



Appeal Decision

Site visit made on 17 November 2020

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2021

Appeal Ref: **W/4001471**

88 Salvington Hill, High Salvington, Worthing BN13 3BD

- 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 Mrs S Simpson against the decision of Worthing Borough Council.
 - The application Ref AWDM/0256/20, dated 12 February 2020, was refused by notice dated 6 July 2020.
 - The development proposed is erection of two bedroom chalet bungalow and provision of new vehicular crossover.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two bedroom chalet bungalow and provision of new vehicular crossover at 88 Salvington Hill, High Salvington, Worthing BN13 3BD in accordance with the terms of the application, Ref AWDM/0256/20, dated 12 February 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mrs S Simpson against Worthing Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the site on biodiversity and the local environment.

Reasons

4. The appeal site is located within a residential area, to the rear of a large detached dwelling facing towards Salvington Hill. The properties along Firsdow Road, which is to the side of No 88 Salvington Hill, are relatively modest, with gardens well manicured to the front and predominantly open to the public highway. Those along Salvington Hill are generally larger in scale, and there are a number of mature trees located along the road side.
5. At present there is a Leyland Cypress hedgerow along the side boundary of No 88 Salvington Hill, part of which has been previously removed and replaced with a laurel hedge. I have no evidence before me to confirm that the remaining hedge currently functions as a habitat for any particular species of animal, or that there is a reason for it to be protected.

6. In order to accommodate the proposal it would be necessary to remove the remainder of the Leyland cypress hedge. At present the hedge is overgrown, and forms an oppressive and dominant element of the boundary, and whilst the removal of it would change the character of the boundary for the immediate future, the proposed landscaping for the boundaries of the property could include a suitable species of planting that would retain the green character of the existing boundary, provide a suitable habitat for wildlife, and sit comfortably within the residential context.
7. I am satisfied that the removal of the existing hedgerow would not have an unacceptable impact on the local environment. It would be appropriate to include a condition to ensure that a suitable landscaping scheme could be implemented which would create a suitable habitat for wildlife, and enhance the character of the area.
8. There are a number of trees on the northern boundary that are subject to tree preservation orders, including group orders. The order was made in 1978 and some trees have been lost in the intervening years although the retained trees still provide a significant presence. The trees on the northern boundary would be retained and the plans submitted with the application indicate a root protection zone which indicates that the proposed dwelling would be outside this zone.
9. As such, I find no conflict with Policy 13 of the Worthing Core Strategy which requires that development respects the biodiversity and natural environment that surrounds it. It would comply with Policy 16 of the Worthing Core Strategy which requires new development to demonstrate good architectural and landscape design.

Other Matters

10. The proposal would sit to the rear of No 88 Salvington Road and would be orientated to face Firsdow Road. As a chalet style bungalow its scale and design would reflect properties within the immediate area, including its neighbour within Firsdow Road and the property directly opposite.
11. The proposal would introduce a building into the space adjacent to Sunrise, a bungalow that is located on the corner of Firsdow Road and Firsdow Close. Having regard to the modest height of the proposal, and the respective distances of the proposed dwelling and its nearest neighbour from their respective plot boundaries I am satisfied that the proposal would not be detrimental to the living conditions of those occupying Sunrise. The distances between the proposed property and those in the immediate vicinity, including Nos 22 and 23 Firsdow Road, are adequate such to ensure that the use of the dwelling would not result in a detrimental level of overlooking or loss of privacy to surrounding occupiers or future occupiers.
12. One off-street parking space would be provided for the property. Whilst this is slightly below the required level of parking the public highway is not subject to restrictions on parking and I have no evidence to suggest that a very minor increase in parking would be detrimental to highway safety. The access would be on a very slight bend in the road. In a residential area with some parking on street, vehicles would be travelling at a lower speed generally and I am satisfied that the proposed driveway would allow for safe access and egress of the site. The access would be some distance from the junction with Salvington

Hill, and I have no evidence to suggest that this junction is currently unsafe, or that the proposal would result in an intensification in use that warrant a refusal on the grounds of highway safety.

Conclusion and Conditions

13. I have found that the proposal would comply with the development plan when taken as a whole and therefore the appeal should succeed.
14. I have considered the suggested conditions set out in the officer report, and the appellant's comments.
15. It is necessary to specify the plans for certainty. A condition restricting windows is necessary to protect the privacy and living conditions of neighbouring occupiers and future occupiers. I have included a condition specifying hours of construction to protect the living conditions of surrounding occupiers during construction. I have included a condition requiring a landscaping scheme to ensure that the proposal sits comfortably within the character of the area and makes a positive contribution to biodiversity. A condition securing protection for trees on the northern boundary is necessary to secure the longevity of those trees which actively contribute to the character of the area. It is necessary to condition the parking provision and access to ensure the proposal does not have an adverse impact on highway safety. A condition relating to surface water drainage is necessary to ensure that the proposal does not result in flooding elsewhere. I have included a condition relating to the provision of refuse bins to ensure that these are provided in a way that does not harm the character of the area. I have specified that detail of finished floor levels should be provided to protect the living conditions of neighbouring properties.
16. A condition specifying submission of materials is not necessary as these are specified in the plans, and within the application form. Permitted development rights should only be restricted in exceptional circumstances. Whilst I consider that restricting windows on the side elevations would be reasonable and necessary to preserve the privacy of neighbouring occupiers, I do not consider that the restriction of any additional built form would be necessary. The area is residential, the plot is modest as are others in the surrounding area, and it has not been put to me that there is a specific justification to restrict these rights. As such suggested condition 4 does not meet the test of necessity. I have not included a condition requiring a Construction Method Statement as one was submitted as part of the application. I have not included condition 9 as elements relating to boundary landscaping can be dealt with via a landscaping condition, which I have amended to adequately reflect this. Having regard to the size of the development I do not consider that a condition requiring bicycle storage is necessary in respect of the relevant tests.
17. For the reasons above I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 575/01; 575/01C; 575/02; 575/02A.
- 3) No work other than site survey and investigation shall be carried out until details of the proposed finished floor level of the dwelling in relation to existing ground levels, and details of any proposed earthworks including the excavation, levelling or mounding of land either across the site or adjacent to the site boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and constructed in accordance with the details approved under this condition.
- 4) No work other than site survey and investigation shall be carried out until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority and the dwelling shall not be occupied until all surface water drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.
- 5) No work other than site survey and investigation shall be carried out until;
 - (i) details of the species of shrubs and plants to be planted along the southern and western boundaries as shown on Plan 575/01C shall be submitted to and approved in writing by the Council. The shrubs and plants to be planted along the southern and western boundaries shall thereafter be planted in accordance with the approved details.
 - (ii) All planting seeding or turfing composed in the landscaping scheme shall be carried out in the first planting and seeding seasons following occupation of the dwelling or completion of the development whichever is sooner and any plants which within a period of 5 years die are removed or become seriously diseased shall be replaced in the next planting season with others of similar size and species;
 - (iii) The details of the hard landscaping shown on Plan 575/01C shall be completed prior to occupation of the dwelling.
- 6) The trees shown on plan 575/02A shall be protected by strong fencing to be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 7) No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 hours on

Saturday. No development shall take place on Sundays or on Bank or Public Holidays.

- 8) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the north or south side walls of the dwelling.
- 9) The dwelling shall not be occupied until the parking provision including EV charging point shown on the submitted plan has been provided and the areas of land so provided shall not thereafter be used for any purpose other than parking incidental to the use of the proposed dwelling.
- 10) No part of the development shall be first occupied until vehicular access serving the development has been provided in accordance with the approved site plan and such access shall be retained in perpetuity.
- 11) The dwelling hereby approved shall not be occupied unless and until domestic waste/recycling storage facilities to serve the development have been provided in accordance with the approved plans. Such facilities as provided shall thereafter be retained for their designated purpose.

END OF SCHEDULE