



Appeal Decision

Site visit made on 27 November 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 5th December 2023

Appeal Ref: APP/M3835/W/23/3317409

1-3 South Street, Tarring, Worthing, West Sussex BN14 7LG

- 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 Ross Kingston against the decision of Worthing Borough Council.
 - The application Ref AWDM/1753/22, dated 25 October 2022, was refused by notice dated 31 January 2023.
 - The development proposed is a car free development consisting of 2no. 2 storey 1 bedroom 2-person new low carbon dwellings.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the future occupiers, regarding outlook and access.

Reasons

Character and appearance

3. The appeal site is situated on the roughly west side of South Street just north of the level crossing. The site includes the existing mostly 2 storey building at 1 - 3 South Street, a pedestrian alley between the existing building and the development at 5 South Street, and land at the back of the building, which tapers towards its far end. The alley gives access to one of the business premises and the flats in the existing building. The north platform of the adjoining West Worthing railway station, with its tall lights, security fence, shelters, and related passenger comings and goings, lies roughly south. The nearby platform, which can be reached from South Street, is a little above the level of the site. A vegetated strip of land lies roughly west, and the back gardens of the terraced dwellings at 1 to 7 (odd numbers) St Dunstan's Road and the mixed use development at 5 South Street lie to roughly north.
4. The nearby development is mainly characterised by dwellings sited close to the streets with long narrow back gardens and mixed development by or near the frontages of similar plots in South Street. The land at the back of the existing building includes a hedge by part of the boundary with the railway, shrubs, a patio, lawn, and a couple of sheds, and whilst its far end is rather overgrown, it has the character and appearance of a back garden. In association with the adjoining back gardens, and the land to roughly west, the land contributes

positively to the green corridor along the north side of the railway lines, which is important to biodiversity, and to the sense of place.

5. The proposal includes a shared garden for the occupiers of the flats in the existing building, and the 2 dwellings, which would face one another and their modest L-plan private gardens, beyond it. The dwellings would be reached solely by a footpath by the north boundary from the alley.
6. However, the dwellings would take up much of the width of the site, and they would be enclosed by tall boundary treatments, including a 3 m high acoustic screen by the railway. The scale and bulk of the 2 storey gable roofed dwellings would contrast starkly with the low-key outbuildings by the ends of the nearby back gardens. Because the dwellings would be squeezed in between the sides and backs of the adjoining back gardens and the railway infrastructure in the far end of the site, they would be poorly related to the nearby streets. So, the proposal would be at odds with the local development pattern, and it would be incongruous in views from the level crossing, nearby parts of Tarring Road, and the station platforms. Moreover, due to the proposal's built up character and appearance, it would unacceptably erode the openness and greenery by the railway lines, which are important to the sense of place.
7. The well-spaced dwellings at 310 to 318 (even numbers) Tarring Road are sited well away from the station and its platforms, and as their fronts face the road over their gardens and drives, they harmonise with the street scene there. So, this nearby development provides little support for this damaging scheme.
8. Therefore, I consider that the proposed development would harm the character and appearance of the surrounding area. It would be contrary to Policy DM2 of the Worthing Borough Council Local Plan 2020-2036 (LP) which aims to achieve the optimum density of development having regard to the site context and the character of the surrounding area, LP Policy DM5 which seeks high quality design and respect for context, guidance in the Worthing Borough Council Guide to Residential Development Supplementary Planning Document (SPD), and the National Planning Policy Framework (Framework) which seeks to achieve well-designed places, and sympathy for local character.

Living conditions

9. Due to their tight knit siting on modest plots, the tall fencing between the dwellings, the tall fences and walls in the adjoining back gardens, and the tall acoustic fence by the railway, the outlook from the dwellings' main ground floor living spaces would be harmfully oppressive.
10. The appellant's environmental noise impact assessment explains that with measures including whole house mechanical ventilation with heat recovery systems, closed triple glazed windows without trickle vents, and a 3 m tall acoustic screen by the boundary with the railway, the future occupiers' living conditions would be acceptable in their homes and gardens during the day and at night. It also appears that, as the dwellings would have enclosed protected external spaces, opened ground floor living room windows and patio doors would still achieve good to reasonable internal noise levels during the day. Even so, the occupiers, who could include shift workers, would need to keep their windows and any rooflights shut at any time when using the bedrooms. Whilst future occupiers finding these constraints unacceptable could choose not to occupy the dwellings, they weigh against the inclusivity of the scheme.

