



Appeal Decision

Site visit made on 4 November 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2025

Appeal Ref: APP/M3835/W/24/3348444

1 Littlehampton Road, Salvington, Worthing, West Sussex BN13 1PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Xianming & Xiaomei Lin against the decision of Worthing Borough Council.
 - The application Ref is AWD/0405/24.
 - The development proposed is the change of use from restaurant to an office and a flat; demolition of the rear storage and erection of a two-storey dwelling house with a front garden; removal of restaurant kitchen extractor duct, internal alterations and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2024 the Government published the 2023 Housing Delivery Test (HDT) results. The main parties have been afforded the opportunity to comment upon the implications of this. The 2023 HDT measurement for the Council is 107%. That being the case, and on the basis that the Council can demonstrate a five-year supply of deliverable housing sites, the application of footnote 8 of the National Planning Policy Framework (the Framework) does not indicate that the presumption in favour of sustainable development contained within paragraph 11d of the same document applies in the determination of this appeal.

Main Issues

3. The main issues are;
 - whether the development would provide adequate living conditions for future occupiers, with particular regard to outlook, privacy, and internal space; and the effect of the development on;
 - the character and appearance of the area; and
 - the vitality and viability of the Thomas A. Beckett Local Centre

Reasons

Living conditions

4. Flat 1C would have an elongated open plan kitchen/living/dining room (the main living space). The outlook from this room would be restricted to a single window - in the position of an existing doorway, and a rooflight. The exterior stairs and platform providing access to flats 1A and 1B, would severely restrict the outlook that would be available from the window in the wall of the main

living space. Moreover, due to the height, and proximity of existing and proposed structures to the rooflight, users of the main living space would also have a poor outlook through this opening.

5. There is vehicular and pedestrian access to the side of the building subject of this appeal. This would provide access to all 4 residential units on the appeal site. It also provides access to several other properties to the south. Those using this access would pass immediately adjacent to the sole window that would serve bedroom 2 of flat 1C. Clear and close views into the room would therefore be possible by passersby. Moreover, users of the exterior steps that provide access to flats 1A and 1B would pass close to the windows that would serve bedroom 1 and the main living space of flat 1C. Such users would have clear and close views into these rooms, as well as into the only 2 windows that would serve the dwelling at 1D.
6. Even if bedrooms are generally less likely to be occupied during the day than other parts of a dwelling, in this case, future occupiers of 1C and 1D would not be able to secure a reasonable level of privacy within either the bedrooms or the main living spaces of the properties. Measures such as the use of net curtains and/or the installation of obscure glazing could undoubtedly mitigate the harm that would otherwise be caused by lack of privacy. However, these measures would harmfully reduce the outlook available to future occupiers of flat 1C and 1D.
7. The accommodation at 1D would comprise a small 2 storey- dwelling, which would contain; one bedroom; a shower room; an open plan kitchen/living room; and storage areas. The Government's Technical housing standards – nationally described space standard (NDSD) does not include a minimum gross internal floor area for a 1 bedroom 1 person dwelling with accommodation over 2 levels. By a small amount, the internal area of the dwelling would exceed the minimum NDSD for a 1 bedroom 1 person dwelling over a single storey. However, the staircase within the property would reduce the amount of floor space available at both ground and first floor levels. Moreover, the need to keep the areas close to the top and bottom of the stairs clear, would further reduce the amount of floor space that could be used for purposes other than circulation.
8. Consequently, and even if this dwelling were to only accommodate a single person, the living space would be cramped, and future occupiers would have insufficient internal space to enable them to secure adequate living conditions.
9. While the small garden/yard area to the front of 1D would not be private, it would afford future occupiers with an external space which could be used for some limited recreational purposes. Nevertheless, this consideration does not lead me away from my other findings in respect of this main issue.
10. For the reasons given, the proposed development would not afford future occupiers adequate living conditions with particular regard to outlook, privacy and internal space. Consequently, it would conflict with policies DM2 and DM5 of the Worthing Borough Council – Local Plan 2020-2036 – adopted 28 March 2023 (the Local Plan). Collectively these policies require development to be of a high-quality of design which is fit for purpose, and which provides a good living environment for future residents.

