Worthing Borough Council

Statement by Worthing Borough Council in relation to the appeal at 1 Phrosso Road, Worthing, West Sussex, BN11 5SJ

PINS Ref: 6001242

LPA Ref: AWDM/0060/25

The Officer's Delegated report sets out the LPA case for refusing the planning application. This Statement provides a rebuttal to the points raised in the Appellant's Grounds of Appeal.

Background

The planning application AWDM/0060/25 was refused by the Local Planning Authority on 24.04.2025 on the following grounds: -

1. The proposed development would represent an anomalous and visually discordant form of infill development that would be out of keeping with and harmful to existing local character and the street scene contrary to the NPPF and policy DM5 of the Worthing Local Plan.
2. The Local Planning Authority cannot be satisfied based on the accuracy of the submitted information relating to the existing habitat baseline that the development is exempt from providing biodiversity net gain as set out in the Biodiversity Gain Requirements (Exemptions) Regulations (2024) and as such is contrary to the provisions for biodiversity net gain required under Schedule 7A of the Town and Country Planning Act 1990.

Response to Grounds of Appeal

Reason 1

The Appellant argues that the Council's refusal is based on an unreasonable and non-consistent assessment of local context and subjective opinion on whether the proposals are in keeping with local character and urban grain and the level of measured harm.

It is not inconsistent to state that there is no objection in principle to residential infill development within the built-up area of the town, as this would accord with NPPF and Local Plan policies to make efficient use of land and increase the rate of housing delivery from small sites. However, as set out in the officer's delegated report, Local Plan policies make clear that this should not be to the detriment of the high quality of the Borough's existing built environments. To this end, policy DM2 requires a case-by-case design-led approach which considers the context and character of the site and the local area to ensure that a proposed development and its density is both suitable and appropriate (paragraph 5.33).

Local Plan Policy DM5 requires (amongst other things) all new development to be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. It states that this will include

consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.

The officer report clearly identifies that the surrounding roads are made up of a range of dwelling types, of differing style and detailed design. Even so, there is a broad consistency to the scale, massing, layout and plot sizes of built development that forms the immediate context of the appeal site in Phrosso Road.

The site consists of a detached double garage building and garden land within the curtilage of 1/1A Phrosso Road, a corner plot at the junction of Aglaia Road and Phrosso Road. 1/1A comprises one half of a flat building fronting Aglaia Road (with No.10 Aglaia Road) designed to appear as a semi-detached pair of houses. The garage building and garden land is ancillary in both function and appearance to the main building. This layout of development is similarly replicated on the opposite corner, with No.8 Aglaia Road (a semi-detached house) having a similar depth of original rear garden (albeit now partially developed by a subsidiary single-storey rear extension) with a detached single garage building to the north of garden accessed from Phrosso Road.

Development fronting this part of Phrosso Road (running north-south) is consistently 2-storey in scale, consisting of mostly family-sized semi-detached or detached houses, with front and rear gardens.

The properties on the west side of the road (Nos 3, 5 and 7) have either a garages or driveway/carport to the side of the dwelling with No.9 (a corner plot) having a garage at the western end of its rear garden.

On the eastern side of the road, Nos 2-10 Phrosso Road were also originally laid out with driveways and/or garages to the side of the dwellings. One semi-detached pair, Nos 4 and 6, have since each been developed with similar 2-storey side extensions (granted planning permission in 2010 and 2006 respectively) replacing the earlier garages. Although larger in scale and massing than the former garages, the 2-storey side extensions have lower roofs and are visually subservient to the original pair of dwellings. Importantly in street scene terms, both extensions retain a visual gap to the site boundaries on either side.

This visual space between the buildings contributes positively to the character of this part of Phrosso Road.

The design of the houses is this stretch of the road is not identical, but they share similar broad characteristics in terms of their overall scale and massing, with pitched roofs, predominantly hipped at the side(s) and architectural detailing such as bay windows. This, along with the regular layout and spacing of buildings, creates a sense of visual cohesion that contributes positively to the character of this part of Phrosso Road.

It is a matter of fact that the proposed dwelling would differ in scale, form, height, size, massing, siting, layout, density and design detail to existing dwellings in this part of the road and would as a result appear anomalous in this context.

The proposed dwelling would notably differ in appearance and stature compared to the existing ancillary garage building. Its 1½-storey scale and massing with raised eaves height and unusual mansard roof form would not reflect or complement the characteristics of nearby dwellings. Owing to the lack of space around it, hard up to the northern side boundary with No.3 and only 1.2m separating it from the 2-storey rear elevation of 1/1A, the proposed dwelling would undoubtedly appear 'squeezed in'. Accentuated by differences in its scale, form, height, massing, proportion, siting, layout and detailed design, the proposed dwelling would appear out of keeping with its surroundings, eroding the existing visual space between the rear of 1/1A and the side of 3 Phrosso Road that would be at odds with the existing pattern of development, and unacceptably harmful to local character as a result.

Reference is made to similarities between the appeal development and Nos 12 and 18 Phrosso Road on the north side of Phrosso Road. This section of Phrosso Road has less formality in the layout and type of dwellings. The chalet bungalows in question occupy substantially larger plots than the appeal site, with space around them and above the attached garages to their sides, contributing to the sense of spaciousness in this part of the road. Both chalet dwellings include rooms in the roof at first floor but maintain a single storey eaves height, unlike the appeal dwelling.

The refusal reason does not specifically highlight any concern in respect of the palette of proposed materials. However, as highlighted above, the materials are only one of several different design components identified in policy DM5 to be taken into consideration in assessing the suitability of integrating new infill development into existing built environments.

Reason 2

The officer's delegated report makes clear that the legislative framework for BNG changed during the intervening period between the decision date of 18.01.2024 of the previous refused application referenced in the officer's delegated report (AWDM/1607/23), and the refused development proposal the subject of this appeal (AWDM/0060/25) following the implementation on 1 April 2024 of the provisions of Schedule 7A of the Town and Country Planning Act 1900 for small sites, requiring 10% BNG (except where an exemption applies).

As outlined in the delegated report, as initially submitted, the application the subject of this appeal proposal claimed a 'de minimis' exemption supported by a SSM (Small Site Metric), but not in the required Excell format. The officer's assessment questions whether a 'de minimis' exemption can legitimately be claimed in respect of the proposed development owing to apparent inaccuracies and discrepancies in the area habitat type classifications identified as a part of the baseline habitat survey.

A revised SSM in the required Excell format has been submitted as part of the current appeal. However, strong concerns remain about the accuracy of the completed SSM and the conclusions drawn from it.

The habitat type 'vacant or derelict land' is used incorrectly in the baseline habitat assessment in the context of this site which consists of a garage building and garden land within the curtilage of 1/1A Phrosso Road.

Owing to the apparent degradation of the garden which appears to have taken place after 30 January 2020 (according to Google Street view imagery), the LPA considers the baseline habitat survey should correctly record the biodiversity value of the site before the degradation occurred.

Other than those parts of the site comprising developed land; sealed surface (the garage building) or unvegetated garden (the degraded concrete driveway in front of the garage, and the area of land covered by the footprint of the former external stairs attached to the rear elevation of 1/1A), the remainder of the site should be correctly classified as vegetated garden.

The proposed developed area (comprising the footprint of the new building, the surfaced courtyard 'garden', cycle store and permeable paved driveway) would result in the loss of more than 25sqm of existing (albeit low distinctiveness) habitat.

The completed '1b. habitats to be created' states 30.61sqm of vegetated garden would be provided, even though the drawing Proposed Plans PL13 clearly shows the only vegetated garden (in front of the dwelling) as comprising 20.5sqm.

The completed SSM inaccurately records the planting of a new tree post development. However, since this tree would be within a private garden and cannot be secured, it can only be properly recorded as 'urban – vegetated garden'. However, even this is questionable since it would be located within the surfaced area of the drive, also competing for space with parking for a vehicle, an EV charger, refuse and re-cycling bins and an ASHP.

The LPA remains of the view that the updated SSM submitted as part of this appeal has not been completed correctly and its results demonstrating provision of 10% BNG onsite cannot therefore be relied upon.

Final Summary

Whilst the Local Plan urges an efficient use of land it also requires that in integrating new development within the Borough's built-up areas particular consideration be given to site context and the character of the surrounding area as well as the need to achieve high quality design.

The provision of an additional dwelling unit would make a small contribution towards meeting local housing needs. However, the provision of a 1-bedroom unit is not the most needed housing type, which the supporting text to Policy DM1 (paragraph 5.7) identifies as 2-bedroom dwellings (40-45%) and 3-bedroom dwellings (35-40%). Consequently, the modest public benefit that would derive from delivering a new dwelling is not considered to outweigh the resulting detriment to local character and the environment.

The Inspector is therefore respectfully invited to dismiss the appeal.