11. Due to its distance from the access in the busy and sometimes congested South Street, the proposal would include a dry riser and sprinkler systems in the dwellings in case of fire. However, even if the fire resistance of the existing building's openings onto the alley were to be acceptable, the pinch point in the narrow alley would be less than the minimum width sought by the Building Regulations. So, the only access to the dwellings would be substandard. As there would be no other means of escape from dwellings 1 and 2 and their gardens if an incident were to occur in the alley, the future occupiers could fear being trapped in their homes. Moreover, as the front doors of their homes would be barely visible from, and poorly related to, South Street and St Dunstan's Road, their occupiers would be likely to feel isolated from their neighbours to the detriment of community cohesion and their well-being.
12. Because the path to the dwellings would cross the shared back garden, the comings and goings of the future occupiers and their visitors would erode the privacy of the occupiers of the flats in their outdoor space. Tall boundary treatment between that back garden and the path's south side could protect the existing occupiers' privacy, but due to its relationships with the alley, dwelling 1 and its fence, and the existing boundary treatments in the adjoining development by the path's north side, the oppressive sense of enclosure in the only route to and from the dwellings would be unacceptably unwelcoming.
13. Thus, I consider that the proposal would harm the living conditions of the future occupiers, regarding outlook and access. It would be contrary to Policy SP3 which aims to achieve healthy, inclusive and safe places, LP Policy DM1 which seeks flexible, socially inclusive and adaptable housing, LP Policy DM5 which also seeks safe conditions for access and egress, and the Framework which aims to achieve places that are safe, inclusive and accessible and which promote well-being, with a high standard of amenity for future users.

Other matters

14. The imposition of conditions to control matters including external materials, noise attenuation measures and for a construction management plan would not overcome the harm identified in the main issues.
15. The most recent Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years, so Framework paragraph 11 d) is relevant. The proposal aims to make effective use of the site within an accessible area, and its other benefits would include 2 welcome new homes and jobs during construction. However, as the harm identified in my main issues would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

16. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR



Appeal Decision

Site visit made on 16 October 2023

by **J Reid BA(Hons) BArch(Hons) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/M3835/W/23/3322164

2 Furze Close, Salvington, Worthing, West Sussex BN13 3BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon Mashford against the decision of Worthing Borough Council.
 - The application Ref AWDM/0033/23, dated 10 January 2023, was refused by notice dated 12 April 2023.
 - The development proposed is "Rear garden 2 bedroom bungalow development."
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application for outline planning permission was submitted with all matters for consideration at this stage, that is, access, appearance, landscaping, layout and scale.

Main issues

3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area, and
 - the living conditions of the occupiers of 1 and 2 Furze Close and 42 and 44 Furze Road, regarding privacy, outlook, and noise and disturbance.

Reasons

Character and appearance

4. The appeal site includes the far end of the back garden of the existing chalet style dwelling at 2 Furze Close, and a strip of land by the boundary with 4 Furze Close to provide access from the roughly west side of the road. The existing dwelling and the rest of the plot would be under the control of the appellant. The existing dwelling would share the access, and its parking space would be included within its front garden. The site adjoins the gardens of the dwellings at 4 Furze Close to roughly north, 42 and 44 Furze Road to roughly south, and the existing dwelling and its proposed grounds to roughly east and south. The far end of the site adjoins the well-used Honeysuckle Lane/The Sanctuary field (open space), which is within the South Downs National Park. The local landform slopes down from roughly north east to roughly south west.
5. The local area is mainly characterised by detached dwellings in a range of sizes and styles sited in spacious plots of varying sizes in an informal frontage

development pattern, where most dwellings face the roads over their front gardens and/or drives. The openness and mature planting in most plots and the partly verge edged roads mitigate the transition between the built-up area and the mostly open countryside within the National Park, which has the highest status of protection in relation to landscape and scenic beauty. The openness and greenery within the area, the good levels of privacy and tranquillity in most back gardens, and its setting by the countryside contribute positively to the local suburban character, and to the sense of place.

