WORTHING BOROUGH COUNCIL

Mr James Breckell
James Breckell Architects
89 Old Fort Road
Shoreham By Sea
West Sussex
BN435HA
United Kingdom

PLANNING REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1457/23

Details of Development
CONVERSION AND ALTERATION OF EXISTING CARE HOME TO CREATE 8NO RESIDENTIAL UNITS (INCLUDING ALTERATIONS TO ORIGINAL COACH HOUSE TO CREATE A DETACHED TWO STOREY 3NO. BEDROOM DWELLING) WITH PROVISION OF 7NO CAR PARKING SPACES. APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF AWDM/0601/21
(TO RETAIN THE EXISTING CONSERVATORY)

Location of Development
KINGS MANOR 140 HEENE ROAD WORTHING WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they REFUSE to permit the above development, in accordance with the application and relevant correspondence registered on 19th October 2023.

The reasons for the Council's decision to refuse to permit the development are stated on the schedule overleaf.

G Peck

Gary Peck
Planning Services Manager
14/12/2023

Worthing Borough Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

SCHEDULE

Reasons for Refusal

01. The retained conservatory structure would harmfully detract from the residential amenity of the adjoining flat unit to the east (unit 3 of AWDM/0601/21) by reason of its size and glazing in close proximity to the bay window forming the main aspect to the living/dining area of that unit, the consequence of which would be oppressively intrusive. Furthermore, direct overlooking to and from the conservatory will detract from the quality of the outdoor communal amenity space for all of the flat units (1-7) which would be unacceptably harmful to the living conditions of the occupiers thereof. The development is therefore contrary to policies DM2 and DM5 of the Worthing Local Plan and the relevant policies of the NPPF.

Informatives / Notes to Applicant

01. For the avoidance of doubt this refusal relates to the following drawings/plans:-

Reference/Drawing Number	Version	Date Rec
DESIGN & ACCESS STATEMENT	October 2023	19.10.2023
APPROVED LOCATION & BLOCK PLAN	101	19.10.2023
PROPOSED LOCATION & BLOCK PLAN	102	19.10.2023
APPROVED & PROPOSED SITE PLAN	103	19.10.2023
APPROVED & PROPOSED GROUND FLOOR & ROOF	104	19.10.2023
PROPOSED ELEVATIONS (NORTH & WEST FACING)	105	19.10.2023
PROPOSED ELEVATIONS (SOUTH & EAST FACING)	106	19.10.2023

02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal. This concern has been raised with the Applicant's Agent but is considered so fundamental that the resulting harm could not reasonably be remedied by amendment of the application.

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.