

Development Management – Delegated Officer Report

Application Number: AWDM/0355/26

Recommendation: – APPROVE

Site: 95 Grand Avenue Worthing West Sussex BN11 5BD

Proposal: Retention of brick wall (2.74 metres high) and galvanised metal fence (2.44 metres high) on south side boundary to rear garden

Date of Site Visit: 27.04.2026 (No.93)

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The application relates to a detached, mid-C20, 2-storey house occupying a good-sized corner plot at the junction of Grand Avenue with Rugby Road. The dwelling has been enlarged by a single-story extension on the south side, attached garage on the north side and rear conservatory. There is a detached, pitched-roof outbuilding in the rear garden (likely a former garage). There is a TPO (No.3 of 1990) covering 5no trees there were located in the garden alongside the roadside perimeters, although none now appear to be in existence.

The property is not Listed or locally listed, and the site is not within a conservation Area.

Proposal

Permission is sought retrospectively for a 2.74m high section of red brick wall approximately 6.4m long on part of the south side boundary to the rear garden, and a 2.44m high galvanised, corrugated metal fence approximately 10m long further west on the same boundary. The latter extends up to the southwest corner of the rear garden but does not wrap around to the rear (west).

The current application has been made in response to an enforcement investigation under AWEN/0032/26.

A letter of support from the Applicant explains the tall boundary treatment as a necessary measure that has been erected in response to the safeguarding needs of a disabled resident at the property.

Relevant Planning History: None

Consultations: None

Representations

An objection has been received from the occupier of the neighbouring property to the South, No.93, raising the following concerns (which have been summarised as follows): -

My objection is based on the following material planning considerations:

- *Harm to Character and Appearance (Policy Conflict). The height, scale, and materials of the wall and fence result in a visually dominant and incongruous form of development that fails to respect the established character of the area. There is no precedent of any neighbouring fences from both height or materials, within the whole vicinity which is otherwise traditional fencing, shrubs or trees. Contrary to Worthing Local Plan policy which requires development to demonstrate a high standard of design... and respond positively to the character and distinctiveness of the area. The utilitarian appearance of galvanised metal fencing, combined with the excessive height of both structures, fails to meet these requirements and instead introduces a harsh and visually intrusive boundary treatment that is out of keeping with the prevailing residential character.*
- *Overbearing Impact and Loss of Outlook: At 2.74m in height, the brick wall, together with the 2.44m fence creates a dominant and oppressive sense of enclosure when experienced from neighbouring properties. This is in particular when considering the size of the gardens and proportionality. It can be seen not only by my own garden but at least the following and other direction neighbours which impacts on outlook more widely. Contrary to Worthing Local Plan policy DM20 which states that development proposals will be expected to... protect the amenity of existing and future occupants, including... avoiding unacceptable impacts such as overlooking, overbearing effects, and loss of outlook.". The scale and massing of the structures clearly give rise to an overbearing impact, materially harming neighbouring amenity and failing this policy test.*
- *Loss of Light and Overshadowing: The excessive height and solid form of the corrugated fencing reduces the morning light. This is disproportionate to the size and style of gardens and properties. Planning Inspectors consistently apply the principle that development should not result in material loss of light or overshadowing to neighbouring properties, particularly where structures exceed typical boundary heights and are positioned close to shared boundaries. This again conflicts with Worthing Local Plan policy which seeks to safeguard residential amenity.*
- *Excessive and Unjustified Height: The height of the structures (2.74m and 2.44m) is significantly above what is typically expected for residential boundary treatments. By comparison, permitted development rights generally limit boundary structures adjacent to highways to 1 metre and elsewhere to around 2 metres, reinforcing that anything above this threshold requires strong justification. No such justification has been provided in this case, and the scale of development is therefore excessive and unjustified.*
- *Relevant Appeal Decisions and Case Law Principles: Planning appeal decisions consistently reinforce the principle of overbearing impact as a standalone reason for refusal: Inspectors frequently dismiss appeals where boundary walls or fences, due to their height and proximity, create an oppressive sense of enclosure and harm outlook (e.g. appeal decisions relating to boundary enclosures exceeding 2m in height). Character harm from*

unsympathetic boundary treatments: Appeals have been dismissed where materials such as metal fencing appear industrial or visually discordant in residential settings. The "fallback" of permitted development is not justification for excessive development: As established in cases such as Mansell v Tonbridge and Malling BC [2017], development must be assessed on its own design merits and its relationship with local character-not simply whether something could theoretically be built. Retrospective applications carry no lesser scrutiny: As reinforced in Welwyn Hatfield BC v SSCLG [2011], the fact that development is retrospective does not weigh in its favour; it must be assessed against policy in the same way as any other proposal. These principles strongly support refusal where, as here, the development causes clear and demonstrable harm.

- *Harmful Precedent: Approval of this application would risk establishing a precedent for similarly excessive boundary treatments, leading to cumulative harm to the character and amenity of the area, contrary to the objectives of the development plan.*
- *For the reasons outlined above, the development-by virtue of its excessive height, unsympathetic materials, and harmful impact on neighbouring amenity-conflicts with Worthing Local Plan policies.*
- *On a personal note, I bought a house in this area to offer a happy, family home for my children. Sadly they now refer to playing in the garden as being in the prison because of the impact of the additional fencing and the choice of materials. I am not in a position to move and feel sad that I should wish to when rest of the area and the other neighbours are so wonderful. I respectfully request that the Council refuses this retrospective planning application. Should the Council be minded to approve the development, I request that conditions be imposed to significantly reduce the height and require more appropriate, visually sympathetic materials.*

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment:

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area, including incidental garden structures within their curtilage, plus the erection of boundary walls, fences and other means of enclosure. The key considerations are the effects on the visual and residential amenities of the locality.

Although the application is retrospective, the LPA is required to assess the development on its merits in relation to the adopted Local Plan and all other material considerations, as if the works had not already been implemented.

Local Plan policy DM5 requires all development (including extensions, alterations and ancillary development) to be of high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. New

development should enhance the local environment by way of its appearance and character and make a positive contribution to the sense of place, local character and distinctiveness of an area.

Supporting information accompanying the application states that the proposed wall and corrugated metal fencing have been provided as a structural safety shield to “ongoing ballistic provocation”, a necessary clinical safeguarding measure required to provide sanctuary and prevent distress to a severely disabled resident living at the property. The works are described as necessary to restore the human rights of the individual (privacy and dignity) under Article 8 of the Human Rights Act.

It is understood that the wall and corrugated metal fencing have been erected as a preventative measure to stop balls coming into the garden from the neighbouring property (No.93) which is occupied by a family with children.

Visual Amenity

The property occupies a corner plot with roadside boundaries onto Grand Avenue and Rugby Road. The boundary treatment onto Rugby Road is approximately 1.8 to 2.0 metres high consisting of a rough rendered wall with close-boarded timber fencing on top enclosing the side and rear garden. Google satellite imagery shows that in recent years a former gated opening onto Rugby Road (likely serving the above-mentioned former garage building) has been bricked up to be a similar height to the adjoining close boarded fence.

The uppermost parts of the brick wall and corrugated fencing the subject of this application are visible in views across the rear garden from Rugby Road, above the roadside boundary treatment. Some screening is provided by planting in the garden of No.95 and also by the rear conservatory and detached former garage building, both of which have taller roofs. Whilst the colour of the brick wall blends in with the brickwork on part of the main house helping it to disappear in the background; owing to its height, the metal finish of the corrugated fence stands out as a somewhat incongruous feature in this domestic setting.

Residential Amenity

The most affected property is the neighbour to the south (No.93). Although the wall and fence are visible from the rear windows of the flats at No.33 Rugby Road and other nearby properties, these are not directly affected.

Most of the 2.74m high wall sits alongside the detached garage at No.93, which is set back into the rear garden, to the north and west of the main dwelling. A short section of the wall extends approximately 1.5m eastward in front of the garage up to the rear wall of the extension attached to the south side of No.95. This section of wall adjoins the driveway at No.93, opposite a gated opening into the fenced rear garden. Although its unusual height has a somewhat imposing and enclosing impact on this part of the driveway, the latter has little or no amenity value and hence the impact of the wall on the residential amenity of No.93 is not significantly harmful.

The corrugated metal fence has been erected inside the wall/timber fence marking the common boundary. It extends from the rear of the garage at No.93 to the rear boundary of No.95, approximately 10m. The rear garden of No.93 is substantially longer (extending some 25m further westward). Slender metal uprights are positioned at intervals along the length of the fence. The fence is clearly visible from the rear of the dwelling at No.93 and stands out owing to its height and distinctive material. Although it has an imposing effect on that part of the garden immediately adjacent to it, there are also a couple of sheds positioned in this part of the garden to the rear of the garage. The garden of No.93 is particularly generous in size, and the fence impacts only a relatively small part of it, and not that part which is most well-used or closest to the rear of the dwelling. Consequently, the effect of the fence on the amenities of No.93 is not considered to be so severe as to warrant refusal of the application on this ground. It is accepted that the corrugated metal finish of the fence is unattractive. However, this could be effectively mitigated by the occupier of No.93 by undertaking screen planting with the garden alongside the boundary.

No.93 has recently obtained planning permission for a detached garden annexe building, not yet commenced (AWDM/0148/25). The annexe accommodation which would be occupied by a dependent relative, would be sited in the rear half of the back garden. Although the corrugated metal fence and wall will be visible from a small window in the north side of the annexe, and from the glazed entrance doors in its east elevation, the residential amenities of this accommodation will not be adversely affected.

A hip to side gable roof extension for which a Certificate of Lawfulness for a Proposed Development was issued under AWDM/1424/24 the works appear largely complete.

Planning Balance

Despite its tall height the brick wall has had only a very limited impact on the street scene. In contrast, as highlighted in the paragraphs above, the corrugated metal fencing has a greater impact on visual amenity in views from Rugby Road, standing out due to its height and external finish/material, appearing out-of-keeping with existing local character.

The 'need' for a particular development can be material consideration and in this case the characteristics which make the disabled resident of No.95 particularly sensitive to the types of activity which would otherwise be considered typical in a domestic environment (e.g. playing in a family garden) are acknowledged.

In addition to the normal considerations of amenity set out in policy DM5, S149 of the Equality Act places a duty on public authorities in carrying out their functions to (amongst other things) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. Disability is a relevant protected characteristic. The public sector equality duty (PSED) involves having due regard to the need to take steps minimise disadvantages suffered by persons who share a relevant protected characteristic, or to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. Compliance may involve treating some persons more favourably than others.

In these circumstances, it is considered the harm caused by the corrugated metal fencing to the visual amenities and local character of the area would be adequately mitigated in this instance by a requirement for the north side of the fence to be painted light brown in colour.

Recommendation:

APPROVE subject to condition(s):-

1. Drawing Numbers
2. Within 3 months of the date of this decision the north side of the corrugated metal fence in situ shall be painted light brown in colour.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Jo Morin Date: 20.05.2026

Authorised by: Stephen Cantwell Date: 21st May 2026