



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: 22nd February 2023

Appeal Ref: APP/M3835/D/22/3305786

4 Aster Vale, Worthing, BN13 3FT

- 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 Kris McGrath against the decision of Worthing Borough Council.
 - The application Ref AWDM/0582/22, dated 5 April 2022, was refused by notice dated 1 July 2022.
 - The development proposed is a loft conversion consisting of new front gable dormer (east) and rear box dormer (west).
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Decision

1. The appeal is dismissed.

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 lies within an estate of housing that has been erected in recent years, with construction still underway on further phases of the estate. The design approach in the layout and architecture of the wider area is evident when walking around the estate, and the property has clearly been designed to be an harmonious part of the short terrace in which it lies: the front and rear elevations and roofs are consistent in design, form, materials and scale.
 4. The proposed works would see a rear flat roof dormer over most of the roof, and a small pitched roof dormer and rooflight to the front roofslope. Although not as widespread as views of front elevations, there are views of the rear roofslope of the property and its neighbours from the west; indeed, I saw at my site visit that views and glimpses of the rear elevations of properties are possible throughout the estate and the consistency in design and layout evidently forms part of the original concept of the estate.
 5. The proposed works would be a significant change to the rear roofslope of No. 4. It would fill most of the rear roof and, due to the scale of this change and
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- the design, would be a considerable intrusion into the area where such features are not seen. This would diminish the original design quality of the estate.
6. The proposed dormer on the front roofslope would be seen in views along Aster Vale, but the Council have not raised an objection to this alteration.
 7. I acknowledge that the detailed design of the proposed dormers and use of materials has taken into account the guidance for new dormers set out in the Council's Supplementary Planning Guidance (SPG): Extending or Altering Your Home. However, this does not make the scheme necessarily acceptable: saved Policy H16 of the adopted Worthing Local Plan 2003 and Policy 16 of the adopted Worthing Core Strategy 2011 require all development, including alterations to dwellings, to take account of the local characteristics of the site and the area, and Policies DM5 and DM16 of the Submission Draft Worthing Local Plan 2020-2036 set out a similar requirement. Permitted development rights were removed for works to the roof at properties within the estate of housing in order to ensure control could be exercised on such proposals, and the Council's delegated report on the current scheme refers to the wish to avoid extensions or alterations that would dilute the character of the area.
 8. For the reasons given I concur with the Council that the scheme would be harmful to the character, and hence on the first issue I conclude there would be conflict with those policies of the adopted and draft Local Plans.

Living conditions

9. The houses of Aster Vale, Sunflower Street and Celandine Road are set close together, given the density of development in this area for two storey housing. This results in a degree of mutual overlooking from first floor windows to other houses and gardens but, being confined to two storey houses, this overlooking is relatively limited.
10. The proposed rear dormer would lead to additional windows at higher level, allowing new and more elevated views towards houses. This increase in windows would lead to a material loss of privacy, as well as an appreciable perception of more overlooking in the area. This impact upon the living conditions of existing occupants would be combined with an increase in massing at high level which, with the close spacing of houses and gardens, would be dominant to outlook for properties.
11. Saved Policies H16 and H18 of the adopted Worthing Local Plan and Policy 16 of the Worthing Core Strategy 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 seek similar objectives. The scale and location of the proposed rear dormer would not satisfy these requirements, and so on the second main issue I conclude there would be conflict with these policies.

Other considerations

12. I acknowledge the appellant's wish to provide additional space at the property and that the National Planning Policy Framework seeks to make the most efficient use of land, and to optimize the potential of sites. These are material considerations in this appeal. However, the Framework also seeks to ensure good design to help create better places in which to live and work and make development acceptable to communities. The development plan is clear in

expecting all development to be of a high quality of design, and to avoid harm to the living conditions of existing residents. I must balance the appellant's wish to provide additional space against these wider policy objectives and, for the reasons given, I consider the harm arising due to the conflict with the development plan, emerging policy, the SPD and the guidance on good design in the Framework outweighs other considerations.

13. The appellant has drawn my attention to other dormers at properties. I saw that in the vicinity of the appeal property there are some houses with front dormer windows, which appear to be as part of the original design of such houses and the estate where they sit comfortably within the group of buildings and wider area where they sit. The examples of dormers permitted at properties further away in Worthing are of little relevance to this appeal since it is evident that the Council determined those proposals were acceptable having regard to the host property and the area in which they lie; I have determined the current appeal on its own merits in the context of the area within which the property lies, and my findings remain unchanged by those examples.
14. I note that there were letters of support for the proposal. However, the development plan policies and the Framework are clear in the matters to be satisfied in proposed works to properties and notwithstanding those representations the conflict with the Plan remains.

Conclusions

15. The proposed development would conflict with the policies of the development plan and not be consistent with the objectives of the Framework that seek good design. The appeal is therefore dismissed.

C J Leigh
INSPECTOR