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## Appeal Decision

Site visit made on 26 November 2020

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021.

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### Appeal Ref: APP/M3835/W/20/3255921

#### Rear of 1 and 2 Elm Cottages, Pond Lane, Durrington, Worthing, BN13 2RH

- 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 & Mrs Jay against the decision of Worthing Borough Council.
  - The application Ref AWDM/1801/19, dated the 18 November 2019, was refused by notice dated the 30 January 2020.
  - The development proposed is demolition of garage and construction of bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are: (a) the effect of the proposed development on the character and appearance of the area; and (b) the effect of the proposed development on the living conditions of neighbouring occupiers.

### Reasons

#### *Character and appearance*

3. The appeal site is located at the rear of 1 and 2 Elm Cottages. The latter form part of a traditional row of terraced cottages that are accessed down a narrow tree lined lane. The site comprises part of the rear garden to 1 Elm Cottages which extends behind the rear garden of 2 Elm Cottages.
4. The surrounding area comprises a mixture of two storey houses, which vary in terms of their design, age and size. To the rear of the appeal site, on Elm Mews, are more modern properties, with further modern properties to be found on Taw Close, which backs onto the Mews.
5. Whilst the appeal site includes a flat roofed double garage, which would be demolished to accommodate the proposed bungalow, it is low key and not that visible from surrounding viewpoints. Similarly, the outbuildings within the rear gardens of the remaining Elm Cottages and in the rear gardens of the Taw Close properties are also low key. Combined with the appeal site, they contribute to the general sense of openness in this location, as well as providing relief to what is otherwise a quite intensely developed area of two storey houses.
6. The built character of Pond Lane and Elm Mews comprises of houses with gardens or hardstanding areas to the front and reasonably sized rear gardens. The properties in Taw Close are similarly set back from Elm Mews.

7. Within this context, the proposed bungalow would be sited close to the edge of Elm Mews, fronting directly onto the lane. Whilst it would be single storey, with its eaves extending to some 2.4 metres in height and its gable ended ridge extending to some 5.1 metres (these figures were included in the Council's Delegated Report and have not been challenged by the Appellant) the building would be highly visible within the streetscene. The appeal proposal would introduce, therefore, a significant mass of building close to the edge of Elm Mews, the scale of which would be accentuated by the narrowness of the lane itself. As a consequence, the proposal would be out of keeping with the prevailing pattern of built development and would harm the sense of openness that exists in this location.
8. The proposed plot is physically constrained, in terms of its overall size and relationship to adjoining properties, including the host property. As a result, the proposed bungalow has been shoehorned into the southern part of the site. The close proximity of the proposed building to the southern, eastern and western boundaries of the appeal site would also result in a cramped layout and a contrived form of development that would be out of character with its surrounds.
9. The design of the proposed bungalow is also, in my view, poor. There is nothing innovative or contemporary to the proposed design. Similarly, the submitted plans do not include any detail of proposed boundary screening or landscaping. These factors further support my findings that the proposal would fail to positively contribute to the character and appearance of the area.
10. Whilst the proposed bungalow would have a lesser height and bulk, with more back-to-back separation with Elm Cottages, compared with the proposal subject to the dismissed appeal in May 2019 (ref. APP/M3835/W/18/3218854), I consider that the proposed development, for the reasons given above, would not sit comfortably within this small plot and would look out of place in the streetscene. I therefore consider that the proposed bungalow has not overcome the concerns raised in this respect that led to the dismissal of the previous appeal.
11. All the surrounding properties are set within reasonably spacious plots. The properties on Elm Mews are set back from the lane. In comparison to this, the proposed bungalow would appear incongruous in the streetscene due to its gable ended front elevation sited tight to the edge of the lane, where it would fail to integrate with the streetscene.
12. The Council, in support of its refusal, has referred to paragraphs 3.1 and 3.3 of the Guide to Residential Development Supplementary Planning Document (SPD). These paragraphs emphasise the importance of new development being designed to respond positively to their surroundings, and that a key element of good design is an appreciation of the context and the need to have regard to local setting, existing buildings and local features. The SPD's advice is consistent with paragraph 127 and 130 of the National Planning Policy Framework (February 2019) (Framework), which states that developments of poor design or developments that fail to add to the overall quality of the area and are unsympathetic to local character, should be resisted. As I have found, the appeal proposal would result in a cramped development that would be harmful to the character and appearance of the area.

13. For the reasons given above, I conclude that the appeal proposal would be visually harmful to the streetscene and would cause unacceptable harm to the character and appearance of the area contrary to saved Policy 18 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy, the Guide to Residential Development SPD and paragraphs 127 and 130 of the Framework.

*Living conditions - neighbours*

14. Whilst the proposed bungalow would only be single storey, the high and extensive ridge to the building would be very visible to the occupiers of the host property, 2 and 3 Elm Cottages and 2 Elm Mews. Whereas views from those properties currently comprise the existing low profile flat roofed garage and boundary fencing, this would be replaced, in the appeal proposal, with views of a large expanse of roof.
15. Given this and the short distances that separate the proposed building from the gardens to 1 - 3 Elm Cottages and 2 Elm Mews, the proposal would, in my judgement, appear overbearing and would result in harm to the outlook from those properties and their gardens.
16. The rear garden to 2 Elm Cottages is already enclosed by a high timber fence that would preclude any issues of overlooking from the proposed ground floor living room and bedroom. Whilst no similar fencing is shown on the boundary with the retained rear garden for 1 Elm Cottages, appropriate screening could be secured by condition if the appeal proposal were otherwise acceptable. This would again preclude any issues of overlooking with the host property.
17. The Council have raised concerns in relation to the impact on the living conditions of properties in Taw Close. However, I am not convinced, given the separation involved, existing fencing, the single storey nature of the proposed building and its orientation, that any significant harm would arise in this respect.
18. Whilst I appreciate that the appellant has sought to limit the impact of the proposed development on the living conditions of neighbouring properties in response to the Inspectors findings in the May 2019 appeal, I consider that the appeal development, for the reasons given above, would result in a loss of outlook and would appear overbearing to neighbouring occupiers. I, therefore, consider that the current proposal has not overcome the concerns that the previous Inspector raised in this respect in dismissing the previous appeal.
19. Accordingly, I find that the proposed bungalow would appear overbearing and would represent an unneighbourly form of development that would result in harm to the living conditions of the occupiers of the host property and neighbouring properties contrary to saved Policy H18 of the Worthing Local Plan, Policy 16 of the Worthing Core Strategy and paragraph 127 f) of the Framework. These seek to ensure that new development does not cause unacceptable harm to the living conditions of existing and future occupiers.
20. Whilst the Council also refers to the Guide to Residential Development SPD, in their second reason for refusal, my attention has not been drawn to any specific guidance in this SPD concerning the impact on neighbours living conditions. I have, therefore, not been able to identify any conflict with this SPD insofar as this issue is concerned.

## **Other Matters**

21. Concerns have been raised over the lack of on-site parking for the new bungalow, overspill parking on the lane and additional noise and disturbance. There is no detailed evidence before me to suggest that any of these concerns would result in material harm. I am satisfied, therefore, that none of these issues would give rise to any significant harm.

## **Planning balance and conclusions**

22. The Council acknowledge that they are unable to identify a 5-year supply of housing land and that the relevant housing policies of the development plan are out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
23. The appeal proposal would boost housing supply in a sustainable location and make more effective use of the appeal site. However, the proposal is only for one new dwelling and therefore its contribution to future housing provision would be very small.
24. The adverse impact of the appeal proposal on the character and appearance of the area and on neighbouring occupiers living conditions, would, on the other hand, be significant. In my view, the harm I have identified would significantly and demonstrably outweigh the limited benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
25. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR