



Appeal Decision

Site visit made on 25 April 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/M3835/D/23/3316761

1 Anscombe Road, Worthing BN11 5EN

- 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 John Bayley against the decision of Worthing Borough Council.
 - The application Ref: AWDM/0966/22 dated 6 June 2022, was refused by notice dated 24 November 2022.
 - The development proposed is to demolish side garage and living/conservatory above including rear conservatory. New two storey side extension with new rear ground floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application plans were amended during the application process and I have based my decision on the plans determined by the Council.
3. Since the application was determined and the appeal submitted, the Worthing Local Plan 2020 – 2036 has been adopted (March 2023) (Local Plan). I am advised that the new Local Plan supersedes both the Worthing Core Strategy and the Local Plan 2003, both of which are referenced in the reasons for refusal. I shall no longer refer to these policies.
4. I am required to determine the appeal on the basis of the development plan at the time of my decision, which is now the new Local Plan. In the determination of the application the Council referenced Policy DM5 of the Submission Draft Local Plan and provided a copy of the policy at that stage. I have now been provided with a copy of the adopted Plan. There are very limited changes to the policy in the adopted version of the Plan. As the Council relied on the draft version in its decision notice, which the Appellant has also referenced, I am satisfied that there is no need to seek the further views of the Appellant or the Council following the adoption of the Local Plan which I shall refer to in my decision.

Main Issues

5. The main issues in this appeal:
 - a) The effect of the proposal on the character and appearance of the existing property and of the local area, and

- b) The effect of the proposal on the living conditions of surrounding neighbours, with particular regard to outlook, overlooking and loss of privacy.

Reasons

Issue a) Character and Appearance

- 6. The appeal property is a detached property at the southern end and on the western side of Anscombe Road in a predominantly residential area set back from the coast road, by the West Parade open space. The southern elevation of the property is therefore particularly visible in street scene views.
- 7. As existing, the property has had a number of extensions and alterations, including to the side and to the rear as well as a roof dormer in the south facing elevation. The proposal would seek to replace these existing side and rear extensions with a two storey side extension and single storey rear extension, with a terrace at first floor, along the side and part of the rear with steps down to the rear garden. A privacy screen would be erected to the northern elevation of the terrace.
- 8. There is no objection to the principle of extending the property and I agree with the Appellant that the opportunity to replace the existing extensions with a bespoke solution has merit. However, I have concerns with the design and appearance of the two storey side extension which would be particularly prominent in street scene views. Although I agree that there is no particular merit to the existing side extensions, the design of the proposed extension with its flat roof and window design would not reflect and be in keeping with the design and proportions of the existing building. The height of the flat roof and its junction with the main house so that it would meet the main roof above eaves level would be a particularly jarring element which would be visually obtrusive with regard to both the character and appearance of the existing property and in street scene views. I understand the reasons for seeking the increased eaves level for the internal living arrangements, but these reasons do not outweigh the harm that would arise from the awkward junction between the existing roof and eaves line and the new proposal.
- 9. I do not agree with the Council that the provision of a two storey side addition together with terrace and stairs down to the rear garden would be overly dominant in relation to the scale and massing of the existing property but this does not overcome the harm I have concluded from the particular design of the proposal before me.
- 10. I therefore find that the proposal, and in particular the design and form of the two storey side extension, would not respect the character and appearance of the existing property or of the local area. This would conflict with Policy DM5 of the Local Plan and the National Planning Policy Framework, and in particular Section 12, all of which, amongst other matters, seek a high quality of design which respects the local context.

Issue b) Living Conditions

- 11. There are existing views from windows at the rear of the property over parts of the rear garden of the adjacent property to the north at No 3 Anscombe Road. The amended plans have reduced the length of the rear terrace and introduced a privacy screen along the northern edge. I am satisfied and agree with the

Council that the combination of these two revisions would protect the neighbours to the north from overlooking and loss of privacy as a result of the proposed development.

12. Again, there are existing views from the rear of the property towards the rear of properties in Anscombe Close, and those properties on the southern side of the Close have different arrangements of glass conservatories and terraces at the rear. However, the introduction of the proposed terrace at first floor level, as a result of height, extent and proximity, would materially exacerbate the extent of views towards and over the rear of neighbouring properties in Anscombe Close and their gardens, which would materially harm the living conditions of neighbours in these properties.
13. I therefore conclude that the proposed extensions and alterations would materially harm the living conditions of the neighbours in Anscombe Close. This would conflict with Policy DM5 of the Local Plan and the National Planning Policy Framework and in particular paragraph 130, all of which amongst other matters, seek a high quality of design which respects the amenities of existing and future occupiers.
14. Were no other matters of concern and planning permission were to be granted, it might be possible to devise a privacy screen to protect the living conditions of the neighbours. However, in view of the harm I have already concluded under my first issue, I shall not address this further.

Other Considerations

15. I understand that the site lies at the edge of Flood Zones 2 and 3, with parts of the garden and building falling within these zones. The proposals would not substantially increase the footprint of the building but would propose to accommodate bedrooms at ground floor level. Whilst it would be preferable to address as part of the application, I agree with the Council that were no other matters of concern and planning permission were to be granted, flood risk considerations could be addressed by condition.
16. The Appellant has drawn my attention to other extensions permitted in the immediate local area. Each proposal must be considered on its individual merits but in so far as the information has been made available to me, I have taken them into account. However, they do not persuade me to a different conclusion on either of my main issues, given the harm I have concluded under both issues.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR