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## Appeal Decision

Site visit made on 11 December 2023

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

**an Inspector appointed by the Secretary of State**

**Decision date: 18 December 2023**

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**Appeal Ref: APP/M3835/W/23/3320152**

**Carlyle House, Bridge Road, Worthing, Sussex BN14 7BS**

- 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/0023/22, dated 12 August 2022, was refused by notice dated 15 December 2022.
  - The development is proposed single storey upward extension to form 10 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.
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### 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, and impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light. 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, and
  - the living conditions of the occupiers of 11 and 15 Bridge Road, regarding outlook, and the living conditions of the occupiers of 11 Bridge Road, regarding noise and disturbance.

### Reasons

#### *Character and appearance*

4. The mostly 3 storey flats building at Carlyle House (the appeal building) is situated on an irregular shaped site, which is reached by a shared vehicle and pedestrian access from the roughly south side of Bridge Road between the partly walled grounds of Fordyce Court and the side of the semidetached

dwelling at 11 Bridge Road, which has been converted to flats. The appeal building is mainly characterised by its simple design and low-key flat roofed form. The rhythm in the appeal building's alternating vertical brickwork panels and its window and cladding panels, the horizontal emphasis in its openings and fascia, and the external expression of its layout, are important to its appearance.

5. The appeal site includes hard surfaced parking and turning areas to roughly north and east of the appeal building and shallow soft landscaped grounds to roughly west and south. The mostly 3 storey low pitched hipped roofed Fordyce Court lies to roughly north, the hipped roofed mostly 2 storey grade II listed building at Ace House (1 Bridge Road), which is sited side-on to Bridge Road, lies roughly north east, and commercial buildings reached from the end of Bridge Road lie to roughly east. The railway lines and platforms of Worthing rail station lie roughly south, and the long back garden of the semidetached dwelling at 15 Bridge Road, which is attached to number 11, lies roughly west.
6. The street scene in Bridge Road is mainly characterised by 2 storey pitched roofed semidetached and terraced Victorian or Edwardian style dwellings, some of which include rooms in their attics, sited fairly close to the road. The scale and form of the dwellings, the tall trees by the ends of the long back gardens on the south side of the road, the openness in their gardens, and the trees and planting by the east end of the road, and by Broadwater Road beyond it, contribute positively to the local suburban character, and to the sense of place.
7. The proposed 'mansard type' extension would include a single storey flat roofed upper floor over most of the appeal building. Its finishes would include grey cladding and grey framed windows in tall glazed openings.
8. However, due to the scale, height and siting of its bulky form, and its dissonant proportions, uniform appearance and utilitarian character, the proposal would be an unacceptably unsympathetic addition to the appeal building. Because the extended appeal building would dominate its surroundings, it would erode the important openness beyond the backs of most existing buildings in Bridge Road, and so, it would be at odds with the local development pattern. As the proposal would intrude into the partial sylvan backdrop in views from Bridge Road and Broadwater Road, it would diminish the local suburban character. The proposal's box-like form would contrast starkly with the nearby mainly pitched roofed buildings, so it would be incongruous in the nearby views from Bridge Road, Broadwater Road, Railway Approach and the railway platforms.
9. As the wider setting of Ace House would be expected to change to some extent over time, its setting would be preserved. However, the 5 storey Teville Gate House is situated well beyond the far side of the railway lines in an area that has a different sense of place. The unified design of the 4 storey Caxton Court reflects its corner siting by both frontages where Bridge Road almost meets the busy Broadwater Road dual carriageway, and it respects the 2 storey plus attic semidetached dwellings at 4 and 6 Bridge Road. The development permitted at Carlton House would be next to an existing 3 storey plus attic development, by a local centre, and over a mile away, where the local character differs. Moreover, my colleague's appeal decisions, ref APP/M3835/W/21/3269452 and APP/M3835/W/21/3269455, for the proposed developments in St Andrew's Gardens, predate current case law. So, these existing and proposed developments provide little support for this harmful scheme.

10. Therefore, I consider that the proposed development 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 site adjoins the end of the shallow yard at the back of 11 Bridge Road and most of one side of the back garden at 15 Bridge Road. The backs of these nearby dwellings are slightly angled towards the front (north elevation) of the appeal building, and part of the back garden at 15 Bridge Road is close to its west side, so the appeal building is prominent in the outlook from the openings in the backs of these dwellings and from their private outdoor spaces. Due to its scale, height and siting, and its relationships with and distances from these nearby dwellings and their outdoor spaces, the proposal would be unacceptably overbearing and oppressive, so it would harm these nearby occupiers' living conditions.
13. Even so, as the appeal building includes 30 one bedroom flats, it could be occupied by up to 60 people. Whilst the proposal would include 9 one bedroom one person flats and one 2 bedroom 4 person flat, there is no acceptable mechanism before me to ensure that each one bedroom one person flat would only be occupied by one person. So, the proposal could increase the number of occupiers of the extended appeal building by a little more than a third.
14. The access route into the site adjoins the east side of the flats at 11 Bridge Road, which includes roughly 9 windows, and several of those windows light habitable rooms. Whilst the proposal would increase the number of occupiers and their visitors using the access, the appeal building is within a mainly residential area, so the reasonable activity of future occupiers and their visitors walking or cycling to or from the proposal would be acceptable. The number of on-site parking spaces would not change, so there should be little change in the vehicular activity in and by the access associated with the on-site parking. There would be an increase in the vehicle trips related to deliveries and despatches solely to and from the proposal, but those additional comings and goings of delivery vehicles would not be likely to cause a significant increase in noise and disturbance. So, the proposal would not be likely to harm the living conditions of the occupiers of 11 Bridge Road, regarding noise and disturbance.
15. Overlooking, privacy and loss of light were not concerns in the Council's reasons for refusal. As the proposal would have fairly little effect on daylight and sunlight, and as harmful overlooking of the dwellings and their outdoor spaces at 11 and 15 Bridge Road could reasonably be dealt with by conditions for fixed shut obscured glazing in the north facing bedroom window in the 2 bedroom flat, and in the lower parts of the nearby west facing bedroom and living/kitchen/dining room windows, I agree.
16. Thus, I consider that the proposal would harm the living conditions of the occupiers of 11 and 15 Bridge Road, regarding outlook. It would be contrary to the Framework which seeks a high standard of amenity for existing and future users.

17. So, the proposal would not be acceptable in respect of paragraph A.2 (1)(g) of GPDO Schedule 2, Part 20, Class A.

**Conclusion**

18. In conclusion, the proposal would not be acceptable in respect of paragraphs A.2 (1)(e) and A.2 (1)(g) of GPDO Schedule 2, Part 20, Class A.

19. For the reasons given, the appeal should be dismissed.

*J Reid*

INSPECTOR