



Appeal Decision

Site visit made on 23 May 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2023

Appeal Ref: APP/M3835/W/22/3309942

113 Salvington Road, Salvington, Worthing BN13 2JD

- 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 Ms E Taylor-Moore of NLC Durrington Freehold Limited against the decision of Worthing Borough Council.
 - The application Ref AWD/1109/22, dated 27 June 2022, was refused by notice dated 30 September 2022.
 - The development proposed is described as 'demolition of Durrington New Life Church and erection of nine apartments across three floors (resubmission of approved application No. WDM/0271/18).'
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Decision

1. The appeal is dismissed.

Application for costs

2. A cost application has been made by NLC Durrington Freehold Limited against Worthing Borough Council. This is the subject of a separate Decision.

Preliminary Matters

3. I have omitted reference to 'Durrington New Life Church' from the site address, as the church has been demolished. I consider that the address used in the banner heading above provides a more accurate description, which corresponds with that used on the appeal form. I have taken the proposal description from the application form, which I have replicated in the banner header above. I note there is a letter missing from the previously approved application no. and this should read AWD/0271/18.
4. Following determination of the planning application, the Worthing Borough Council Local Plan 2020-2036 (LP) was adopted on 28 March 2023. The LP supersedes the Worthing Core Strategy 2011 and the saved policies of the Worthing Local Plan 2003, both of which are referenced in the reasons for refusal. I am required to determine the appeal on the basis of the adopted development plan and therefore the superseded policies are not relevant to the determination of this appeal.
5. The Council referenced Policy DM5 of the Worthing Borough Council Submission Draft Local Plan 2020-2036 in the decision notice and provided a copy of this policy with the appeal questionnaire. There are minor changes to this policy in the adopted version of the LP. The Council provided an update on the status of the LP and included a copy of this policy within their appeal statement. The

Council has also provided an update on their five year housing land supply position and latest Housing Delivery Test. The appellant has had the opportunity to comment on these matters and I have taken any comments received into consideration.

6. Planning permission has been granted for a part 2 storey and part 3 storey building on the site, comprising of 7 nos. 2 bed apartments with 7 parking spaces (ref: AWDM/0271/18 and varied by AWDM/2045/20). I noted on my site visit that works have been substantially completed.
7. Amended plans have been submitted with the appeal. As the amendments relate to the annotation of dimensions only, my acceptance of these plans would not prejudice the Council or other interested parties. I have therefore taken them into consideration during my determination.

Main Issues

8. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of neighbouring residential occupants, with particular regard to outlook and privacy.

Reasons

Character and appearance

9. The appeal site lies in a prominent location on the corner of Salvington Road and Greenland Road. The area is predominantly residential in character, although there is a large telephone exchange building opposite the site. The telephone exchange building has a flat roof and is not dissimilar in height to the 3 storey part of the appeal property. Development along Salvington Road consists of 2 storey and 3 storey buildings, of a variety of architectural styles and periods. Immediately adjacent to the site on Salvington Road is a pair of 2 storey semi-detached dwellings, which have a pitched roof.
10. With the exception of the corner part of the appeal property, Greenland Road is characterised by single and 2 storey dwellings that vary in design but are predominantly modern in character. Opposite the appeal site on Greenland Road is a row of 2 storey flat roof terraced properties. To the south of the site is a narrow unmade track, which provides access to the rear of properties that front onto Salvington Road. Adjacent to this track is 3 Greenland Road (No 3), which is an end of terrace 2 storey property, which is set back behind the remainder of the terrace and has a flat roof. The existing building on the appeal site steps down in height and responds to the adjacent 2 storey developments on both roads.
11. I acknowledge that 3 storey buildings are not uncommon on Salvington Road. However, Greenland Road has a far more low-key character and the appeal property is already the most prominent building on this road. The proposal seeks to add an additional storey to the southern wing, which would be slightly below the height of the existing 3 storey part of the appeal property. The southern wing is set further forward in the plot and is already taller than the adjacent flat roof property. The proposal by reason of its size, height and siting would appear out of scale and overly dominant in relation to the neighbouring property.

