



Appeal Decision

Site visit made on 25 March 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/M3835/W/23/3330500

Land to the rear of 131 Brighton Road, Worthing BN11 2EU

- 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 Kennedy against the decision of Worthing Borough Council.
 - The application Ref is AWDM/0477/23.
 - The development proposed is the change of use, and extension to, external building to C3 residential use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of development in the above banner heading are taken directly from the original planning application form.

Main Issue

3. The main issue is whether the proposal would provide acceptable living conditions for future residents, in terms of the provision of internal living space and external amenity space.

Reasons

4. The proposal would involve the conversion of a redundant garage building to a single storey dwelling that would have a gross internal floor area of approximately 37sqm. The proposed floorplan demonstrates that the dwelling would be arranged as studio accommodation comprising an open plan kitchen, living and bedspace, with a separate shower room.
5. Policy DM2 of the Worthing Borough Council Local Plan 2020 – 2036 (adopted 2023) (the Local Plan), amongst other matters, sets out an expectation that new dwellings will meet, as a minimum, the national described space standards (NDSS)¹ for internal floor areas and storage space. The Council also has an adopted Space Standards SPD (adopted 2012) (the SPD), however, this is guidance only and in terms of internal space standards has been superseded by Policy DM2 of the recently adopted Local Plan. Policy DM2 still refers to the SPD in regard to local standards for external space.
6. The appellant contends that the proposal meets the minimum gross internal floor area for a single storey, 1 bedroom, 1 person dwelling with a shower

¹ As detailed within the 'Technical housing standards – nationally described space standard' March 2015 (as amended 2016)

- room, as set out in the NDSS (i.e. 37sqm). However, from the evidence before me, the proposed dwelling would be capable of accommodating sufficient bedspace for two persons, it should therefore be considered against the relevant minimum standards for a single storey, 1 bedroom, two-person dwelling. Accordingly, the proposal falls well below the relevant minimum standard of 50sqm set out by the NDSS and would provide cramped and insufficient space for potential future occupiers. In reaching this view, it is recognised that the proposed dwelling may only be occupied by a single person, however, this cannot be ensured.
7. Turning to the provision of outdoor amenity space, the appellant indicates that approximately 25sqm of external amenity area would be provided, which is suggested as exceeding the minimum external space standards for a dwelling of this size. However, no reference has been given to specific external space standards that the scheme would comply with. Having regard to the Council's SPD, there is not a specified minimum external space standard for 1-bedroom dwellinghouses. In any case, consideration needs to be given to whether the size and quality of the external space would provide suitable private amenity space for future residents.
 8. The appeal site is a small plot and only a very narrow area of external space to the rear of the proposed dwelling would be provided, which would be used for a bike store. Consequently, the useable outdoor space would predominantly be located to the side and front of the proposed dwelling. This is limited in size and would be shared with vehicle parking and bins stores, whilst also being highly visible from the streetscene along St. George's Road. Given the size and layout arrangements, the outdoor garden area is unlikely to be particularly private in nature, nor is it likely to be an enticing space to spend time within or be of significant practical use.
 9. Although the proposed development may be sited close to public open spaces, including Worthing seafront, it remains that the proposal would be served by inadequate private outdoor space.
 10. Overall, I find that the proposed dwelling would be served by insufficient internal living space and inadequate outdoor amenity space, which would result in unacceptable living conditions for potential future occupiers. The appeal scheme therefore fails to comply with Local Plan Policies DM2, DM5 as well as the aims of the SPD. Together these policies and guidance seek to ensure that development is of a suitable design quality that takes account of potential users of the site, including through the provision of suitable internal and external space.
 11. Likewise, the proposal conflicts with the aims of the National Planning Policy Framework in respect of promoting development that incorporates a high standard of amenity for future users.

Other Matters

12. My attention has been drawn to two nearby developments on Seldon Lane, whereby the Council approved new dwellings with limited curtilages. However, I have no specific details of the context of those schemes, including the relevant sites' planning histories, the precise planning policy context at the time of the decisions, or whether the developments met the NDSS. As such, my decision does not turn on the presence of these nearby developments.

13. A lack of harm to the character and appearance of the area and to the living conditions of other neighbouring residents is to be expected of new development and therefore does not weigh in favour of the appeal scheme. Likewise, compliance with other requirements of local and national policy is also to be expected.
14. Similarly, a lack of objections to the application from statutory consultees or other third parties is not grounds to allow unacceptable development.
15. Given that the proposal would result in inadequate living conditions for future occupiers, I do not consider that it would make efficient use of the land. Nonetheless, it would still provide some socio-economic benefits through the delivery of a new dwelling, whilst it would also utilise previously developed land in a sustainable location. However, given its overall scale and nature, the scheme's benefits would be limited and do not overcome my above concerns.
16. The owner's personal circumstances are also noted, however, these are not sufficient to justify the appeal scheme, particularly as the proposed development is likely to remain long after the personal circumstances of the owner cease to be material.

Conclusion

17. For the reasons outlined above and having regard to the development plan as a whole, and all other material considerations, the appeal is dismissed.

Lewis Condé

INSPECTOR