6. The appeal site is subject to The Borough Council of Worthing Tree Protection Order No. 98 of 2001 Grassed verge, west side of the junction of Kinfauns Drive and Furze Road Nos. 1, 2, 3, 4, 5 and 8 Kinfauns Drive, Nos. 26, 28, 34, 38, 40 and 42 Furze Road and Nos. 1, 2, 4, 6, 9, 12 and 14 Furze Close, High Salvington Worthing (TPO), which took effect provisionally on 5 December 2001. The TPO includes individual tree T22 (Sweet Gum) in the east part of the site, and Group of 4 trees G8 (one Silver Birch, one Deodar, one Walnut, one English Oak) near the west end of its north boundary and partly within the adjoining garden at 4 Furze Close. Whilst there are some stumps, little remains above ground of individual tree T22 and the Group G8 trees within the existing gardens of the dwelling at 2 Furze Close, which includes the site. However, it would appear that the G8 Walnut, which has the characteristic lop-sided canopy associated with a tree that has been part of a group for most of its life, has endured in the garden next door. The G8 Walnut and other local trees subject to the TPO are important to the character and appearance of the area.
7. The proposal includes a low pitched hipped roofed 2 bedroom bungalow in the west part of the site, which would be sited at an angle to the boundaries, so its back would face roughly south west across the open space and towards the coast. The access route would lead to the turning area and flat roofed single garage, which would be sited between the appeal dwelling and the existing dwelling's proposed back garden. The appeal dwelling would be partly cut into the ground, so it would include a lower patio and a raised terrace at the back, and steps down into its irregular shaped back garden.
8. Although the main part of the site lacks the leafiness in many nearby gardens, it has some potential biodiversity value, and its open character and verdant appearance have some scenic value within the setting of the National Park. However, due to its scale and siting, the proposed dwelling would be unacceptably squeezed in, and it would be uncomfortably close to the open space. The footprint of the dwelling and its garage, and the extensive areas of hard surfaces, including the turning area, access route, terrace and patio, would leave little room for planting and almost no space for appropriate trees to grow in its shallow tapering back and side gardens. So, the built-up character of the proposal would be unacceptably damaging to its surroundings. Moreover, because the dwelling would be sited towards the back of its site, it would be poorly related to the road, and so, the proposal would be harmfully at odds with the local development pattern.
9. Whilst the scrub-like vegetation in the open space by the back of the site would have a partial screening effect in nearby views, the incongruous form of the dwelling and its terrace rising out of the sloping landform would be harmfully intrusive in the longer largely uninterrupted roughly north eastward public views across the open space. So, the proposal within its setting would fail to conserve and enhance the landscape and scenic beauty of the National Park.

10. The dwellings at 42 and 44 Furze Road have frontages to Furze Road, so they are not tandem development, and the present dwelling at 7 Furze Close replaced a previously existing dwelling. So, these nearby dwellings provide little support for this harmful proposal.
11. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to Policy DM5 of the Worthing Borough Council Local Plan 2020-2036 (LP) which seeks high quality design and respect for context, LP Policy DM18 which aims to protect, conserve, and enhance biodiversity, LP Policy DM19 which aims to protect, conserve, enhance and deliver green infrastructure, and guidance in the Worthing Borough Council Guide to Residential Development Supplementary Planning Document (SPD). It would also be contrary to the National Planning Policy Framework (Framework) which aims to achieve well-designed places, and sympathy for local character, to protect and enhance biodiversity, and to take opportunities to incorporate trees.

Living conditions

12. I have had regard to the siting of the proposal and its grounds, and the nearby dwellings and their private gardens at 1 and 2 Furze Close and at 42 and 44 Furze Road, the lie of the land, the distances and relationships between them, and the orientation. Subject to the imposition of conditions to control boundary treatment and the finished ground floor level of the proposed dwelling, the proposal would not cause a harmful loss of privacy, and it would not be so overbearing or so oppressive that it would harm the outlook from the nearby dwellings and their private gardens. The activity associated with the proposal would include the comings and goings of the occupiers' and their visitors' vehicles, and it would be likely to be more noticeable than the existing activity in the back garden. However, as the site is within a mainly residential area, the proposal would not be likely to cause noise and disturbance that would harm the nearby occupiers' living conditions. The increased activity and other effects including the perception of being overlooked would be out of keeping with the local character, but these effects have been considered in my first main issue.
13. Thus, I consider that, subject to the imposition of conditions to control boundary treatment and the finished ground floor level of the proposed dwelling if the proposal were to be otherwise acceptable, the proposal would not harm the living conditions of the occupiers of 1 and 2 Furze Close and 42 and 44 Furze Road, regarding privacy, outlook, and noise and disturbance. It would satisfy LP Policy DM5 which aims for development to not have an unacceptable impact on the occupiers of adjacent properties, guidance in the SPD, and the Framework which seeks a high standard of amenity for existing and future users. So, this issue attracts neutral weight in the planning balance.

Other matters

14. As the proposal could be occupied by a small family from another area, a local family dwelling might not become available. The appellant's concerns about the Council's handling of the application are not relevant to my findings.
15. 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, so Framework paragraph 11 d) is relevant. The proposal aims to make better use of the site, which is within a

reasonably accessible area, and its other benefits would include a new home. Even so, as the harm identified in my first main issue would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, planning permission should not be granted.

Conclusion

16. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.

17. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR



Appeal Decision

Site visit made on 15 January 2023

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/M3835/W/23/3328000

51 Princess Avenue, Tarring, Worthing, West Sussex BN13 1AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Corbett against the decision of Worthing Borough Council.
 - The application Ref AWD/0218/23, dated 11 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is demolition of existing dwelling and erection of a terrace of 3 dwellings with cycle store and bin storage. Provision of off street parking for 3 cars.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application for outline planning permission was made with access for consideration at this time. Layout, scale, appearance and landscaping matters are reserved for future consideration. So, Policy DM1 of the Worthing Borough Council Local Plan 2020-2036 (LP) which seeks the most appropriate housing mix is not one of the most relevant policies. The indicative details of reserved matters shown on the plans are to be treated as being for illustrative purposes only.

Main issue

3. The main issue is the effect that the proposed development would have on the character of the surrounding area.

Reasons

4. The appeal site includes the existing bungalow, its garden, and the drive from the north west side of Princess Avenue that also leads to a garage court between the far ends of the back gardens of dwellings in Princess Avenue and Upton Road, which run roughly parallel to one another. The broad alignment of the low-key garages reflects that of most dwellings in these roads but the hipped roofed bungalow and its garden are at an angle to them. The nearest dwellings include 49 Princess Avenue to roughly south, 55 Princess Avenue to roughly east, and dwellings in Upton Road to roughly north west and west. Two holly trees (T1 and T2), which are subject to The Borough Council of Worthing Tree Preservation Order No. 12 of 2004, relating to 51 Princess Avenue, Worthing, are situated near the south east corner of the bungalow's grounds.
5. Whilst the nearby Lincett Avenue includes 3 storey flats and the taller Princess Court, the mostly residential area is mainly characterised by 2 storey pitched

roofed terraced and semidetached dwellings, which are set back from the streets by front gardens, some of which include drives. Most nearby back gardens are relatively compact and some adjoin garage courts. The front gardens and street trees in the verge lined Princess Avenue, the mostly open plan front gardens in Upton Road and Lincett Avenue, and the spaciousness over the back gardens and garages behind most dwellings, contribute positively to the local suburban character. There is a partly verdant street scene gap in the row of dwellings on the north west side of the road between 49 and 55 Princess Avenue. Due to the alignment of the drive, the boundary treatments and planting in most nearby gardens, the form and siting of trees T1 and T2, and the existing dwelling's scale, form and siting, the bungalow is partly screened in the nearby views from Princess Avenue.

6. The illustrative details submitted with the application show a terrace of three 2 storey pitched roofed dwellings facing roughly east towards the drive. The illustrative details submitted with the appeal include a terrace facing roughly south reached from a parking and turning area by the south boundary.
7. Due to their siting behind the existing dwellings, and their scale and bulk, three 2 storey or taller dwellings anywhere within the site would be harmfully at odds with the local development pattern. The dwellings would also be poorly related to the nearby streets. As a 2 storey or taller terrace would be prominent in the Princess Avenue street scene, the proposal would be incongruous. Because the dwellings and their related hard surfaces and bike and refuse stores would be unacceptably squeezed in, there would be insufficient scope to provide acceptable useable private outdoor space for the future occupiers and for front gardens to respect the local suburban character. As the nearby dwellings in Upton Road to roughly west are set back from the road and face each other over spacious verdant grounds, their modest back gardens provide little support for this damaging scheme. Also, as the same number of single storey dwellings would be likely to take up more of the tightly constrained site, they would not overcome the harm to the local character.
8. As the site is within a mainly residential area, the activity associated with 2 more dwellings, including the future occupiers' comings and goings, should be acceptable. It might also be possible to design the proposal in such a way that the living conditions of the future occupiers and the nearby occupiers would not be unacceptably harmed, regarding outlook, privacy, and daylight and sunlight, without the need for trees T1 and/or T2 to be replaced elsewhere within the site. So, the proposal could satisfy LP Policies DM18 and DM19 which aim to protect biodiversity and green infrastructure respectively. However, due to the site specific circumstances, there would be insufficient scope for such a scheme to respect or enhance the sense of place.
9. Therefore, I consider that the proposed development would harm the character of the surrounding area. It would be contrary to LP Policy DM2 which seeks efficient use of land with particular consideration given to the site context and character of the surrounding area, LP Policy DM5 which seeks high quality design and respect for context, guidance in the Worthing Borough Council Guide to Residential Development Supplementary Planning Document (SPD), and the National Planning Policy Framework (Framework) which aims to achieve well designed and beautiful places, and sympathy for local character.

Other matters

10. The most recent Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years, so Framework paragraph 11 d) is relevant. The proposal aims to make effective use of the site within a reasonably accessible area, and its other benefits would include 2 more homes. However, as the harm identified in my main issue would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, outline planning permission should not be granted.

Conclusion

11. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.

12. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR



Appeal Decision

Site visit made on 15 January 2024

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/M3835/D/23/3328503

**Meadow Bank, 111 South Street, Tarring, Worthing, West Sussex
BN14 7ND**

- 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 Andrea Creighton against the decision of Worthing Borough Council.
 - The application Ref AWDM/2009/22, dated 19 December 2022, was refused by notice dated 29 June 2023.
 - The development proposed is "First floor extension and new bi-folds to existing ground floor rear extension".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the West Tarring Conservation Area.

Reasons

3. The appeal site includes the mainly 2-storey appeal dwelling, which is situated close to the pavement on the west side of South Street. The dwelling has been identified as a building of Local Interest. The roughly L-plan site is within the Conservation Area, the south boundary of which lies within Tarring Park beyond the low wall and drive to roughly south of the dwelling.
4. Whilst the dwelling's porch and main door face the pavement, the balanced composition of its south side, which includes two 2 storey rectangular balustrade topped bays and front facing gables, makes an important positive contribution to the character and appearance of the partly flint faced and render finished dwelling. The existing flat roofed extension to roughly west of the dwelling's south range is partly screened by the tall garden wall, which is broadly in line with the dwelling's south side. So, the historic form and character of the dwelling can be appreciated through and above the vegetation near the site's boundaries in views from the park and from South Street, including the part adjoining the park.
5. The Conservation Area is mainly characterised by its medieval street pattern, its historic mainly 2 storey buildings, and their relationships with the sinuous streets within the historic core of the village. The varied architectural forms and features of the historic buildings contribute positively to the Conservation Area's appearance, and to its significance as a historic settlement. Due to its

- scale, siting, and its historic form and features, the appeal building makes a positive contribution to the character and the appearance of the Conservation Area.
6. The proposal includes a larger, potentially more thermally efficient, partly flat roofed single storey extension in place of that existing, a gable roofed upper floor extension, and alterations to the dwelling including a first floor window. The proposal would be set back a little from the dwelling's south façade, and its ridge and eaves would be lower than those of the dwelling's south range.
 7. However, due to its scale, form and siting, the proposal would damage the dwelling's compact historic plan form and the important openness in its grounds, and it would detract from the balanced composition of the dwelling's prominent south side. The wide ground floor door opening would be poorly related to the extension's smaller upper floor, so along with its partly flat roofed form, the proposal would be incongruous. Moreover, the form and proportions of the west facing first floor 'picture' window would erode the dwelling's historic character. So, the proposal would harm the character and appearance of the dwelling and its significance as a locally important historic building, and that harm would be seen in the lengthy views across the park and from the nearby parts of South Street to roughly south. For the same reasons, the dwelling's positive contribution to the character, appearance and the significance of the Conservation Area would be harmfully diminished.
 8. Tarring Manor care home was found acceptable on its merits, so it provides little support for this harmful scheme. As the proposal would be likely to endure long after the appellant's personal circumstances have ceased to be material, they would not outweigh the harm that the proposal would cause. Whilst the proposal would be partly screened by the garden wall and boundary treatments in the back garden, it would be seen by the occupiers and some of their visitors, and, in any event, the exercise of my statutory duty is not dependent on the ability of the public to access all of the Conservation Area. Conditions to control matters including tree protection and the proposal's junction with the garden wall would not make this unacceptable proposal acceptable.
 9. The proposal would be within the wider setting of the Grade II listed building at Pendules, which lies to roughly north. As the listed building's wider setting would be expected to evolve to an extent over time, and having regard to the proposal's relationships with the listed building, its setting would be preserved.
 10. However, in the terms of the National Planning Policy Framework (Framework) the proposal would cause less than substantial harm to the significance of the Conservation Area. All of the public benefits including jobs during construction would not outweigh the harm that the proposal would cause to the significance of the Conservation Area as a whole. Moreover, insufficient clear and convincing justification has been put to me to explain why the proposal would be necessary to conserve or enhance the character or appearance of the heritage asset, that is, the Conservation Area.
 11. Therefore, I consider that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area. It would be contrary to Policy DM5 of the Worthing Borough Council Local Plan 2020-2036 (LP) which seeks high quality design and respect for context, LP Policy DM24 which reflects the thrust of my statutory duty regarding conservation areas, guidance in the Worthing Borough Council Supplementary Planning Guidance

Extending or altering your home, and the Framework which aims for heritage assets to be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Conclusion

12. I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict.
13. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR



Appeal Decision

Site visit made on 16 October 2023

by **J Reid BA(Hons) BArch(Hons) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 1st November 2023

Appeal Ref: APP/M3835/W/23/3320148

Carnegie House, Littlehampton Road, Worthing, Sussex BN13 1NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Bradburn of Canaveral Ltd against the decision of Worthing Borough Council.
 - The application Ref NOTICE/0019/22, dated 12 August 2022, was refused by notice dated 19 December 2022.
 - The development is proposed single storey upward extension to form 15 apartments, not exceeding the footprint of the floor below [uppermost floor] or exceeding the floor to ceiling height of lower floor levels, proposed finish to be dark grey cladding and window fenestration to match existing.
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Decision

1. The appeal is dismissed.

Preliminary matter and main issues

2. Under GPDO Article 3(1) and Schedule 2, Part 20, Class A, planning permission is granted for up to 2 storeys of new dwellinghouses on a building which is a purpose-built detached block of flats subject to conditions, limitations and restrictions including the requirement to submit an application to the Council for prior approval. The Council is content that the proposal would satisfy all matters other than those relating to the external appearance of the building, impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light, and the highways impacts of the development. I see no reason to disagree.
3. The main issues are the effect that the proposed development would have on:
 - the character and appearance of the surrounding area,
 - the living conditions of the nearby occupiers, regarding privacy, daylight and sunlight, outlook, and noise and disturbance, and
 - highway safety in the nearby roads.

Reasons

Character and appearance

4. Carnegie House (the appeal building) includes two 3 storey flat roofed flats buildings sited well back from Littlehampton Road in mainly open landscaped grounds, with shallow side lawns, and a vehicle route between the buildings to a parking court including garages at the back. The appeal building is mainly

characterised by the rhythm in its projecting vertical brick finned balcony bays, glazed balustrades, alternate horizontal bands of cladding and glazing, partly recessed circulation spaces, and its flat roofed form. The 2 buildings differ in width, but the rhythm in their fronts and backs, and their entrances in the front of one building and the back of the other, unify their striking and harmonious composition. So, although the appeal building could benefit from some maintenance, it makes a positive contribution to the street scene in Littlehampton Road, and to the local character.

5. Opposite, the nearby mostly detached pitched roofed 2 storey dwellings, and the part flat roofed 2 storey part 3 storey 'mansard' style Chapman Court to roughly south west, are set back a little less from Littlehampton Road. The mostly hipped roofed 2 storey plus attic Butler Court buildings lie roughly west, and at the back lie the pitched roofed bungalows in Cuckfield Crescent, some of which include rooms in their roof spaces. The narrow arc roofed single storey supermarket with a 2 storey section at the back lies beyond its open car park to roughly east, and beyond that and similarly set well back, is a lengthy row of pitched roofed mainly 2 storey terraced dwellings facing Littlehampton Road. So, whilst the ages, forms and styles of the buildings differ, their scale and siting, and the openness and greenery on both sides of Littlehampton Road, contribute positively to the local suburban character, and to the sense of place.
6. The proposed 'mansard type' extension would include a single storey flat roofed upper floor over most of both buildings (excluding the balconies). Its finishes would include mostly floor to ceiling height grey framed glazed openings and grey cladding.
7. Because the bland and bulky box-like proposal would fail to respect the scale, form, character and features of the appeal building, including the rhythm in the finned bays in its principal elevation, it would be an unacceptably discordant addition. Moreover, due to its substantial scale, height and bulk, the proposal would harmfully erode the appeal building's characteristic skyline, which can be appreciated in most views from ground level. The dissonant proportions and poor alignment of the openings in the front and back of the proposal would disrupt the rhythm in the appeal building's well-ordered composition. So, the proposal would harm the character and appearance of the appeal building.
8. Whilst the appeal building is about as tall as the taller part of the nearby Chapman Court on the opposite side of the road, its scale is moderated by its flat roofed form, so it harmonises with its surroundings. Because the proposal would be much taller than the nearby buildings, it would be unacceptably incongruous, and particularly so, in westward views along Littlehampton Road. Due to its height, bulk and scale, the proposal would harmfully dominate the longer southward views along the east part of Cuckfield Crescent. Moreover, because the proposal's form would contrast starkly with the character and appearance of the appeal building, it would diminish its positive contribution to the local character. So, whilst an upper floor extension might be acceptable where there are other similarly tall or taller buildings nearby, the proposal would be unacceptably damaging to the sense of place.
9. The design of the narrower Carlton House differs from the proposal, and it would be sited next door to a 3 storey plus attic building, by the edge of a local centre, where the local character differs. I have also had regard to my colleague's appeal decisions ref APP/M3835/W/21/3269452 and

APP/M3835/W/21/3269455. However, the design of the building before my colleague differs from that of the appeal building, and his decision predates current case law. So, the circumstances of these other schemes differ from those of the proposal before me.

10. Therefore, I consider that the proposal would harm the character and appearance of the surrounding area. It would be contrary to the National Planning Policy Framework (Framework) which seeks the creation of high quality, beautiful and sustainable buildings and places, and sympathy for local character.
11. Thus, the proposal would not be acceptable in respect of paragraph A.2 (1)(e) of GPDO Schedule 2, Part 20, Class A.

Living conditions

12. The nearby occupiers most likely to be affected by the proposal would include the occupiers of the nearby dwellings in Cuckfield Crescent, and the appeal building. Some of the nearby back gardens in Cuckfield Crescent include tall vegetation near the common boundary, but for reasons including that it is not statutorily protected, that planting could not be relied upon to partly screen the proposal in the long term. Even so, some degree of mutual overlooking would reasonably be expected within the built-up area. Due to the distances and relationships between the nearby dwellings in Cuckfield Crescent and the proposal, and as the proposal would include broad blocks of floor to ceiling glazing, the overlooking that could occur from the proposed flats would be likely to cause a harmful loss of privacy for the occupiers of those dwellings. However, that harm could be overcome by the imposition of a condition for the lower parts of the rear facing windows to be solid or obscure glazed if the proposal were to be otherwise acceptable.
13. Having regard to the distances and relationships between the proposal and the nearby dwellings in Cuckfield Crescent and their back gardens, and their orientation, the proposal would not be likely to cause an unacceptable loss of daylight or sunlight. For similar reasons, the proposal would not be so overbearing or so oppressive in the outlook from the back gardens and the backs of the nearby dwellings in Cuckfield Crescent that it would harm the occupiers' living conditions. Moreover, as the appeal building and the proposal would be in the same use, and there would be little change to the present parking layout, the activity related to the proposed flats, including the comings and goings of the future occupiers and their visitors, would not be likely to cause noise and disturbance that would harm the living conditions of the appeal building's occupiers.
14. Thus, I consider that, subject to the imposition of a condition to control the finishes and cill heights of the rear facing openings, the proposal would not harm the living conditions of the occupiers of the nearby dwellings in Cuckfield Crescent, regarding privacy, daylight and sunlight, and outlook, and that it would not harm the living conditions of the occupiers of the appeal building, regarding noise and disturbance. It would satisfy the Framework which seeks a high standard of amenity for existing and future users.
15. So, subject to the imposition of a condition to control the finishes and cill heights of the rear facing openings, the proposal would be acceptable in respect of paragraph A.2 (1)(g) of GPDO Schedule 2, Part 20, Class A.

Highway safety

16. There are 48 flats within the appeal building and roughly 50 on-site parking spaces, which include roughly 20 spaces provided in allocated garages and roughly 30 unallocated spaces, so there is roughly one parking space for each flat. No on-site parking spaces would be provided for the proposed flats. If the future occupiers were to use the unallocated parking spaces, there would be roughly 0.7 parking spaces for each existing or proposed flat without an allocated garage space, so the proposal could reduce the on-site parking available to the existing occupiers.
17. However, the site is in a reasonably accessible location, with a supermarket next door, and within reasonable walking distance along well-lit pavements on both sides of the road to the local shops and services in the local centre by the Thomas a Becket crossroads. There are good public transport links including 4 nearby bus routes to other parts of the town and further afield, and the proposed 15 secure and covered cycle parking spaces would promote the future occupiers' use of sustainable transport modes. So, the future occupiers would not need to drive a car to meet most of their travel needs.
18. Vehicles already park in the on-site vehicle route at times, and as most drivers unable to park in an on-site space would be unlikely to park dangerously close to the access or in the relatively busy Littlehampton Road, they would be likely to park in other nearby streets. Even so, there is almost no technical evidence before me to show that there is unacceptable parking stress in other nearby streets, or that on-street parking could lead to hazardous starting, stopping, reversing and turning manoeuvres in the nearby streets caused by drivers hunting for spaces, which would be likely to endanger highway safety. Moreover, the developments at Carlton House and 12 Littlehampton Road, roughly one fifth of a mile away, would have or have similar or less on-site parking, and were found acceptable by the Council. The highway authority has not raised concerns about on-site parking, and I see no reason to disagree.
19. Thus, I consider that the proposal would not be likely to endanger highway safety in the nearby roads. It would satisfy the Framework which aims to promote walking, cycling and public transport use, and to only prevent development on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
20. So, the proposal would satisfy paragraph A.2 (1)(a) of GPDO Schedule 2, Part 20, Class A.

Conclusion

21. In conclusion, the proposal would not be acceptable in respect of paragraph A.2 (1)(e) of GPDO Schedule 2, Part 20, Class A.
22. For the reasons given, the appeal should be dismissed.

