



## Appeal Decision

Site visit made on 9 October 2023

**by J Pearce MSc MRTPI**

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

**Decision date: 13<sup>th</sup> November 2023**

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**Appeal Ref: APP/M3835/W/23/3321394**

**The Drive, Mill Lane, Worthing, West Sussex BN13 3DF**

- 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 Ryan Flippance of Harlington Homes against the decision of Worthing Borough Council.
  - The application Ref AWD/0448/22, dated 11 March 2022, was refused by notice dated 23 March 2023.
  - The development proposed is the erection of 4no. 3-bedroom semi-detached houses on Plots 1 and 2.
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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.
3. The description of development within the application form stated that the proposal was for 4 No 4-bedroom semi-detached houses. However, the plans show that the houses would comprises 3-bedroom dwellings and there was agreement between the parties in respect of the change of description. I have therefore used that revised description.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the surrounding area; and
  - the effect on the living conditions of neighbouring properties with regard to outlook, daylight/sunlight, privacy and noise and disturbance.

### Reasons

#### *Character and appearance*

5. The appeal site is part of a small development of detached two-storey dwellings, some of which are under construction. The dwellings have a traditional character and appropriate material finishes. The site, accessed via a narrow track from Mill Lane, has a secluded feel being located to the rear of

dwellings fronting Mill Lane, High View and Hayling Gardens. Development abutting the site at Mill Lane and High View typically consists of detached bungalows and chalet-style dwellings and has a spacious feel allowing views through properties towards the site.

6. The proposed buildings would broadly occupy the footprints of two detached dwellings approved under an earlier planning permission<sup>1</sup>. The proposed dwellings would be significantly larger, as a result of their greater depth, but particularly above first floor level where accommodation would be provided within the roofspace. The substantial mass of the buildings would be discordant with the smaller, well-proportioned size of the surrounding development, eroding the harmonious character of the small group of dwellings.
7. The buildings, with their significant height and bulk above first floor level, would dominate the surrounding development at Mill Lane and High View. The development would appear particularly prominent above the bungalows fronting Mill Lane, and would be disproportionate and detrimental to the character of the area. Whilst a scheme of landscaping may soften the effect of the proposal, this would not mitigate the harm resulting from the scale and bulk of the development.
8. I conclude that the proposal would harm the character and appearance of the area. On this basis, 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 proposed dwellings would be positioned to the rear of No 1 High View (No 1) and No 2 High View (No2) and opposite Raddison House and Plot 4. The dwellings would be closer to the boundary than the approved scheme. The scheme would include first floor windows and rooflights in the rear elevation, facing towards No 1 and No 2. The first-floor windows would serve bedrooms, whilst the rooflights would serve en-suite bathrooms and dressing areas.
10. The first-floor windows would allow for overlooking towards the properties to the rear, in particular No 1. Although mutual overlooking between properties is more prevalent in urban areas such as this, the proximity of the proposed dwellings would result in a significant loss of privacy, which would unacceptably impact upon its enjoyment by occupants of No 1. Whilst the windows and balconies on the front elevation would face towards Raddison House and Plot 4, the separation distance and the intervening public realm would mean that there would not be an increase in the amount of overlooking towards the windows on the front elevations of these properties.
11. Although the buildings would have a significant height, the supplemental planting on the rear boundary of the development alongside the drop in land levels would limit the visual effect on the occupants of No 1 and No 2. However, Raddison House and Plot 4 sit at a lower level than the proposed buildings, and the excessive height would therefore make the development appear overly dominant and would harm the outlook from these properties.

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<sup>1</sup> AWDM/0615/13

Furthermore, the dwellings would appear overbearing to the occupants of Plot 3B by virtue of its proximity to the dwellings and the scale and bulk.

12. The orientation, separation distance and difference in land levels would ensure that there would be no loss of daylight or sunlight to No 1 and No 2. In addition, the orientation of the dwellings relative to Raddison House, Plot 3B and Plot 4 would preserve the amount of daylight and sunlight for these properties.
13. I acknowledge that the increase in the number of dwellings at the site would generate more comings and goings. However, any effect would be limited due to the small scale of the development. In addition, the site is within a residential area and the addition of two properties would not demonstrably increase in noise and disturbance.
14. I conclude that whilst the proposed development would cause harm in respect of privacy and outlook. 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.

### **Planning Balance**

15. 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.
16. 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 concedes that the delivery of housing stands at 35% of the housing requirement.
17. Paragraph 11 d) of the Framework explains that in these circumstances, 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.
18. 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 dwellings are occupied. However, the contribution of two additional dwellings 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.
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