Vitality and viability of local centre

11. The part of the building on the appeal site that is used as a hot food takeaway and restaurant, has a ground floor frontage addressing Littlehampton Road. The building forms one of a series of properties within the Thomas A. Beckett Local Centre, which is identified as a Medium Scale Local Centre within policy DM13 of the Local Plan.
12. Amongst other things, policy DM13 seeks to ensure that changes of use and redevelopments within town, district and local centres support, rather than detract from the successful functioning of the centres and their ability to meet local needs. In medium scale local centres, this policy seeks to retain a core of retail uses of 50%.
13. Even if the number of retail premises within the Thomas A. Beckett local centre is less than 50%, the development would not result in a further reduction in such premises. This is because the existing hot food takeaway and restaurant on the appeal site, is not a retail use.
14. The building would retain ground floor commercial frontage, which would provide access to an open plan office area. Although relatively small, the commercial unit would include facilities including storage and a W.C. Moreover, the office space would be of a sufficient size to accommodate at least 1 workstation, at the same time as some visitors/customers.
15. The office would fall within Class E of Schedule 2, part A, of the Town and Country Planning (Use Classes) Order 1987 (as amended). Other uses within this class include some retail uses, financial and professional services, as well as other services which are appropriate in a commercial, business or service locality. As such, and although an office is proposed, subsequent uses of this part of the building would not be restricted to office use only.
16. I accept that a further vacant commercial unit within the centre would be harmful to the viability and vitality of the local centre. However, in this case the appellants have indicated that the office would initially be used by a family member. Furthermore, and in principle, the use of the commercial space is likely to be attractive to other businesses within Use Class E. This is because not all such businesses require large spaces from which to operate, and do not wish to incur the costs associated with excess space.
17. The glazed front door of the commercial unit, and the large-glazed openings adjacent to it, would be retained. Moreover, the front door would provide the sole means of access to the premises. Consequently, and even if blinds or other measures such as the use of opaque glass were installed, and/or, there were to be no shop window display, the building would retain an active frontage.
18. Throughout the daytime, the use of the proposed commercial premises is reasonably likely to generate more comings and goings to the local centre than the existing hot food take away and restaurant. This is because the evidence indicates that the existing premises doesn't open until late afternoon. That being the case, the development would positively contribute towards the daytime vitality of the local centre.
19. For these reasons the development would not cause harm to the vitality and viability of the Thomas A. Beckett Local Centre. Consequently, and even if

50% of the units within the local Centre would not be in retail use, the development would not conflict with policy DM13 of the Local Plan.

Character and appearance

20. The appeal site is within a relatively densely built-up urban area, which incorporates a variety of land uses and forms of development. These include a range of commercial premises as well as houses and flats.
21. The proposed dwelling would be constructed to the rear of a taller part of the building on the site, and it would not be readily visible from within the nearby public realm. As such, it would not read as part of the commercial frontage within the Thomas A. Beckett Local Centre, and it would not materially change the appearance of the local townscape when viewed from the nearby public realm.
22. Although the proposed dwelling would be 2 storey with a pitched roof over, the pitch would be similar to that found on nearby buildings. Furthermore, the overall height of the dwelling would be comparable with several nearby houses and buildings - including the adjacent commercial garage building.
23. Even though the scale and massing of the proposed dwelling would be significantly less than the main part of the retained building, it would read as a subservient extension to it. In part, this is because the external facing materials would match those on the retained part of the building, and because it would be located to the rear of the property.
24. Although the proposed bin and bike storage areas would not be expansive, they would be adequate for their intended purposes. Furthermore, they would make efficient use of parts of the site - such as under the stairs, that might otherwise be underutilised.
25. The footprint of the dwelling would not exceed that of the part of the building it would replace. Consequently, and while the development would lead to an onsite intensification of built form, this would not be harmful in this otherwise built-up area. Moreover, the removal of the unsightly restaurant kitchen extractor duct, would improve the appearance of the rear of the property.
26. For these reasons, the development would not cause harm to the character and appearance of the area. Consequently, and in respect of this main issue, it would comply with policy DM5 of the Local Plan. Amongst other things, this policy requires development to be of a high design quality and to respect and enhance the character of the site and the prevailing character of the area.

Other Matters

27. Additional housing on the appeal site would afford future occupiers with close and convenient proximity to a range of local services and facilities. It would also bring benefits to the local economy and contribute to the Government's objective of significantly boosting the supply of housing. However, given that only 2 new dwellings would be formed, these benefits would be small.
28. The removal of the restaurant kitchen extractor duct, and the introduction of planting around the front garden of the dwelling at 1D, would bring small benefits to the appearance of the appeal site and the area around it.

29. While the development would not cause harm to the living conditions of the occupiers of nearby dwellings, this is a neutral consideration.

Conclusion

30. Notwithstanding my findings in respect of the second and third main issues, the proposed development would not afford future occupiers adequate living conditions with particular regard to outlook, privacy and internal space. In my view, this and the associated development plan conflict are prevailing considerations. The proposal should therefore be regarded as conflicting with the development plan when read as a whole. Moreover, material considerations do not indicate that the appeal should be decided other than in accordance with the development plan.
31. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR