



Appeal Decision

Site visit made on 1 November 2022

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2023

Appeal Ref: APP/M3835/W/22/3298056

Seashore, 6 New Parade, Worthing, West Sussex BN11 2BQ

- 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 & Mrs M Anderson against the decision of Worthing Borough Council.
 - The application Ref AWD/2083/21, dated 15 November 2021, was refused by notice dated 5 April 2022.
 - The development proposed is extension to the rear - 2 storey plus rearrangement of internal accommodation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above is different to that stated in Part E of the appeal form and the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Therefore, I have used the description given on the original application form.
3. The refusal reasons refer to the emerging Worthing Borough Council Submission Draft Local Plan 2020-2036 (the "DLP"), in particular to Policies DM1, DM5 and DM24. Although the draft Plan has been examined, the evidence provided by the parties does not reassure me that there are no unresolved objections to these policies. Therefore, I cannot be certain that the policies will be adopted in the form submitted in evidence. As such, I afford them limited weight in determining this appeal.
4. Policy DM24 of the DLP, which is referenced in refusal reasons 1 and 2, relates to the historic environment. The parties have not identified the appeal property as either a heritage asset or affecting a heritage asset. On that basis, I do not find Policy DM24 to be directly relevant to the appeal proposal and I have determined the appeal accordingly.

Main Issues:

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and area, and
 - the living conditions of the occupiers of the host property and neighbouring properties (No 5 and No 7 New Parade), with particular regard to outlook, privacy and light.

Reasons

Character and appearance

6. The appeal property is a mid terrace residential property with accommodation in the roof and fronting on to New Parade. To the rear is an access road, Merton Terrace, which serves a number of nearby residential and commercial properties.
7. Although there is a range of boundary treatments, single storey outbuildings and external staircases situated close to the back edge of the road, there is also a regular pattern of substantially similar two storey rear outriggers, that project from the terrace at regular spacings. The outriggers terminate on a consistent building line, set back from the road, and their regular pattern gives the terrace of which the appeal property forms part, a uniform and regular rhythm that is distinctive in the street scene. The opposite side of the road is characterised by a repetitive pattern of two storey outriggers set closer to the road.
8. The proposed two storey extension would be set closer to the road than the existing two storey outriggers, infilling the space between the host property's outrigger and the road. In this position the scale and bulk of the proposed extension would be visually dominant, and it would disrupt the regular pattern and rhythm of the collective arrangement of outriggers in views from the road. As such, it would significantly harm the locally distinctive character and appearance of the street scene.
9. For these reasons, I find that the proposed 2 storey extension would harmfully erode the distinctive character and appearance of the area, contrary to Saved Policy H16 of the Worthing Local Plan 2007 (the "LP") and Policy 16 of the Worthing Borough Council LDF Core Strategy April 2011 (the "CS"), which require high quality development that responds positively to local character, amongst other objectives.
10. It would also conflict with the broad aims of the Worthing Borough Council Supplementary Planning Guidance: 'Extending or altering your home' (the "SPD"), which require extensions to be sympathetic in appearance to the existing house and to contribute positively to the distinctiveness of an area. There would also be conflict with Paragraph 130 of the National Planning Policy Framework 2021 (the "Framework"), which amongst other objectives, requires extensions to be of high quality design, relate positively to their surroundings and complement the host building.
11. I have had regard to the photos submitted by the appellant showing wheeled bins stored on Merton Terrace, and what appeared to be accumulated waste and a fire damaged building. However, there are established processes for dealing with concerns over such matters and they do not justify permitting a development that would harm the character and appearance of the area.

Living conditions of neighbouring occupiers

12. One of the flank walls of the proposed extension would extend alongside part of the narrow outdoor amenity area of No 7. The other would project off the rear outrigger and close to the first floor window in the rear wall of No 5. At 2 storeys high, the bulk of the proposed extension would be a dominant and overbearing feature in views from the outdoor amenity space of No 7, and from

the rear facing first floor window in No 5. Although the proposed extension would be visible from the windows in No 7, it would be set away from those windows at the rear of the plot, where it would not appear visually dominant.

