



Appeal Decision

Site visit made on 16 January 2023

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/M3835/D/22/3303425

Cherry Trees, Allendale Avenue, Offington, Worthing, BN14 0AH

- 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 Dr Kulasiri Gunawardena against the decision of Worthing Borough Council.
 - The application Ref AWDM/1205/21, dated 24 June 2021, was refused by notice dated 28 April 2022.
 - The development proposed is changes to the existing stand-alone garage roof to accommodation living space above the garage for live-in carer/visitors, consisting of raising ridge height and dormers to front and rear elevations.
-

Decision

1. The appeal is allowed and planning permission is granted for changes to the existing stand-alone garage roof to accommodation living space above the garage for live-in carer/visitors, consisting of raising ridge height and dormers to front and rear elevations at Cherry Trees, Allendale Avenue, Offington, Worthing, BN14 0AH in accordance with the terms of the application ref AWDM/1205/21, dated 24 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the extension or the annexe hereby permitted.
 - 4) The annexe accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the property as a whole (as it exists at the date of this permission) as a single dwellinghouse and shall not be used as a separate dwelling.
 - 5) The development hereby permitted shall be carried out in accordance with the following approved plans: A100, A101, A102, A103-B, A104-B & A105.

Main issues

2. The main issues in this appeal are the effect of the proposed development on, firstly, the character and appearance of the surrounding area, and secondly on the living conditions of adjoining occupants.

Reasons

Character and appearance

3. The appeal property is a detached house on a corner plot with first floor accommodation contained within the roofspace. The property has large single storey detached garage to the northern side, adjoining 112 Findon Road which is a bungalow. The wider area is mixed in character, with bungalows to the north whilst to the east are two storey houses and other properties that are set at a higher level due to the change in landform, and which are visible from Findon Road.
4. The proposed works would see the raising of the existing pitched roof to the garage to provide first floor accommodation, contained within a first floor with pitched roof and hipped gables. This would increase the height of the garage and mass at roof level. However, the scale of the garage would remain less than the adjoining bungalow and notably less than 112 Findon Road. The extended garage building would remain of an appropriate design that sits between No. 112 and the appeal property. Together with the distance retained to those adjoining buildings, and the limited visibility from the road due to the set-back from the road and the tall boundary wall, these changes would have little impact upon the character of the area.
5. The proposals would therefore be of an appropriate design not harmful to the character and appearance of the area, and so satisfy saved Policy H16 of the adopted Worthing Local Plan 2003 and Policy 16 of the adopted Worthing Core Strategy 2011, the general thrust of which is to seek to ensure all development, including alterations to dwellings, is of good design and takes account of the local characteristics of the site and the area. The proposals would also be consistent with similar guidance set out in Policy DM5 of the Submission Draft Worthing Local Plan 2020-2036, and the Council's Supplementary Planning Guidance (SPG): Extending or Altering Your Home.

Living conditions

6. The adjoining property of No. 112 has windows facing the garage, which I understand from submissions made to me and my observations at the site visit serve a bathroom and kitchen, with there being an open-plan kitchen/dining/living room with a large window to the rear towards the garden.
7. The garage is set away from the boundary with No. 112 and this distance, along with the hipped gable design to the extension, would ensure the extended building would not be overbearing to the neighbour. For similar reasons, and due to the use of the rooms and further windows at No. 112, in my judgement there would not be any loss of light. The extended garage does not show any windows at upper floors facing No. 112, and so there would not be any loss of privacy.

8. On the second main issue it is therefore my conclusion that the proposed development would not be harmful to living conditions, and so would satisfy saved Policies H16 and H18 of the adopted Worthing Local Plan, which require development to not have unacceptable harm to the amenity of local residents, and Policy DM5 of the Submission Draft Worthing Local Plan and the SPG which seek similar objectives.

Conclusions

9. The proposed development is consistent with the policies of the adopted development plan, and with the Council's supplementary guidance and emerging planning policy. The appeal is therefore allowed.
10. The Council have suggested a number of conditions in the event of the appeal being allowed. I have attached a condition requiring matching materials, to ensure a satisfactory appearance to the development, and a condition specifying the approved plans both in the interest of precision. I agree that the removal of permitted development rights for new openings is necessary, to ensure control can be exercised over such matters to avoid loss of privacy. I have attached the suggested condition restricting the use as an annex only, to accord with the terms of the application made to the Council as the scheme has been assessed only in relation to providing ancillary accommodation, not a separate dwelling.

C J Leigh

INSPECTOR