
Appeal Decision

Site visit made on 28 November 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/M3835/W/22/3300657

82 Boxgrove, Worthing, Sussex BN12 6AR

- 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 Darren Platnauer against the decision of Worthing Borough Council.
 - The application Ref AWDM/1319/21, dated 31 August 2021, was refused by notice dated 5 January 2022.
 - The development proposed is end of terrace house.
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Decision

1. The appeal is allowed and planning permission is granted for end of terrace house at 82 Boxgrove, Worthing, Sussex BN12 6AR in accordance with the terms of the application, Ref AWDM/1319/21, dated 31 August 2021, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The site lies within a planned estate of late twentieth century housing. The estate contains a varied mix of property types including detached houses and bungalows, semi-detached houses and terraces. The majority of properties front the road behind landscaped front gardens and driveways, but to the north of Boxgrove there are three rows of dwellings running perpendicular to the street. These have their main entrances onto pedestrian footways with cul-de-sacs at the rear providing vehicular access and parking. Nos 62 to 80 Boxgrove are notable in having this arrangement, with the properties facing onto one another across a pair of footways with a grass strip in between.
4. No 82 is an end terrace property facing onto Boxgrove. The proposed house would be attached to its flank wall and would read as a natural continuation of the terrace, with materials and fenestration to match. The new dwelling would project forward of the front walls of Nos 76 to 80 Boxgrove which sit directly behind. The Council contends that the development would be cramped and at odds with the prevailing layout and spacious character of this part of the estate. However, the side garden to No 82 does not make a significant contribution to the street scene; the two footways and strip of grass in between are more important in maintaining the sense of space between Nos 76-80 and Nos 62-74. This area would be unaffected by the proposal and there is the opportunity to retain a planted margin along the side of the new dwelling and its rear garden.

5. The proposed development would not disrupt a distinctive or characteristic feature of the estate's layout and it would go unnoticed by the majority of casual observers and passers-by. I therefore conclude that it would not cause material harm to the character or appearance of the area. There would be compliance with Policy 16 of the Worthing Core Strategy (2011) insofar as it seeks to secure good quality design which takes account of local physical and environmental characteristics of the area. There would also be compliance with Policy DM5 of the emerging Worthing Local Plan as regards the quality of the built environment. The latter document is nearing adoption and therefore I have afforded it significant weight as a material consideration.

Conditions

6. I have considered the suggested conditions against the tests set out within the National Planning Policy Framework (the Framework). Where appropriate, I have amended the triggers to minimise the use of pre-commencement conditions.
7. In addition to the standard commencement condition, I have attached a condition specifying the approved plans to provide certainty. In the interests of the character and appearance of the area, conditions are necessary to secure details of external materials, landscaping and boundary treatments.
8. Conditions are also necessary to secure cycle and bin storage before the new dwelling is occupied. This will encourage sustainable transport modes and ensure satisfactory provision for refuse and recycling.
9. The Council has not identified a development plan policy to support its suggested condition on climate change mitigation measures. However, it refers me to the Worthing Planning and Climate Change Interim Checklist 2020 which bridges the gap between the current Core Strategy and the emerging Worthing Local Plan. The checklist accords with the general thrust of the Framework to mitigate climate change and thus I am satisfied that the condition is justified.
10. To reduce the risk of flooding, I have attached a condition to require the submission of details of surface water drainage. The Council's engineer has requested a further condition relating to internal floor levels but this is not reasonable or necessary given the location in Flood Zone 1 and the fact that floor levels will be largely dictated by those of the existing dwelling.
11. It is reasonable to impose a condition to control construction hours to protect the living conditions of neighbours. However, the Council's suggested condition to remove permitted development rights does not pass the test of necessity, given that I have no evidence to show that existing dwellings are so restricted.

Planning Balance and Conclusion

12. I conclude that the proposal would accord with the development plan taken as a whole. There would be no adverse impacts to significantly and demonstrably outweigh the benefits of delivering a single dwelling and as such the scheme would constitute a sustainable form of development. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

SCHEDULE OF 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: Drawing nos. C1051-1, C1051-2, C1051-3 and C1051-4A.
- 3) No development shall commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. The dwelling shall not be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
- 4) No development shall commence until details of climate change mitigation measures have been submitted to and approved in writing by the local planning authority. The agreed measures shall be fully implemented prior to the occupation of the dwelling hereby approved.
- 5) No development shall take place above ground floor slab level until a schedule and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place above ground floor slab level until there has been submitted to and approved in writing by the local planning authority a scheme of soft and hard landscaping which shall include indications of all existing trees and hedgerows on the land and details of those to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. The approved details of hard landscaping shall be completed prior to occupation of the dwelling.
- 7) No development shall take place above ground floor slab level until details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved boundary treatments have been erected and they shall thereafter be retained permanently for the life of the development.

- 8) The dwelling hereby permitted shall not be occupied until bin storage enclosures and facilities have been provided in accordance with detailed drawings to be first submitted to and approved in writing by the local planning authority. The approved enclosures and facilities shall be retained for the purposes of bin storage for the lifetime of the development.
- 9) The dwelling hereby permitted shall not be occupied until covered and secure cycle storage has been provided in accordance with detailed drawings to be submitted to and approved in writing by the local planning authority. The approved facilities shall be retained for the purposes of cycle storage for the lifetime of the development.
- 10) No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be implemented between the hours of 0800 and 1800 hours.

*** END OF CONDITIONS ***