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# Appeal Decision

Site visit made on 27 November 2023

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

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

**Decision date: 5<sup>th</sup> December 2023**

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## **Appeal Ref: APP/M3835/W/23/3317409**

### **1-3 South Street, Tarring, Worthing, West Sussex BN14 7LG**

- 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 Ross Kingston against the decision of Worthing Borough Council.
  - The application Ref AWDM/1753/22, dated 25 October 2022, was refused by notice dated 31 January 2023.
  - The development proposed is a car free development consisting of 2no. 2 storey 1 bedroom 2-person new low carbon dwellings.
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## **Decision**

1. The appeal is dismissed.

## **Main issues**

2. 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 future occupiers, regarding outlook and access.

## **Reasons**

### *Character and appearance*

3. The appeal site is situated on the roughly west side of South Street just north of the level crossing. The site includes the existing mostly 2 storey building at 1 - 3 South Street, a pedestrian alley between the existing building and the development at 5 South Street, and land at the back of the building, which tapers towards its far end. The alley gives access to one of the business premises and the flats in the existing building. The north platform of the adjoining West Worthing railway station, with its tall lights, security fence, shelters, and related passenger comings and goings, lies roughly south. The nearby platform, which can be reached from South Street, is a little above the level of the site. A vegetated strip of land lies roughly west, and the back gardens of the terraced dwellings at 1 to 7 (odd numbers) St Dunstan's Road and the mixed use development at 5 South Street lie to roughly north.
4. The nearby development is mainly characterised by dwellings sited close to the streets with long narrow back gardens and mixed development by or near the frontages of similar plots in South Street. The land at the back of the existing building includes a hedge by part of the boundary with the railway, shrubs, a patio, lawn, and a couple of sheds, and whilst its far end is rather overgrown, it has the character and appearance of a back garden. In association with the adjoining back gardens, and the land to roughly west, the land contributes

positively to the green corridor along the north side of the railway lines, which is important to biodiversity, and to the sense of place.

5. The proposal includes a shared garden for the occupiers of the flats in the existing building, and the 2 dwellings, which would face one another and their modest L-plan private gardens, beyond it. The dwellings would be reached solely by a footpath by the north boundary from the alley.
6. However, the dwellings would take up much of the width of the site, and they would be enclosed by tall boundary treatments, including a 3 m high acoustic screen by the railway. The scale and bulk of the 2 storey gable roofed dwellings would contrast starkly with the low-key outbuildings by the ends of the nearby back gardens. Because the dwellings would be squeezed in between the sides and backs of the adjoining back gardens and the railway infrastructure in the far end of the site, they would be poorly related to the nearby streets. So, the proposal would be at odds with the local development pattern, and it would be incongruous in views from the level crossing, nearby parts of Tarring Road, and the station platforms. Moreover, due to the proposal's built up character and appearance, it would unacceptably erode the openness and greenery by the railway lines, which are important to the sense of place.
7. The well-spaced dwellings at 310 to 318 (even numbers) Tarring Road are sited well away from the station and its platforms, and as their fronts face the road over their gardens and drives, they harmonise with the street scene there. So, this nearby development provides little support for this damaging scheme.
8. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy DM2 of the Worthing Borough Council Local Plan 2020-2036 (LP) which aims to achieve the optimum density of development having regard to the site context and the character of the surrounding area, LP Policy DM5 which seeks high quality design and respect for context, guidance in the Worthing Borough Council Guide to Residential Development Supplementary Planning Document (SPD), and the National Planning Policy Framework (Framework) which seeks to achieve well-designed places, and sympathy for local character.

#### *Living conditions*

9. Due to their tight knit siting on modest plots, the tall fencing between the dwellings, the tall fences and walls in the adjoining back gardens, and the tall acoustic fence by the railway, the outlook from the dwellings' main ground floor living spaces would be harmfully oppressive.
10. The appellant's environmental noise impact assessment explains that with measures including whole house mechanical ventilation with heat recovery systems, closed triple glazed windows without trickle vents, and a 3 m tall acoustic screen by the boundary with the railway, the future occupiers' living conditions would be acceptable in their homes and gardens during the day and at night. It also appears that, as the dwellings would have enclosed protected external spaces, opened ground floor living room windows and patio doors would still achieve good to reasonable internal noise levels during the day. Even so, the occupiers, who could include shift workers, would need to keep their windows and any rooflights shut at any time when using the bedrooms. Whilst future occupiers finding these constraints unacceptable could choose not to occupy the dwellings, they weigh against the inclusivity of the scheme.

11. Due to its distance from the access in the busy and sometimes congested South Street, the proposal would include a dry riser and sprinkler systems in the dwellings in case of fire. However, even if the fire resistance of the existing building's openings onto the alley were to be acceptable, the pinch point in the narrow alley would be less than the minimum width sought by the Building Regulations. So, the only access to the dwellings would be substandard. As there would be no other means of escape from dwellings 1 and 2 and their gardens if an incident were to occur in the alley, the future occupiers could fear being trapped in their homes. Moreover, as the front doors of their homes would be barely visible from, and poorly related to, South Street and St Dunstan's Road, their occupiers would be likely to feel isolated from their neighbours to the detriment of community cohesion and their well-being.
12. Because the path to the dwellings would cross the shared back garden, the comings and goings of the future occupiers and their visitors would erode the privacy of the occupiers of the flats in their outdoor space. Tall boundary treatment between that back garden and the path's south side could protect the existing occupiers' privacy, but due to its relationships with the alley, dwelling 1 and its fence, and the existing boundary treatments in the adjoining development by the path's north side, the oppressive sense of enclosure in the only route to and from the dwellings would be unacceptably unwelcoming.
13. Thus, I consider that the proposal would harm the living conditions of the future occupiers, regarding outlook and access. It would be contrary to Policy SP3 which aims to achieve healthy, inclusive and safe places, LP Policy DM1 which seeks flexible, socially inclusive and adaptable housing, LP Policy DM5 which also seeks safe conditions for access and egress, and the Framework which aims to achieve places that are safe, inclusive and accessible and which promote well-being, with a high standard of amenity for future users.

#### *Other matters*

14. The imposition of conditions to control matters including external materials, noise attenuation measures and for a construction management plan would not overcome the harm identified in the main issues.
15. The most recent Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years, so Framework paragraph 11 d) is relevant. The proposal aims to make effective use of the site within an accessible area, and its other benefits would include 2 welcome new homes and jobs during construction. However, as the harm identified in my main issues would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

#### **Conclusion**

16. 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.
17. For the reasons given, the appeal should be dismissed.

*J Reid*

INSPECTOR