



Appeal Decision

Site visit made on 16 October 2023

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

an Inspector appointed by the Secretary of State

Decision date: 1st November 2023

Appeal Ref: APP/M3835/W/23/3320148

Carnegie House, Littlehampton Road, Worthing, Sussex BN13 1NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
- The appeal is made by Mr Bradburn of Canaveral Ltd against the decision of Worthing Borough Council.
- The application Ref NOTICE/0019/22, dated 12 August 2022, was refused by notice dated 19 December 2022.
- The development is proposed single storey upward extension to form 15 apartments, not exceeding the footprint of the floor below [uppermost floor] or exceeding the floor to ceiling height of lower floor levels, proposed finish to be dark grey cladding and window fenestration to match existing.

Decision

1. The appeal is dismissed.

Preliminary matter and main issues

2. Under GPDO Article 3(1) and Schedule 2, Part 20, Class A, planning permission is granted for up to 2 storeys of new dwellinghouses on a building which is a purpose-built detached block of flats subject to conditions, limitations and restrictions including the requirement to submit an application to the Council for prior approval. The Council is content that the proposal would satisfy all matters other than those relating to the external appearance of the building, impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light, and the highways impacts of the development. I see no reason to disagree.
3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area,
 - the living conditions of the nearby occupiers, regarding privacy, daylight and sunlight, outlook, and noise and disturbance, and
 - highway safety in the nearby roads.

Reasons

Character and appearance

4. Carnegie House (the appeal building) includes two 3 storey flat roofed flats buildings sited well back from Littlehampton Road in mainly open landscaped grounds, with shallow side lawns, and a vehicle route between the buildings to a parking court including garages at the back. The appeal building is mainly

characterised by the rhythm in its projecting vertical brick finned balcony bays, glazed balustrades, alternate horizontal bands of cladding and glazing, partly recessed circulation spaces, and its flat roofed form. The 2 buildings differ in width, but the rhythm in their fronts and backs, and their entrances in the front of one building and the back of the other, unify their striking and harmonious composition. So, although the appeal building could benefit from some maintenance, it makes a positive contribution to the street scene in Littlehampton Road, and to the local character.

5. Opposite, the nearby mostly detached pitched roofed 2 storey dwellings, and the part flat roofed 2 storey part 3 storey 'mansard' style Chapman Court to roughly south west, are set back a little less from Littlehampton Road. The mostly hipped roofed 2 storey plus attic Butler Court buildings lie roughly west, and at the back lie the pitched roofed bungalows in Cuckfield Crescent, some of which include rooms in their roof spaces. The narrow arc roofed single storey supermarket with a 2 storey section at the back lies beyond its open car park to roughly east, and beyond that and similarly set well back, is a lengthy row of pitched roofed mainly 2 storey terraced dwellings facing Littlehampton Road. So, whilst the ages, forms and styles of the buildings differ, their scale and siting, and the openness and greenery on both sides of Littlehampton Road, contribute positively to the local suburban character, and to the sense of place.
6. The proposed 'mansard type' extension would include a single storey flat roofed upper floor over most of both buildings (excluding the balconies). Its finishes would include mostly floor to ceiling height grey framed glazed openings and grey cladding.
7. Because the bland and bulky box-like proposal would fail to respect the scale, form, character and features of the appeal building, including the rhythm in the finned bays in its principal elevation, it would be an unacceptably discordant addition. Moreover, due to its substantial scale, height and bulk, the proposal would harmfully erode the appeal building's characteristic skyline, which can be appreciated in most views from ground level. The dissonant proportions and poor alignment of the openings in the front and back of the proposal would disrupt the rhythm in the appeal building's well-ordered composition. So, the proposal would harm the character and appearance of the appeal building.
8. Whilst the appeal building is about as tall as the taller part of the nearby Chapman Court on the opposite side of the road, its scale is moderated by its flat roofed form, so it harmonises with its surroundings. Because the proposal would be much taller than the nearby buildings, it would be unacceptably incongruous, and particularly so, in westward views along Littlehampton Road. Due to its height, bulk and scale, the proposal would harmfully dominate the longer southward views along the east part of Cuckfield Crescent. Moreover, because the proposal's form would contrast starkly with the character and appearance of the appeal building, it would diminish its positive contribution to the local character. So, whilst an upper floor extension might be acceptable where there are other similarly tall or taller buildings nearby, the proposal would be unacceptably damaging to the sense of place.
9. The design of the narrower Carlton House differs from the proposal, and it would be sited next door to a 3 storey plus attic building, by the edge of a local centre, where the local character differs. I have also had regard to my colleague's appeal decisions ref APP/M3835/W/21/3269452 and

APP/M3835/W/21/3269455. However, the design of the building before my colleague differs from that of the appeal building, and his decision predates current case law. So, the circumstances of these other schemes differ from those of the proposal before me.

10. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to the National Planning Policy Framework (Framework) which seeks the creation of high quality, beautiful and sustainable buildings and places, and sympathy for local character.
11. Thus, the proposal would not be acceptable in respect of paragraph A.2 (1)(e) of GPDO Schedule 2, Part 20, Class A.

Living conditions

12. The nearby occupiers most likely to be affected by the proposal would include the occupiers of the nearby dwellings in Cuckfield Crescent, and the appeal building. Some of the nearby back gardens in Cuckfield Crescent include tall vegetation near the common boundary, but for reasons including that it is not statutorily protected, that planting could not be relied upon to partly screen the proposal in the long term. Even so, some degree of mutual overlooking would reasonably be expected within the built-up area. Due to the distances and relationships between the nearby dwellings in Cuckfield Crescent and the proposal, and as the proposal would include broad blocks of floor to ceiling glazing, the overlooking that could occur from the proposed flats would be likely to cause a harmful loss of privacy for the occupiers of those dwellings. However, that harm could be overcome by the imposition of a condition for the lower parts of the rear facing windows to be solid or obscure glazed if the proposal were to be otherwise acceptable.
13. Having regard to the distances and relationships between the proposal and the nearby dwellings in Cuckfield Crescent and their back gardens, and their orientation, the proposal would not be likely to cause an unacceptable loss of daylight or sunlight. For similar reasons, the proposal would not be so overbearing or so oppressive in the outlook from the back gardens and the backs of the nearby dwellings in Cuckfield Crescent that it would harm the occupiers' living conditions. Moreover, as the appeal building and the proposal would be in the same use, and there would be little change to the present parking layout, the activity related to the proposed flats, including the comings and goings of the future occupiers and their visitors, would not be likely to cause noise and disturbance that would harm the living conditions of the appeal building's occupiers.
14. Thus, I consider that, subject to the imposition of a condition to control the finishes and cill heights of the rear facing openings, the proposal would not harm the living conditions of the occupiers of the nearby dwellings in Cuckfield Crescent, regarding privacy, daylight and sunlight, and outlook, and that it would not harm the living conditions of the occupiers of the appeal building, regarding noise and disturbance. It would satisfy the Framework which seeks a high standard of amenity for existing and future users.
15. So, subject to the imposition of a condition to control the finishes and cill heights of the rear facing openings, the proposal would be acceptable in respect of paragraph A.2 (1)(g) of GPDO Schedule 2, Part 20, Class A.

Highway safety

16. There are 48 flats within the appeal building and roughly 50 on-site parking spaces, which include roughly 20 spaces provided in allocated garages and roughly 30 unallocated spaces, so there is roughly one parking space for each flat. No on-site parking spaces would be provided for the proposed flats. If the future occupiers were to use the unallocated parking spaces, there would be roughly 0.7 parking spaces for each existing or proposed flat without an allocated garage space, so the proposal could reduce the on-site parking available to the existing occupiers.
17. However, the site is in a reasonably accessible location, with a supermarket next door, and within reasonable walking distance along well-lit pavements on both sides of the road to the local shops and services in the local centre by the Thomas a Becket crossroads. There are good public transport links including 4 nearby bus routes to other parts of the town and further afield, and the proposed 15 secure and covered cycle parking spaces would promote the future occupiers' use of sustainable transport modes. So, the future occupiers would not need to drive a car to meet most of their travel needs.
18. Vehicles already park in the on-site vehicle route at times, and as most drivers unable to park in an on-site space would be unlikely to park dangerously close to the access or in the relatively busy Littlehampton Road, they would be likely to park in other nearby streets. Even so, there is almost no technical evidence before me to show that there is unacceptable parking stress in other nearby streets, or that on-street parking could lead to hazardous starting, stopping, reversing and turning manoeuvres in the nearby streets caused by drivers hunting for spaces, which would be likely to endanger highway safety. Moreover, the developments at Carlton House and 12 Littlehampton Road, roughly one fifth of a mile away, would have or have similar or less on-site parking, and were found acceptable by the Council. The highway authority has not raised concerns about on-site parking, and I see no reason to disagree.
19. Thus, I consider that the proposal would not be likely to endanger highway safety in the nearby roads. It would satisfy the Framework which aims to promote walking, cycling and public transport use, and to only prevent development on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
20. So, the proposal would satisfy paragraph A.2 (1)(a) of GPDO Schedule 2, Part 20, Class A.

Conclusion

21. In conclusion, the proposal would not be acceptable in respect of paragraph A.2 (1)(e) of GPDO Schedule 2, Part 20, Class A.
22. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR