



Appeal Decision

Site visit made on 9 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/M3835/W/23/3321108

**Land west of 70 Parham Road, Offington, Worthing, West Sussex
BN14 0BN**

- 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 Neal Roberts against the decision of Worthing Borough Council.
 - The application Ref AWD/1952/22, dated 8 December 2022, was refused by notice dated 2 February 2023.
 - The development proposed is the erection of a contemporary 1 1/2 storey 2 bedroom eco-house (suitable for 4 people), with access and parking off Parham Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 28 March 2023 the Council adopted the Worthing Local Plan 2020-2036 (the WLP). This has resulted in some of the policies referred to in the Council's decision being replaced by the newly adopted policies. I have determined the appeal on the basis of the most up-to-date development plan. The appellant has had an opportunity to comment on the implications of this change and I have taken their comments into account in coming to my decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of No 70 Parham Road (No 70), with regard to outlook, noise and disturbance.

Reasons

Character and appearance

4. The appeal site is located to the rear of No 70, the last in a row of dwellings fronting Parham Road. The dwellings on this side of Parham Road are typically single-storey and set back from the road contributing to the spacious character of the area. The land slopes significantly up from Parham Road towards Mill Lane, elevating the position of dwellings fronting Parham Road. Development to the rear of the dwellings is limited, although the dwellings at Mill Lane are visible on higher ground further to the rear.

5. Although the land rises significantly to the side of No 70 where the access and garden area is proposed, the dwelling would be positioned on levelled land. The part one-and-a-half storey part single-storey dwelling would be on land significantly higher than the dwelling at No 70. The elevated position of the dwelling means that it would be visible from both Parham Road and Durrington Cemetery.
6. The proposal, by virtue of its position to the rear of No 70, would relate poorly to the surrounding development and the street scene. Whilst the design and layout of the proposal has sought to take into account the conditions of the site, the constrained size and irregular shape of the site would result in a cramped development that would not relate to the context of the area.
7. My attention is drawn to development at 11A Parham Road, which is discreet and screened in views from the street, and development at Wayback, which is a historic backland plot. Whilst I note that Wayback is to the rear of development along Parham Road, the dwelling (and the two newer dwellings beyond it) are on a lower land level where the visual effect on the surroundings is reduced. Conversely, whilst the proposal would be relatively small in scale, it would have a greater and disproportionate visual impact as a result of its raised position and relative height.
8. I conclude that the proposal would harm the character and appearance of the area. On this basis, that the development would conflict with WLP policies DM1, DM2, and DM5 and the National Planning Policy Framework (the Framework), which requires proposals to be of a high quality design sensitive to the characteristics of the local area.

Living conditions

9. The site comprises an L-shape adjacent to the side and rear boundary of No 70. The dwelling would extend across the majority of the width of No 70. The single-storey element would be partially visible above the boundary, however the larger part would be prominent in views from No 70. The height of the main part of the dwelling, combined with the raised land level at the site and the proximity to No 70, would dominate the outlook of the occupants of No 70 within the dwelling and from the garden. Furthermore, whilst the lack of openings at first floor level would preserve the privacy of the occupants of No 70 and would not result in a perception of overlooking, the blank façade would be unneighbourly, adding to the harm in respect of outlook.
10. The site access and parking area serving the development would be immediately adjacent to the side of No 70. Although there would be an increase in noise and disturbance as a result of the comings and goings at the site, the harm would be limited due to the small scale of the development. The provision of an enhanced boundary treatment, secured by condition, could remove the limited harm that this would cause.
11. I conclude that the proposal would harm the outlook of the occupants of No 70. The harm in respect of noise and disturbance could be mitigated subject to an appropriate condition. On this basis, the proposal conflicts with WLP policy DM5 and the Framework, which requires new development to not have an unacceptable impact on the outlook of occupiers of adjacent properties and provide a high standard of amenity for existing and future users.

Other Matters

12. The proposal would make a positive contribution to housing supply within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwelling is occupied. However, whilst I acknowledge the commitments of the Worthing Action Plan document, the contribution of a single self-build dwelling to meeting housing need in Worthing through a more efficient use of land in an urban area and the associated benefits are limited by the scale of development proposed.
13. The scheme would deliver an environmentally sensitive building, which would incorporate energy and water efficiency measures, and would be accessible and adaptable. In addition, the proposal would provide an opportunity to deliver biodiversity enhancements in accordance with WLP Policy DM18. Furthermore, the dwelling would provide internal space in excess of that required within the Space Standards SPD. Nevertheless, I note that these elements are minimum requirements of planning policy and are therefore neutral in the planning balance.
14. The development would improve security and would tidy up a relatively unkempt site. There is nothing before me to indicate that the site is a focus for anti-social behaviour, whilst the current appearance of the site is largely contained, with only the access point being readily visible within the surroundings.
15. I note the reference to processing of applications and other correspondence relating to this site. However, this is not relevant to my consideration of the planning issues arising from consideration of the appeal scheme.

Planning Balance

16. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the WLP, with the associated conflict reflecting harm to character and appearance of the area and to the living conditions of occupants of adjacent properties. The development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
17. 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. The Council's statement concedes that the delivery of housing stands at 35%.
18. Paragraph 11 d) of the Framework states that in these circumstances the policies which are most important for determining the application are out-of-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. In the particular circumstances of this case, I have concluded that the effect on the character and appearance of the area and to the living conditions of occupants of adjacent properties conflict with policies of the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

20. The proposal conflicts with the development plan when considered as a whole. The material considerations in this case do not indicate that the application for planning permission should be determined otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR