



Appeal Decisions

Site visit made on 29 June 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal A Ref: APP/M3835/W/22/3290468

20 Devonport Road, Selden, Worthing BN11 2SN

- 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 Mario Zazzarino against the decision of Worthing Borough Council.
 - The application Ref AWDM/0723/21, dated 21 April 2021, was refused by notice dated 8 July 2021.
 - The development proposed is 1no. 2 bedroom bungalow with access off Devonport Road.
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Appeal B Ref: APP/M3835/W/21/3276888

20 Devonport Road, Selden, Worthing BN11 2SN

- 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 Zazzarino against the decision of Worthing Borough Council.
 - The application Ref AWDM/1727/20, dated 19 October 2020, was refused by notice dated 16 December 2020.
 - The development proposed is erection of 1no. 2 bedroom bungalow.
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Decision

1. Appeal A and Appeal B are dismissed.

Preliminary Matters

2. Reference is made to Policies DM5 and DM20 of the Submission Draft Worthing Local Plan (SDWLP). In this case I am provided with detail that the plan has been examined and the post hearing advice letter has been received. The Council has confirmed that no modifications are recommended to these policies.
3. Policy DM20 states that a flood risk assessment will need to demonstrate that the site has passed the sequential test, amongst other things. Policy DM5 sets criteria to achieve high design quality from new development, including that it should not have an unacceptable impact on the occupiers of adjacent properties. These are broadly in accordance with the aims of the National Planning Policy Framework (2021) (Framework) which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, seeks the creation of high quality, beautiful and sustainable buildings and places and a high standard of amenity for existing and future users. As such, taking into account the stage of preparation, extent to which there are unresolved objections and consistency with the Framework, these policies hold significant weight in these decisions.

4. Appeal A and B propose a similar dwelling on the same plot. The main differences are the positioning of the building further from the western and northern boundaries and closer to the boundary with the footpath in Appeal A. Also, Appeal A proposes a two bedroom dwelling, Appeal B proposes a two bedroom dwelling plus a study.

Main Issues

5. The main issues are:
- Whether the appeal site is a suitable location for the proposal, having regard to policies concerned with development in areas at risk of flooding (Appeal A and B).
 - The effect of the proposed development on the character and appearance of the area (Appeal A and B).
 - The effect on the living conditions of the occupiers of 20 Devonport Road (Appeal A and B)
 - The quality of the accommodation for future occupiers with particular regard to access (Appeal A and B) and internal space (Appeal B only).

Reasons

Flood Risk - Appeal A and B

6. The appeal site is in Flood Zone 3, and the appeal schemes would therefore fall within the 'more vulnerable' classification in the Planning Practice Guide. As a result, residential development may be appropriate subject to the application of the sequential test and this is set out in Policy 15 of the Worthing Core Strategy (April 2011) (CS) and Policy DM20 of the SDWLP. These are consistent with the sequential approach set out in Paragraph 162 of the Framework, which explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.
7. I am not presented with evidence that there are no other reasonably available sites appropriate for the proposed development at a lower risk of flooding. Only a very small proportion of land within the designated 'built-up' area of the Borough lies within Flood Zones 2 and 3. Consequently, I am not satisfied that there are no other sequentially preferable, suitable and available alternatives within an appropriate sequential test area.
8. As the developments fail the sequential test there is no need to apply the exception test which, in part, determines whether the proposed developments would increase flood risk elsewhere. I understand planning permission was granted for the Half Brick pub¹ in Flood Zone 3 with a requirement that it was raised by 300mm. This consideration relates to the exception test. As such this measure does not alter my findings that the development would not pass the sequential test. The Environment Agency's (EA) comments assess flood risk mitigation which comes after the sequential test. As such the lack of objection from the EA does not alter my conclusion.
9. Therefore, the appeal site is not a suitable location for the proposals, having regard to policies concerned with development in areas at risk of flooding. As

¹ 10/0895/FULL

such, in this respect both Appeal A and Appeal B would be contrary to Policy 15 of the CS and Policy DM20 of the SDWLP, the aims of which are set out above.

Character and Appearance - Appeal A and B

10. Devonport Road is characterised by semi-detached and detached single storey dwellings which front the road. They have generous front gardens with vehicle access to the side, providing separation between pairs and dwellings. There are bends in the road and on these corners development is particularly spacious with wider gardens as well as an open grassed area on the corner opposite the appeal site. These features result in a pleasant open spacious character to this area.
11. 20 Devonport Road is part of a semi-detached pair of bungalows on the outside edge of one of the bends. It is on a broadly triangular shaped plot with a wider rear garden than other dwellings nearby, and a narrow road frontage. At my site visit the plot had been divided with a close boarded fence separating the proposed garden of no 20 from the appeal site.
12. The proposed developments would subdivide the plot of no. 20 and would both introduce a single storey dwelling set away from the road frontage and accessed via a narrow driveway.
13. The development of the garden on this corner plot would harmfully undermine the sense of spaciousness and openness in this vicinity. Furthermore, the introduction of a dwelling in this location would be incongruous with the street fronting pattern of development and consequently would harmfully erode this positive characteristic of this area.
14. The ratio of dwelling footprint to garden area is not consistent along Devonport Road. Indeed, as set out above, the layout of the more spacious gardens to the properties on the corners make a positive contribution to the character of the area. As such, even though the resultant area of the gardens would be a similar size to others in the street, they would nevertheless be harmful to the pattern of development and character of this corner site.
15. Consequently, the proposed developments would have a notably harmful effect on the character and appearance of the area. As such they would be contrary to Policy 16 of the CS which seeks good quality design from all new development, including that it should respond positively to the important aspects of local character, and Policy DM5 of the SDWLP, the aims of which are set out above. As well as the advice in the Guide to Residential Development Supplementary Planning Document (November 2013) which includes considerations to achieve good design for residential development.

Quality of Accommodation

Appeal B

16. The Space Standards SPD (February 2012) advises that the minimum floor area for a two bedroom house should be 77sqm. For a three bedroom house this should be 93sqm.
17. The proposed dwelling would have a floor area of 77sqm, and the layout is shown with two bedrooms plus an office area. However, there is nothing before me that would require this room to be used as an office in perpetuity. Taking

into account the arrangement of the proposed dwelling it is likely that the room may be used as a third bedroom.

18. Given that the property could therefore be occupied by up to 5 people, the proposed living/kitchen/dining area would not provide sufficient space for suitable furniture and circulation space to provide a high standard of living accommodation for this number of occupants.

Appeal A and B

19. The development proposes a narrow driveway. It would be difficult for wheelchairs and buggies to access the proposed dwelling from this location when a car is parked. A pedestrian gate is provided along the pathway adjacent to the site. This is privately maintained, although I see no reason why it would not be accessible for this reason. It is also unlit. However, given the short section of walk that would be required it would provide a suitable alternative access point. Therefore, in this regard, the proposed development would provide an acceptable standard of amenity for future occupiers.
20. Whilst I do not find harm with regard to access, this is a neutral factor that does not outweigh the harm to the internal space for future occupiers I have found in Appeal B. Therefore, Appeal B would provide poor quality accommodation for future occupiers with particular regard to internal space. Policy H18 and RES7 of the Worthing Local Plan, and Policy DM5 of the SDWLP mainly relate to the impact on the occupiers of adjacent properties and therefore I do not find conflict with these policies in this regard. Nevertheless, the proposed development would be contrary to Paragraph 130 of the Framework which requires a high standard of amenity for future users.
21. However, Appeal A would provide an acceptable standard of accommodation for future occupiers, with particular regard to access. For the reasons above, it would not be contrary to Policy H18 and RES7 of the Worthing Local Plan, and Policy DM5 of the SDWLP in this regard. And it would be in accordance with Paragraph 130 of the Framework, the aims of which are set out above.
22. Policy 8 of the CS mainly relates to the mix of homes. Therefore, the policies listed above are more relevant to this main issue.

Existing Living Conditions - Appeal A and B

23. The front garden of 20 Davenport Road is mainly laid to gravel and could be used for car parking. Parking for the new dwelling is proposed in tandem along the driveway which is annotated to be 2.8m wide, in close proximity to the front windows of 20 Devonport Road.
24. No details of front boundary treatment have been provided, although on my site visit the front garden had been separated with a low level divider and differing types of gravel to differentiate the two entrances. Such low level boundary treatment could be secured by condition.
25. The windows at no.20 which would be closest to the proposed parking areas front the street and therefore experience some noise from vehicles and overlooking by pedestrians on the road at present. Nevertheless, there would be additional noise and disturbance associated with the comings and goings of cars from a different household in close proximity to these residential windows. However, I see no reason that those using the vehicles would linger, and any

views towards no. 20 would be in passing. Furthermore, the likely movements associated with a modest single property would be low. Consequently, the proposed developments would not lead to unacceptable harm to privacy or in terms of noise and disturbance to the existing occupiers at no. 20.

26. The garden to no 20 would be reduced in size and in both Appeal A and B the bungalows would sit close to its southern boundary with Appeal A being set back by an additional 0.2m. However, even though the building would be located to the south and along the open part of the boundary, taking into account the low level height, pitched roof and the extent of the garden that would remain, the garden is likely to retain adequate levels of light.
27. Consequently, the proposed development would not be unacceptably harmful to the living conditions of the occupiers of 20 Devonport Road. As such, in this respect, it would be in accordance with Policy H18 and RES7 of the Worthing Local Plan, and Policy DM5 of the SDWLP which together seek that development should not cause unacceptable harm to the amenities of local residents.

Other Matters - Appeal A and B

28. The proposed dwellings would contribute towards the provision of housing in the Borough and the Government's target to significantly boost the supply of homes. The dwellings would be in an accessible location and future occupiers would support the local community. However, given the size of the developments these benefits are limited in their scale.
29. I have considered the comments from interested parties, including the letter from a local Councillor. I am also presented details with a number of sites where small scale development has been permitted on small sites². However, these are all somewhat distant from the appeal site and would be subject to differing site specific characteristics. As such, these decisions do not alter my conclusions based on the circumstances of this site.

Planning Balance

30. The Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years. Therefore paragraph 11 d) of the Framework is engaged and the presumption in favour of sustainable development applies.
31. However, as set out above, the application of policies relating to areas at risk of flooding provides a clear reason for refusing the developments proposed. Consequently, the presumption in favour of sustainable development does not apply in these cases.
32. I have also found that Appeal A would be notably harmful to the character and appearance of the area, and Appeal B would also provide an inadequate standard of accommodation for future occupants. The modest public benefits a single new dwelling would not outweigh this harm either individually in the case of Appeal A or collectively in the case of Appeal B.

² AWDM/1903/18, AWDM/0676/18, AWDM/0991/19, AWDM/0009/13, 06/0994/OUT, 10/0629/FULL, AWDM/1802/19

Conclusion

33. The proposals would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeals should be determined otherwise. Therefore, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

H Miles

INSPECTOR