12. The proposal would not be significantly higher than the pitched ridge of the neighbouring terrace on Greenland Road. However, the pitched and hipped roof of the neighbouring terrace minimises its bulk at roof level. In contrast, the proposal would appear significantly bulky and its large 3 storey mass would appear unduly prominent and discordant in the context of the more modest development along Greenland Road. I acknowledge that the proposal would not increase the overall footprint of the building and the same space would be retained around the building. Nevertheless, the proposed development would appear out of scale with neighbouring buildings and it would harm the character and appearance of the street scene.
13. Furthermore, the appeal property currently has a blank 2 storey side elevation adjacent to No 3. As No 3 is set further back from the street than the appeal property, the blank elevation is prominent within the street scene. The proposed additional storey would significantly increase the extent and prominence of this blank façade, which would be out of keeping and harmful to the character and appearance of the area and would equate to poor design. While the proposal would utilise design techniques already found on the building, this would not mitigate the visual harm.
14. The proposal also seeks to provide an additional storey above the eastern section of the building, adjacent to 111 Salvington Road (No 111). This extension would be set in from the existing front and side elevations, which would help to minimise its overall visual appearance. The set back from the side elevation would also ensure that this part of the scheme relates well to the adjacent 2 storey development on Salvington Road.
15. Parking is already a prominent feature on both road frontages and the proposal would create a further 2 parking spaces. The parking area that would be accessible from Greenland Road would extend across the full width of the southern projection. There would also be an increase in hardstanding along the Salvington Road frontage. The increase in hardstanding would be at the expense of soft landscaping. As a result, the parking provision would appear visually dominant, creating a hard appearance that would harm the character and appearance of the street scene.
16. For the reasons given above, I conclude that the proposed development would result in significant harm to the character and appearance of the area. It would conflict with Policy DM5 of the LP. This policy requires among other things that new residential development respects and enhances the prevailing character of the area; enhances the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, scale, landscaping and impact on the street scene; achieves high quality design; and, makes a positive contribution to the sense of place, local character and distinctiveness of an area.
17. The proposal would also fail to comply with the National Planning Policy Framework (the Framework), which among other things seeks to achieve high quality, well-designed places and developments that are sympathetic to local character, including the surrounding built environment.

Living conditions

18. The existing 2 storey southern wing of the appeal building extends almost the full depth of the garden of the neighbouring property at No 111. While the southern wing is set away from the boundary with No 111, it is prominent from when viewed from the neighbouring property. The additional storey, by reason of its height and siting would increase the prominence of the appeal property and it would have an overbearing and enclosing effect, which would be detrimental to the living conditions of occupants of No 111.
19. No 3 is set further back in its plot than the southern wing of the appeal property. The provision of an additional storey on the southern wing would have a significant enclosing effect on the front of No 3 and it would appear oppressive and unduly overbearing to the occupants of this property.
20. The appeal site is located within a built up area where residential properties experience a mutual level of overlooking. The window arrangement on the east elevation of the southern wing would be similar to that on the floor below, with 2 windows shown to be obscure glazed, which could be secured by condition. The proposed development would not result in a detrimental level of overlooking or perception of overlooking to the occupiers of the neighbouring properties on Salvington Road, when compared to the consented scheme. Given the distance between the appeal site and the terrace on the opposite side of Greenland Road, the proposed development would not result in a harmful loss of outlook or privacy to the occupiers of this terrace.
21. While the issue of daylight and sunlight is raised by both parties, loss of daylight or sunlight does not form part of the reason for refusal. Based on the evidence before me and my site visit, I have no reason to reach a contrary conclusion to the Council on this matter.
22. For the reasons given above, I conclude that the proposed development would result in significant harm to the living conditions of neighbouring residential occupiers in respect of outlook. The proposal would conflict with Policy DM5 of the LP, which requires among other things that new development should not have an unacceptable impact on the occupiers of adjacent properties in respect to outlook. Furthermore, the proposal would be contrary to the Framework, which requires that new developments promote well-being and provide a high standard of amenity for existing and future users.

Other Matters

23. Whilst only a limited number of objections were received to this scheme from local residents and no concerns were raised by local residents in respect to living conditions, this does not alter my findings on the main issues.

Planning Balance

24. At the time the planning application was determined, the Council was unable to demonstrate a 5 year housing land supply (5YHLS). Following adoption of the LP, the Council can now demonstrate a 5YHLS. However, the latest Housing Delivery Test results show that the Council delivered 35% of its housing requirement in the last 3 recorded years, which is a substantial under delivery. Consequently, the provisions of paragraph 11 d) (ii) of the Framework apply. This sets out that where the policies which are most important for determining

the application are out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

25. Notwithstanding the shortfall in housing delivery, I accord the conflict with Policy DM5 of the LP considerable weight as this is a recently adopted policy that is consistent with the Framework.
26. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply, promote the effective use of land and provide housing within locations that have good accessibility to services/facilities and public transport links. The provision of 2 new dwellings would make a small contribution towards the Council's housing land supply. There would be economic investment from the construction of the development and future residents would help to support local services and facilities. The proposal would also make efficient use of a brownfield site, which would have environmental benefits.
27. The appellant asserts that the economic benefits from tax income and the New Homes Bonus are material considerations for this appeal. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that a local planning authority must have regard to a local finance consideration as far as it is material. The national Planning Practice Guidance makes it clear that it is not appropriate to make a decision based on the potential for a proposal to raise money for a local authority. Accordingly, I ascribe little weight to these suggested benefits.
28. Overall, the social, economic and environmental benefits of the scheme carry limited weight in favour of the development. However, against these benefits, there would be significant harm to the character and appearance of the area and the living conditions of neighbouring residential occupiers.
29. Given the harm I have identified above, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole and therefore the presumption in favour of sustainable development does not apply in this case.

Conclusion

30. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR