



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

Appeal Ref: APP/M3835/W/23/3325175

1A Cissbury Road, Broadwater, Worthing, West Sussex BN14 9LD

- 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 Miss Vanille Didier Lamour against the decision of Worthing Borough Council.
 - The application Ref AWDM/1924/22, dated 2 December 2022, was refused by notice dated 1 March 2023.
 - The development proposed is "This planning application is to gain retrospective permission for a shed built in our garden".
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the development in the heading above has been taken from the planning application form. There is a shed in about the same position as the proposed development at the appeal site, but amongst other things, the appellant says that the shed applied for would not be as tall. So, I shall deal with the appeal on the basis of the proposed development shown on the plans.

Reasons

3. The main issue is the effect that the proposed development would have on the character and appearance of the surrounding area.
4. The appeal site is situated within a mainly residential area on the roughly north corner where Broadwater Street West is met by Cissbury Road. The site includes a detached late Victorian/Edwardian style dwelling (the appeal building), which has been converted to flats, one of which is the ground floor flat at 1A Cissbury Road (the appeal flat).
5. The principal elevation of the detached front gabled 2 storey plus attic appeal building, which includes the opening for its original front door and the building's main architectural features including the wide double height bay, faces Broadwater Street West and Broadwater Green (the green) beyond it. So, the appeal building's front garden includes the land between the back edge of the pavements in the adjoining streets and the building's principal elevation. The front garden has been divided by a tall fence between the path from Broadwater Street West to the opening for the original front door and the appeal flat's garden. Whilst the appeal flat's front door is reached from Cissbury Road, it is in the appeal building's back outshoot, so little weight can be attached to the view that the proposal would be in a back or side garden.

6. The appeal flat's garden is largely enclosed by the appeal building, the tall fence by the path, and by low brick and flint walls to roughly south and south east. There is a tall fence that rises above the south east boundary wall and a taller evergreen hedge inside the south boundary wall. The Council says that the shed near the east end of the hedge is exempt from enforcement action.
7. The green and the building on the opposite corner where Cissbury Road meets Broadwater Street West are within a Conservation Area, which is mainly characterised by the historic road layout bounding the gently sloping tree edged green and historic mostly commercial buildings that face the roads near the roundabout junction of Ardsheal Road with Broadwater Street West. The openness and greenery within the Conservation Area are important to its appearance, and to its significance as a historic open space. The site and the nearby development on the north east side of Broadwater Street West, within the Conservation Area's setting, includes mostly detached and semidetached dwellings set back from the street by front gardens and/or drives. The openness and greenery within those front spaces are important to the local suburban character.
8. The proposed irregular-plan low pitched roofed timber clad shed would be squeezed into the acute angled west corner of the appeal flat's garden between the fence and the hedge. So, the proposal would be close to the pavements in Broadwater Street West and Cissbury Road, and to the appeal building.
9. Due to its siting, scale, and bulk, and the height of its obtrusive form, the proposal would harmfully erode the important openness within the appeal building's front garden. Because the proposal would be seen above the fences by the boundaries of the appeal flat's garden, the proposal would be incongruous in the nearby eastward and westward views from Broadwater Street West and Cissbury Road respectively. As most nearby front gardens and drives in Broadwater Street West are largely open, the proposal would conflict with the local pattern of development, so it would damage the sense of place.
10. Whilst the proposal would be mostly screened by the hedge in views from roughly south, the hedge could be removed at any time without the need for consent, so it could not be relied upon to screen the proposal in the long term. As there is little information about the developments shown in photographs 1a, 1b, 1c and 1d, they offer little support for the proposal. Moreover, sympathetic finishes would not make this unacceptable development acceptable.
11. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to Policy DM5 of the Worthing Borough Council Local Plan 2020-2036 which seeks high quality design and respect for context, guidance in the Worthing Borough Council Supplementary Planning Document Extending or altering your home, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed places, and sympathy for local character.

Other matter

12. Due to their relationships and the distances between them, a tall person standing on the proposal's roof would have clear views through the nearby bay window into the sitting room of Flat 1 at 96 Broadwater Street West. Even so, if the proposal were to be otherwise acceptable, a condition could be imposed to prevent the use of the proposal's roof as a balcony, roof garden or other similar

amenity area to protect the privacy of the occupiers of Flat 1. So, this matter attracts neutral weight in the planning balance.

Conclusion

13. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
14. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR