The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 29th September 2023

Appeal Ref: APP/M3835/W/23/3319455
47 Hawthorn Road, Broadwater, Worthing BN14 9LT

- 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 Hall against the decision of Worthing Borough Council.
- The application Ref AWDM/1112/22, dated 14 July 2022, was refused by notice dated 19 October 2022.
- The development proposed is erection of a detached bungalow.

Decision

1. The appeal is allowed and planning permission is granted for erection of a detached bungalow at 47 Hawthorn Road, Broadwater, Worthing BN14 9LT in accordance with the terms of the application, Ref AWDM/1112/22, dated 14 July 2022, subject to the conditions set out in Schedule A at the end of this Decision.

Main issues

2. The main issues are the effect that the proposed development would have on:
   - the character and appearance of the surrounding area, and
   - whether surface water drainage could reasonably be dealt with by means of a planning condition.

Reasons

Character and appearance

3. The appeal site is situated on the roughly north west side of Hawthorn Road opposite Hawthorn Crescent, within a mainly residential area. The dwelling at 45 Hawthorn Road lies close by to roughly west, the verge edged road in Hawthorn Gardens lies to roughly north, with the low pitched roofed mostly 3 storey flats and a garage court set in spacious grounds beyond it, and a roughly triangular grass verge lies to roughly east. The site is in the north east corner of the estate of mostly detached or link detached bungalows in Hawthorn Road and Hawthorn Crescent, where the dwellings are set back from the roads in mostly open plan front gardens with drives. Some dwellings have been extended, but the openness and greenery in front of most of them contributes positively to the spacious local character, and to the sense of place.

4. The similarly set back dwellings at 43 and 45 Hawthorn Road to roughly west of the site face the road to roughly south. The existing dwelling, which is situated in the west part of the site, is similarly aligned, but it is set further back in its wider plot, which reduces in depth to roughly east to reflect the change in direction in the road. The proposal would divide the site into 2 similarly wide

west and east parts, and as those plots would be similar in width to those at 43 and 45 Hawthorn Road, the rhythm in the nearby Hawthorn Road street scene would be maintained. The form of the proposed pitched roofed L-plan 2 bedroom dwelling on the shallower east part would be in keeping with the nearby dwellings within the estate, and the space between its west and back boundaries would be similar to those at the existing dwelling.

5. The gabled front outshoot of the proposed dwelling would be set back from the twin gabled front outshoot at the existing dwelling, so the siting of the proposed dwelling would respect the layout in the nearby part of Hawthorn Road. The proposed dwelling would be closer to the road than the existing dwelling, and there would be little room for greenery in its front space, but because the proposal would be sited west of the dwelling at 32 Hawthorn Crescent on the opposite side of the street, it would harmonise with the local pattern of development. Moreover, due to its set back siting, the openness in its side garden to roughly east, the spaciousness over the verge and road in Hawthorn Gardens at the back of the site, and the greenery in the tapering verge in Hawthorn Road, the proposal would sustain the spacious local character, and the openness in the approach to the estate from Forest Road, which are important to the sense of place.

6. Therefore, I consider that the proposed development would not harm the character and appearance of the surrounding area. It would satisfy Policy DM1 of the Worthing Borough Council Local Plan 2020-2036 (LP) which aims to achieve sustainable, mixed and balanced communities, LP Policy DM2 which aims to make the most efficient use of land, LP Policy DM5 which seeks high quality design and respect for context, guidance in the Worthing Borough Council Guide to Residential Development Supplementary Planning Document, and the National Planning Policy Framework (Framework) which seeks sympathy for local character.

Surface water drainage

7. LP Policy DM16 does not refer to drainage, so it is not the most relevant Policy. Whilst the application form aims for the surface water to be discharged to a soakaway, concern has been raised that there may be insufficient room within the site to provide easements in respect of the building, highway, and boundaries, and that an existing soakaway for the existing dwelling may be within the footprint of the proposed dwelling. Also, as the site is within a source protection zone, the drainage scheme would need to ensure that the aquifer is not polluted. However, the site is within Flood Zone 1, and it is not at risk of surface water flooding. As almost no evidence has been put to me to show that acceptable surface water drainage could not be achieved, it would be reasonable for surface water drainage to be subject to a pre-commencement condition.

8. Thus, I consider that surface water drainage could reasonably be dealt with by means of a planning condition. It would satisfy LP Policy DM5 which aims for development to be fit for purpose, and LP Policy DM20 which seeks to manage and reduce flood risk.

Planning balance

9. As the proposed development would be acceptable, planning permission should be granted subject to the imposition of suitable planning conditions.

Conditions

10. The Council's suggested conditions have been considered and reworded as necessary in the light of Framework paragraph 56 and Planning Practice Guidance. In addition to the standard implementation condition, the condition identifying the approved plans is necessary for certainty. The condition for details of the surface water drainage is necessary to avoid flooding, and it needs to be a pre-commencement condition because surface water drainage affects works below ground.

11. The conditions to control external materials, and hard and soft landscaping and boundary treatment, are reasonable and necessary to protect the character and appearance of the surrounding area. The condition for hard landscaping and boundary treatment is also necessary to avoid flood risk, and reasonable to protect the privacy of the occupiers of the proposed and existing dwellings respectively. Conditions for the car parking space and secure and covered cycle parking are necessary in the interests of highway safety, and to promote sustainable transport modes respectively. The condition to control construction working hours is necessary to safeguard nearby occupiers' living conditions during construction. These conditions have been imposed.

12. Insufficient clear justification has been put to me to explain why the removal of permitted development rights for extensions, alterations and outbuildings, and for windows or other openings, would be necessary or reasonable. So, these conditions have not been imposed.

Conclusion

13. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.

14. For the reasons given, the appeal should be allowed.

J Reid

INSPECTOR

Schedule A

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01F and 05.

3) No development shall take place until details of the surface water drainage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the development hereby permitted is first occupied.

4) No development above ground floor slab level shall commence until details of the materials to be used in the construction of the external

surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

5) No development above ground floor slab level shall take place until details of both hard and soft landscape works and boundary treatment have been submitted to and approved in writing by the local planning authority. The hard and soft landscape works shall be carried out in accordance with the approved details before the development hereby permitted is first occupied or in accordance with a programme previously approved in writing by the local planning authority. The boundary treatment shall be carried out in accordance with the approved details before the development hereby permitted is first occupied.

6) The development hereby permitted shall not be occupied until space has been laid out within the site for one car to be parked and that space shall thereafter be kept available at all times for that purpose.

7) The development hereby permitted shall not be occupied until secure and covered cycle parking facilities have been provided within the site in accordance with details that have been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be kept available for the parking of cycles.

8) Demolition or construction works shall take place only between 0800 hours and 1800 hours on Mondays to Fridays, between 0800 hours and 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

End of Schedule A