J Reid

INSPECTOR



Appeal Decision

Site visit made on 9 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

Appeal Ref: APP/M3835/W/23/3321108

**Land west of 70 Parham Road, Offington, Worthing, West Sussex
BN14 0BN**

- 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 Neal Roberts against the decision of Worthing Borough Council.
 - The application Ref AWD/1952/22, dated 8 December 2022, was refused by notice dated 2 February 2023.
 - The development proposed is the erection of a contemporary 1 1/2 storey 2 bedroom eco-house (suitable for 4 people), with access and parking off Parham Road.
-

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 and I have taken their comments into account in coming to my decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of No 70 Parham Road (No 70), with regard to outlook, noise and disturbance.

Reasons

Character and appearance

4. The appeal site is located to the rear of No 70, the last in a row of dwellings fronting Parham Road. The dwellings on this side of Parham Road are typically single-storey and set back from the road contributing to the spacious character of the area. The land slopes significantly up from Parham Road towards Mill Lane, elevating the position of dwellings fronting Parham Road. Development to the rear of the dwellings is limited, although the dwellings at Mill Lane are visible on higher ground further to the rear.

5. Although the land rises significantly to the side of No 70 where the access and garden area is proposed, the dwelling would be positioned on levelled land. The part one-and-a-half storey part single-storey dwelling would be on land significantly higher than the dwelling at No 70. The elevated position of the dwelling means that it would be visible from both Parham Road and Durrington Cemetery.
6. The proposal, by virtue of its position to the rear of No 70, would relate poorly to the surrounding development and the street scene. Whilst the design and layout of the proposal has sought to take into account the conditions of the site, the constrained size and irregular shape of the site would result in a cramped development that would not relate to the context of the area.
7. My attention is drawn to development at 11A Parham Road, which is discreet and screened in views from the street, and development at Wayback, which is a historic backland plot. Whilst I note that Wayback is to the rear of development along Parham Road, the dwelling (and the two newer dwellings beyond it) are on a lower land level where the visual effect on the surroundings is reduced. Conversely, whilst the proposal would be relatively small in scale, it would have a greater and disproportionate visual impact as a result of its raised position and relative height.
8. I conclude that the proposal would harm the character and appearance of the area. On this basis, that 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 site comprises an L-shape adjacent to the side and rear boundary of No 70. The dwelling would extend across the majority of the width of No 70. The single-storey element would be partially visible above the boundary, however the larger part would be prominent in views from No 70. The height of the main part of the dwelling, combined with the raised land level at the site and the proximity to No 70, would dominate the outlook of the occupants of No 70 within the dwelling and from the garden. Furthermore, whilst the lack of openings at first floor level would preserve the privacy of the occupants of No 70 and would not result in a perception of overlooking, the blank façade would be unneighbourly, adding to the harm in respect of outlook.
10. The site access and parking area serving the development would be immediately adjacent to the side of No 70. Although there would be an increase in noise and disturbance as a result of the comings and goings at the site, the harm would be limited due to the small scale of the development. The provision of an enhanced boundary treatment, secured by condition, could remove the limited harm that this would cause.
11. I conclude that the proposal would harm the outlook of the occupants of No 70. The harm in respect of noise and disturbance could be mitigated subject to an appropriate condition. 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.

Other Matters

12. 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 dwelling is occupied. However, whilst I acknowledge the commitments of the Worthing Action Plan document, the contribution of a single self-build dwelling 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.
13. The scheme would deliver an environmentally sensitive building, which would incorporate energy and water efficiency measures, and would be accessible and adaptable. In addition, the proposal would provide an opportunity to deliver biodiversity enhancements in accordance with WLP Policy DM18. Furthermore, the dwelling would provide internal space in excess of that required within the Space Standards SPD. Nevertheless, I note that these elements are minimum requirements of planning policy and are therefore neutral in the planning balance.
14. The development would improve security and would tidy up a relatively unkempt site. There is nothing before me to indicate that the site is a focus for anti-social behaviour, whilst the current appearance of the site is largely contained, with only the access point being readily visible within the surroundings.
15. I note the reference to processing of applications and other correspondence relating to this site. However, this is not relevant to my consideration of the planning issues arising from consideration of the appeal scheme.

Planning Balance

16. 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.
17. 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's statement concedes that the delivery of housing stands at 35%.
18. Paragraph 11 d) of the Framework states that in these circumstances the policies which are most important for determining the application are out-of-date. As a result, 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.
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



Appeal Decision

Site visit made on 9 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2023

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 AWDM/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.
-

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

dwelling 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 permission¹. 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.

¹ 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