



Appeal Decision

Site visit made on 22 September 2023

by N Perrins BSc (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/M3835/D/23/3323996

30 Nutley Drive, Goring, Worthing, West Sussex BN12 4JR

- 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 Martin Lavender against the decision of Worthing Borough Council.
 - The application Ref: AWDM/0239/23, dated 2 February 2023, was refused by notice dated 5 April 2023.
 - The development proposed is for first floor extension and front porch.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor extension. The appeal is allowed insofar as it relates to the front porch and planning permission is granted for a front porch at 30 Nutley Drive, Goring, Worthing, West Sussex BN12 4JR in accordance with the terms of the application, ref: AWDM/0239/23, dated 2 February 2023, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans (i) Location Plan, (ii) Proposed Ground Floor Plan Ref: 003 Rev A, and (iii) Proposed Front Elevations Plan Ref: 005 Rev A

Preliminary Matter

2. Section 79(1)(b) of the Town and Country Planning Act 1990 allows that on appeal the Secretary of State may deal with the application as if it had been made to him in the first instance, which includes scope for issuing a split decision in circumstances such as this appeal where there are clearly severable parts that could be built independently of each other. In this case, I have considered that it is appropriate to issue a split decision for the reasons set out in this letter.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

The first floor extension

4. The appeal site comprises a two storey detached house fronting Nutley Drive and on a corner plot with Nutley Close. The property has been extended with a two storey extension, shallow two storey flat roofed addition at the rear and single storey annexe behind the garage and a single storey extension on the eastern side facing Nutley Close. The character of the area is residential comprising a mix of detached and semi-detached dwellings. The dwellings in the area are mainly white rendered and set back from the street frontage behind open garden and parking areas. The wider area has a wider variety of dwellings, with many having been extended.
5. The appeal scheme proposes to add a second storey directly over the existing single storey side extension facing Nutley Close to create a new master bedroom. The extension would have a crown roof that would also extend over the existing rear addition. A porch is proposed to the front of the property.
6. The prevailing character of the area has dwellings set back from the road behind garden and parking areas, which creates a sense of openness around dwellings. This characteristic is particularly evident on corner plots. In this case, whilst the existing side extension has taken the building line close to the boundary with Nutley Drive, it is only a single storey extension. Because of this, the plot still retains the area's sense of openness. Adding the proposed second storey over the full depth of the existing extension would result in an overly prominent and overbearing form of development and obstruct the appearance of the open corner plot. Moreover, the introduction of a two storey element in this location would be at odds with the prevailing character of the immediate area, in which development of this height is generally set back from the road.
7. I note that the appellant considers the Council has placed undue emphasis on the site being a corner plot given that it is not within a Conservation Area or Area of Outstanding Natural Beauty (AONB). Despite not being within such designations, I consider that the corner plot location does form a key part of the character of the area where corners do predominantly retain an open character and agree with the Council that it is relevant to consider its impact accordingly. Moreover, the appellant considers that due to the existing single storey side extension the appeal proposal would not necessarily impact further upon the open corner than the existing situation. I agree that in footprint and building line terms there would be no change. However, for the reasons I have already identified, the appeal proposal would appear as a substantial addition eroding any remaining sense of openness on this corner. I have also considered whether a landscaping condition, which the appellant has confirmed they would accept, could address the issues identified. However, due to the height and size of the proposed extension I am not satisfied that a landscaping scheme would, in practical terms, be able to effectively ameliorate the harm I have identified meaning such a condition would not need the tests set out in the Planning Practice Guidance.
8. I have considered the appellant's view that property on the opposite corner of Nutley Close could be developed through permitted development rights with either, or both, an outbuilding or single storey side extension. Whilst this may

be the case neither of these possibilities are comparable to the 2 storey extension subject of this appeal. Furthermore, the appellant's suggestion that a 2 storey extension to mirror what has already built on the adjacent attached property could be granted planning permission on the opposite corner is only speculative and it can't be assumed that such a proposal would be granted. For these reasons I only afford the potential for the opposite corner to be developed limited weight in this decision.

9. I note the Council considered the design of the side extension's roof to be out of keeping albeit do not explain what their specific concerns with it are. Notwithstanding this, I do not need to consider the proposed design of the roof further as I have found the proposal to be unacceptable for other reasons. Finally, I do not agree with the Council that the appeal proposal would necessarily result in a stretched appearance given other properties that exist nearby that have wide built frontages. However, this does not outweigh my concern with the loss of the openness on the corner that would arise from the proposed first floor extension.
10. I conclude, therefore, that the first floor extension would harm the character and appearance of the area and does not comply with Policy DM5 of the Worthing Borough Local Plan 2020-2036 (the Local Plan). I have also had regard to the appellant's review of the Council's Extending or Altering Your Home Supplementary Planning Guidance (SPG). However, such guidance needs to be applied with regard to the specific circumstances of the particular case in hand. In this instance, I have found that the appeal proposal would result in harm to the character and appearance of the area and I do not consider that a lack of specific conflict with the SPG outweighs the conflict I have identified with Policy DM5 of the Local Plan. The appeal proposal would also not be consistent with Section 12 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character. Finally, I am aware that no third-party objections were received for the appeal proposal. Notwithstanding this, I give this only limited weight and it does not outweigh the harm that I have identified.

The Porch

11. Both parties agree that the proposed porch is acceptable; I agree. The porch would be an acceptable addition to the property that accords with the character of the area in compliance with Policy DM5 of the Local Plan. I have therefore determined that a split decision is appropriate in this case and grant planning permission for the porch. Relevant conditions are discussed below.

Conditions

12. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance (PPG). It is necessary to include the standard time limit condition for the parts of the development that I have allowed. It is also necessary to attach a condition to specify the approved plans to provide clarity on what has been approved.

The appellant has offered to accept a condition for landscaping or biodiversity enhancements in order to comply with provisions within Paragraph 8 of the Framework relating to sustainable development. I have identified above that a landscaping condition would not address the issues with the proposed first floor extension and is therefore not necessary. Furthermore, a landscaping or

biodiversity enhancement condition would also not be necessary for the part of the development I have allowed as I have found the porch to be acceptable in all respects as submitted in any event.

Conclusion

13. For the reasons given above, and taking account of all material planning considerations, I conclude that a split decision is appropriate and the front porch part of the development is allowed and granted planning permission subject to conditions. The first floor extension part of the appeal proposal is dismissed as it is not consistent with the policies of the development plan as a whole due to its impact on the character and appearance of the area and there are no material considerations that would lead me to a different conclusion.

N Perrins

INSPECTOR