



Appeal Decision

Site visit made on 16 October 2023

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

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/M3835/W/23/3322164

2 Furze Close, Salvington, Worthing, West Sussex BN13 3BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon Mashford against the decision of Worthing Borough Council.
 - The application Ref AWDM/0033/23, dated 10 January 2023, was refused by notice dated 12 April 2023.
 - The development proposed is "Rear garden 2 bedroom bungalow development."
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application for outline planning permission was submitted with all matters for consideration at this stage, that is, access, appearance, landscaping, layout and scale.

Main issues

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 1 and 2 Furze Close and 42 and 44 Furze Road, regarding privacy, outlook, and noise and disturbance.

Reasons

Character and appearance

4. The appeal site includes the far end of the back garden of the existing chalet style dwelling at 2 Furze Close, and a strip of land by the boundary with 4 Furze Close to provide access from the roughly west side of the road. The existing dwelling and the rest of the plot would be under the control of the appellant. The existing dwelling would share the access, and its parking space would be included within its front garden. The site adjoins the gardens of the dwellings at 4 Furze Close to roughly north, 42 and 44 Furze Road to roughly south, and the existing dwelling and its proposed grounds to roughly east and south. The far end of the site adjoins the well-used Honeysuckle Lane/The Sanctuary field (open space), which is within the South Downs National Park. The local landform slopes down from roughly north east to roughly south west.
5. The local area is mainly characterised by detached dwellings in a range of sizes and styles sited in spacious plots of varying sizes in an informal frontage

development pattern, where most dwellings face the roads over their front gardens and/or drives. The openness and mature planting in most plots and the partly verge edged roads mitigate the transition between the built-up area and the mostly open countryside within the National Park, which has the highest status of protection in relation to landscape and scenic beauty. The openness and greenery within the area, the good levels of privacy and tranquillity in most back gardens, and its setting by the countryside contribute positively to the local suburban character, and to the sense of place.

6. The appeal site is subject to The Borough Council of Worthing Tree Protection Order No. 98 of 2001 Grassed verge, west side of the junction of Kinfauns Drive and Furze Road Nos. 1, 2, 3, 4, 5 and 8 Kinfauns Drive, Nos. 26, 28, 34, 38, 40 and 42 Furze Road and Nos. 1, 2, 4, 6, 9, 12 and 14 Furze Close, High Salvington Worthing (TPO), which took effect provisionally on 5 December 2001. The TPO includes individual tree T22 (Sweet Gum) in the east part of the site, and Group of 4 trees G8 (one Silver Birch, one Deodar, one Walnut, one English Oak) near the west end of its north boundary and partly within the adjoining garden at 4 Furze Close. Whilst there are some stumps, little remains above ground of individual tree T22 and the Group G8 trees within the existing gardens of the dwelling at 2 Furze Close, which includes the site. However, it would appear that the G8 Walnut, which has the characteristic lop-sided canopy associated with a tree that has been part of a group for most of its life, has endured in the garden next door. The G8 Walnut and other local trees subject to the TPO are important to the character and appearance of the area.
7. The proposal includes a low pitched hipped roofed 2 bedroom bungalow in the west part of the site, which would be sited at an angle to the boundaries, so its back would face roughly south west across the open space and towards the coast. The access route would lead to the turning area and flat roofed single garage, which would be sited between the appeal dwelling and the existing dwelling's proposed back garden. The appeal dwelling would be partly cut into the ground, so it would include a lower patio and a raised terrace at the back, and steps down into its irregular shaped back garden.
8. Although the main part of the site lacks the leafiness in many nearby gardens, it has some potential biodiversity value, and its open character and verdant appearance have some scenic value within the setting of the National Park. However, due to its scale and siting, the proposed dwelling would be unacceptably squeezed in, and it would be uncomfortably close to the open space. The footprint of the dwelling and its garage, and the extensive areas of hard surfaces, including the turning area, access route, terrace and patio, would leave little room for planting and almost no space for appropriate trees to grow in its shallow tapering back and side gardens. So, the built-up character of the proposal would be unacceptably damaging to its surroundings. Moreover, because the dwelling would be sited towards the back of its site, it would be poorly related to the road, and so, the proposal would be harmfully at odds with the local development pattern.
9. Whilst the scrub-like vegetation in the open space by the back of the site would have a partial screening effect in nearby views, the incongruous form of the dwelling and its terrace rising out of the sloping landform would be harmfully intrusive in the longer largely uninterrupted roughly north eastward public views across the open space. So, the proposal within its setting would fail to conserve and enhance the landscape and scenic beauty of the National Park.

10. The dwellings at 42 and 44 Furze Road have frontages to Furze Road, so they are not tandem development, and the present dwelling at 7 Furze Close replaced a previously existing dwelling. So, these nearby dwellings provide little support for this harmful proposal.
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 (LP) which seeks high quality design and respect for context, LP Policy DM18 which aims to protect, conserve, and enhance biodiversity, LP Policy DM19 which aims to protect, conserve, enhance and deliver green infrastructure, and guidance in the Worthing Borough Council Guide to Residential Development Supplementary Planning Document (SPD). It would also be contrary to the National Planning Policy Framework (Framework) which aims to achieve well-designed places, and sympathy for local character, to protect and enhance biodiversity, and to take opportunities to incorporate trees.

Living conditions

12. I have had regard to the siting of the proposal and its grounds, and the nearby dwellings and their private gardens at 1 and 2 Furze Close and at 42 and 44 Furze Road, the lie of the land, the distances and relationships between them, and the orientation. Subject to the imposition of conditions to control boundary treatment and the finished ground floor level of the proposed dwelling, the proposal would not cause a harmful loss of privacy, and it would not be so overbearing or so oppressive that it would harm the outlook from the nearby dwellings and their private gardens. The activity associated with the proposal would include the comings and goings of the occupiers' and their visitors' vehicles, and it would be likely to be more noticeable than the existing activity in the back garden. However, as the site is within a mainly residential area, the proposal would not be likely to cause noise and disturbance that would harm the nearby occupiers' living conditions. The increased activity and other effects including the perception of being overlooked would be out of keeping with the local character, but these effects have been considered in my first main issue.
13. Thus, I consider that, subject to the imposition of conditions to control boundary treatment and the finished ground floor level of the proposed dwelling if the proposal were to be otherwise acceptable, the proposal would not harm the living conditions of the occupiers of 1 and 2 Furze Close and 42 and 44 Furze Road, regarding privacy, outlook, and noise and disturbance. It would satisfy LP Policy DM5 which aims for development to not have an unacceptable impact on the occupiers of adjacent properties, guidance in the SPD, and the Framework which seeks a high standard of amenity for existing and future users. So, this issue attracts neutral weight in the planning balance.

Other matters

14. As the proposal could be occupied by a small family from another area, a local family dwelling might not become available. The appellant's concerns about the Council's handling of the application are not relevant to my findings.
15. The most recent Housing Delivery Test indicates that the delivery of housing within the Borough 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 better use of the site, which is within a

reasonably accessible area, and its other benefits would include a new home. Even so, as the harm identified in my first main issue 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