Central Avenue I am not persuaded that the impacts of the scheme would be as severe to this dwelling. The back garden of no.30 is broadly south-facing towards the rear amenity spaces of other houses, with a greater feeling of spaciousness. Taken in the round, the appeal scheme would not have an excessively overbearing impact upon the living conditions of the occupants of 30 Central Avenue. Moreover the obscure-glazed side dormer windows would look directly over the side roof form of no.30, offering only oblique views over the rear garden of the adjacent residence. Consequently, I am of the view that the development would not be

so unneighbourly in this respect as to warrant a refusal of permission. Nonetheless, this does not outweigh the harm I have previously identified.

13. I conclude that the proposal would result in harm to the living conditions of the occupiers of 79 Hollingbury Gardens in respect of privacy and overbearing impact. This would contravene Policies H16 and H18 of the LP and the provisions of the SPD, which seek to protect the amenities of the occupants of neighbouring properties. It would also be inconsistent with the advice in the National Planning Policy Framework which advocates safe and healthy living conditions.

Conclusion

14. Having regard to all matters raised and based on my reasoning above, the appeal is dismissed.

C Hall

INSPECTOR