13. The scale and position of the proposed extension would also reduce daylight reaching the outdoor amenity space of No 7, harming the occupiers living conditions. Whilst the tall buildings to the west of the site could affect sunlight reaching the appeal property and Nos 5 and 7, in the afternoon, the evidence available does not show the effect of this.
14. The closest first floor window in No 5, is near to being north facing and would be situated to the west of the proposed extension. Therefore, the proposed extension would not be likely to unduly restrict daylight reaching this window. The proposed extension would be set away from the windows in No 7 at the rear of the plot, and it would not unduly restrict daylight reaching the rooms in No 7.
15. The proposed staircase would be a relatively narrow structure and the platform area outside the first floor doorway would be relatively small. It would not be likely to function as a comfortable space on which to dwell. Therefore, I am not persuaded that short duration views from the staircase, particularly on the descent, would lead to an unacceptable loss of privacy for the occupiers of No 7. No 7, already experiences overlooking from the elevated sun deck/roof terrace and the existing side windows in the appeal property. The use of the proposed external staircase would not exacerbate this.
16. For these reasons, I find that the proposed development would significantly harm the living conditions of the neighbouring occupiers of Nos 5 and 7, contrary to Saved Policies H16 and H18 of the LP, and Policy 16 of the CS, which requires development to be designed to avoid unacceptable overshadowing and overbearing effects, amongst other objectives. It would also conflict with the aims of the SPD, which require extensions to be designed to avoid unacceptable impacts on the living conditions of neighbouring occupiers. There would also be conflict with the amenity aims of Paragraph 130 of the Framework.

Living conditions of the occupiers of the host property

17. The main outlook from the ground floor bedroom windows in the reconfigured residential unit would be across Merton Terrace. Although Merton Terrace is a relatively narrow road and the buildings opposite are generally two storeys in height and set close to the road, the space between the buildings would provide occupiers of the bedroom with a reasonable outlook. Direct sunlight is unlikely to reach the bedroom windows given their aspects, however the 3 windows would be likely to allow reasonable levels of daylight to reach the bedroom.
18. During my site visit lasting some 40 minutes, I did not see any vehicles or pedestrians travelling along Merton Terrace. I appreciate that my visit was only a snap-shot in time, and I note that Merton Terrace provides access to a mix of uses in this urban location. However, the evidence available does not persuade me that activity on the road is likely to be of an intensity that would lead to unacceptable living conditions in the ground floor bedroom, through noise and disturbance. I saw that other properties have windows facing the

road and I have no evidence before me to suggest that such an arrangement is harmful to the living conditions of their occupiers

19. For these reasons, I find that the intended future occupiers of the host property would be provided with acceptable living conditions, consistent with Policy 8 of the CS and the Worthing Borough Council LDF Guide for Residential Development Supplementary Planning Document - October 2013, which require a high quality development that provides good living conditions for future occupiers.

Other Matters

20. In terms of the matters raised by the parties that are not addressed above, I note the site is located within a sustainable settlement and the proposed development is likely to bring some economic benefits, particularly during the period of construction. Building materials could be sourced locally and from sustainable sources, and construction wastes minimised. The proposal may bring opportunities to improve the energy efficiency of the building and combat climate change, albeit the scale of any improvements have not been quantified. Limited weight is given to these matters as they would likely be required of any well designed development.
21. There is no dispute that the proposal would not harm wildlife or biodiversity, however this is a neutral factor which weighs neither in favour or against the proposal. Compliance with the Nationally Described Space Standards and modern-day building regulations are also neutral factors.
22. Taken together these matters do not outweigh the harm that I have identified.

Conclusion

23. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and the conflict is not outweighed by any material considerations. The appeal should be dismissed.

G Sylvester

INSPECTOR