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## Appeal Decision

Site visit made on 22 January 2021

**by A Thompson BSc BTP MRTPI MRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 February 2021.**

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### **Appeal Ref: W/4001637**

### **54 Henty Road, Gaisford, Worthing, BN14 7HF**

- 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 Glen Peters (Start to Finish Limited) against the decision of Worthing Borough Council.
  - The application Ref AWDM/0956/20, dated 24 June 2020, was refused by notice dated 18 August 2020.
  - The development proposed is erection of a detached single storey two bedroom bungalow.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a detached single storey two bedroom bungalow at No. 54 Henty Road, Gaisford, Worthing, BN14 7HF in accordance with the terms of the application, Ref AWDM/0956/20, dated 24 June 2020, subject to the conditions set out in Annex A.

### **Main Issue**

2. The main issue is the effect of the proposed development on the character and appearance of the area, in particular Henty Close.

### **Reasons**

#### *Character and Appearance*

3. The appeal site is located at the western end of Henty Road, a residential street comprising a mix of two storey houses and bungalows. Immediately to the west of the appeal site is Henty Close a short cul-de-sac of bungalows of similar design to the properties fronting Henty Road at this point.
4. It appears from the submitted location plan that the bungalows fronting Henty Close form the northern two thirds of an oval shaped development of bungalows, that straddles Henty Road. The southern third of the oval is formed by two pairs of bungalows that front a shallow semi-circular parking area on the south side of Henty Road. The proposed development in what is currently land to the side of No.54 would extend forward of the building line of the oval of the bungalows, as originally laid out, and into the predominantly open area within the oval.

5. When viewed on plan, it is evident that the proposed development would be built forward of the building line on the east side of the oval and would reduce the openness of the land around which the bungalows are located.
6. But the oval form of bungalows is far less clearly evident when viewed at street level. Whether the group of bungalows was originally conceived as an open plan estate or not, the character and appearance of the group of bungalows at the western end of Henty Road and Henty Close reads quite differently now.
7. Although the appeal site is open, it does not frame the group of bungalows fronting Henty Close or provide a spacious or distinctive entrance to Henty Close. The appellant suggests the appeal site had been left unkempt in the past and advises that no objections have been raised to the development of this land by local residents or local ward councillors. The gable roof end of No.54 relates poorly to the roofscape of the bungalows behind, and more significantly the properties fronting Henty Close are set back some distance from the Henty Road frontage and form a discrete cluster of buildings, that appear private and enclosed, fronting the end of the cul de sac. Furthermore, a close boarded 1.8 metre high boundary fence on the western and northern boundaries of the appeal site largely shields the low profile bungalows fronting Henty Close beyond.
8. In addition, the bungalow immediately to the west of Henty Close (No.76), that also fronts Henty Road has been extended substantially to the side towards Henty Close. This extension projects well beyond the frontage of the bungalows to the north that front the western side of Henty Close. A single flat roof garage has also been erected in the side garden. These built structures and mature boundary landscaping along the eastern boundary of No.76 mean that the properties on the western side of Henty Close cannot be readily viewed from Henty Road.
9. In contrast to the limited relationship of the site to the properties in Henty Close, the appeal site directly fronts Henty Road and is clearly visible from it. As the Council acknowledge the architectural design and external materials of the proposed development largely follows that of the existing dwelling (No.54). The hipped roof at the western end of the proposed development, not only creates a more balanced row of three bungalows to the east, but better matches the hipped roof on the eastern end of No.76 – the bungalow on the western side of Henty Close, than the gable end of No.54. In short, the proposed development would integrate well with the street scene along this part of Henty Road.
10. In terms of the impact of the development on the setting of Henty Close, the provision of a near 4 metre wide side garden, which extends the full depth of the site adjacent to Henty Close and a requirement that any fencing or other means of enclosure of this side garden cannot exceed 1.2 metres in height would provide an open and attractive setting for Henty Close. It would be a marked improvement over the 1.8metre high close boarded fence directly adjacent to the boundary of the site with Henty Close currently in place and I have imposed planning conditions to require these improvements are delivered and maintained.
11. To the extent that the proposed development would be visible from the bungalows at the end of Henty Close, its impact on the outlook would be limited due to the development's low overall height, hipped roof and its

distance from those buildings. Furthermore, with a landscaped garden area and low form of enclosure along the full length of the appeal site adjacent to the road, the character and appearance of this part of Henty Close would be improved.

12. Drawing these findings together, I find that the proposed development would lead to some reduction in the openness of the area and result in new development beyond the building line of the original layout of this part of Henty Road/Henty Close. These factors weigh against the proposal, although for the reasons set out above the extent of harm resulting from these changes would be limited and it would not result in a cramped form of development.
13. On the other hand, the proposed development would enhance the street scene on Henty Road, through the redevelopment of an underused area of land to provide a building that displays a good quality of architectural composition and detailing. The development would also materially improve the setting of Henty Close and the link between the properties in the Close and Henty Road by ensuring the provision of a 3.9m deep landscaped garden area, with low means of enclosure, along the full length of the western boundary of the appeal site. In my view these advantages outweigh the harm I have identified.
14. I conclude on this main issue that the proposal would, on balance, enhance the character and appearance of the area, in particular Henty Close. As a consequence, the proposed development would accord with Policy 16 of the Worthing Core Strategy 2011 (local plan), the Guide to Residential Development Supplementary Planning Document 2013 (Design SPD) and the National Planning Policy Framework. All three documents seek, amongst other things, to encourage good quality architectural and landscape design that takes into account the local characteristics of the area and responds positively to them.

### **Conclusion**

15. For the reasons set out above and having considered all other matters raised, I conclude the appeal should be allowed.

### **Conditions**

16. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have imposed conditions securing the laying out and retention of a side garden and restricting the height of any means of enclosure of that side garden (along specified boundaries) to secure an enhancement of the setting of Henty Close. I have imposed a condition requiring the submission and approval of details of materials and finishes to safeguard visual amenity. I have imposed conditions which remove permitted development rights for the extension or alteration of the building to be erected, the provision of incidental buildings beyond a prescribed limit or the provision of new windows or openings within that building to ensure the amenity of the occupiers of the proposed dwelling and occupants of neighbouring properties is protected. I have imposed a condition in relation to surface water drainage works to prevent the pollution of controlled waters and ensure the proposed development is adequately drained. I have imposed conditions requiring the submission of details for all hard and soft landscaping works, permeable parking area and all boundary treatment to ensure the protection of visual amenity and the environment. I have imposed

conditions requiring the provision of covered and secure cycle and electric vehicle charging spaces to provide alternative and more sustainable travel options. I have imposed conditions to require the provision of a vehicular access and car parking spaces in the interests of road safety and provision of car parking space. Finally, I have imposed a condition restricting the hours/days of construction activity to safeguard the amenity of occupiers of adjoining properties.

*Anthony Thompson*

INSPECTOR

### **ANNEX A – 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: Proposed site layout plan, proposed roof plan, proposed street scene elevation, block plan & location plan - Plan Ref: 1192020/01 & Proposed ground floor plan, elevations and proposed cross sections A-A & B-B – Plan Ref: 1192020/02.
- 3) None of the building operations hereby permitted shall be carried out on that part of the application site notated as garden area to the side of the proposed development on Plan Ref: 1192020/01 and that land shall not thereafter be used for any purpose other than as garden land. For the avoidance of doubt this side garden area is identified on the plan as having a width of 3.9metres and extends the full depth of the plot.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, that exceed a height of 1.2 metres above ground level, shall be erected on the curtilage of the side garden area identified in Condition 3, that is adjacent to Henty Road, Henty Close or No 56. Henty Close.
- 5) No development shall be carried out unless and until a schedule and samples of materials and finishes to be used for the external walls (including windows and doors) and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.
- 6) 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), the proposed dwelling shall not be extended or altered externally or any incidental building over 5 cubic metres in volume erected within its curtilage.
- 7) 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 dwelling.

- 8) No development shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. These drainage works, which shall include on site infiltration testing to be undertaken to confirm the viability of the proposals, shall be completed in accordance with the details and timetable approved by the Local Planning Authority.
- 9) No development shall take place until full details of all hard and soft landscaping works (including the proposed times of planting) and a permeable parking area have been submitted to and approved in writing by the Local Planning Authority and all landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 10) Prior to commencement of any above ground construction details of all boundary treatment shall have been submitted to and approved in writing by the local planning authority. The boundary treatment shall be provided in accordance with the approved details prior to occupation of the building.
- 11) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan ref: 1192020/01.
- 12) The use of the access shall not commence until such time as the vehicular access serving the development has been constructed in accordance with the details shown on approved plan ref 1192020/01.
- 13) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved plan ref: 1192020/01. These spaces shall thereafter be retained at all times for their designated purpose.
- 14) No part of the development shall be first occupied until the electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
- 15) 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 hrs on Saturday. No works shall take place on Sundays or on Bank or Public Holidays.