Henry Adams planning

Adur & Worthing Councils
Worthing Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA

27 March 2024

Dear Ms Hincke

29 Church Walk, Worthing, West Sussex, BN11 2LT

This letter accompanies this planning application for the retention of the existing building on land to the rear of 29 Church Walk, Worthing for use as garage and store and accommodation ancillary to the ground floor flat within no. 29.

By way of background, planning permission for the same development was refused in 2023 under application AWDM/1451/23 principally on the basis that the LPA considered the accommodation within the building would not be ancillary to no. 29 Church Walk and would represent an overdevelopment of the site out of character with area and harmful to amenities.

An appeal was submitted against the refusal of planning permission but was dismissed in December 2024 (APP/M3835/W/24/3344688). However, in the decision letter, the Inspector found most aspects of the development acceptable but considered the impact on the amenities of adjoining residents arising from views obtained over their gardens from the rear rooflights to be unacceptable. It was for this sole reason that the appeal was dismissed. The Inspector's concluding comments are in paragraph 30:

> *The appeal building complies with Policies DM2 and DM5 of the WLP in terms of its ancillary design and impact on the character and appearance of the area. I have however found significant conflict with Policy DM5 a) viii) in terms of unacceptable loss of privacy to the occupiers of No 31 and 33 Church Walk. Paragraph 135 (f) of the 2024 Framework seeks a high standard of amenity for existing and future users. I therefore conclude that the proposal is contrary to the development plan as a whole. The material considerations before me do not indicate that a decision should be made other than in accordance with the development plan.*

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It is clear therefore that if the issue of overlooking can be addressed, then there is no reason to resist the grant of planning permission for the building as constructed. On this basis, following correspondence with the Local Planning Authority, it has been agreed that the alteration of the rear rooflights (east facing) to be obscure glazed and fixed to be non-opening, would prevent overlooking of the gardens to the east and overcome the sole reason for dismissal of the appeal.

The submitted plans therefore note the windows on the eastern roofslope to be fixed and obscure glazed and the intended glass is to be satin/sandblast, the name depending on the particular manufacturer. The alteration of the rooflights to be fixed and obscure glazed with satin/sandblast glass can be secured by a suitably worded condition and then required to be maintained in perpetuity.

It is therefore submitted that the proposal, with the suggested amendments, will overcome the Inspector's reason for dismissing the appeal. The proposal is for the building to be used ancillary to the ground floor flat and the Inspector stated that, had the appeal been allowed, a suitably worded planning condition could be imposed to ensure that it remains ancillary and that such a condition would be totally enforceable. It is accepted that a condition of this nature will be imposed on the planning permission and is accepted by the applicant.

It is concluded that, with the imposition of conditions controlling the use of the building and requiring the rear rooflights to be altered and maintained as obscure glazed and non-opening, the development is acceptable. As stated by the Inspector, the proposal complies with policies DM2 and DM5 of the Local Plan in terms of its ancillary design and impact on the character and appearance of the area. The proposal, as amended, will now protect the amenities and privacy of the occupiers of 31 and 33 Church Walk and will no longer conflict with policy DM5 a) viii) of the Local Plan. The proposal therefore accords with the Development Plan and the National Planning Policy Framework and on this basis planning permission should be granted.

I trust you have all the information you require to determine the application, but should you require anything further then please let me know.

Yours sincerely

Dawn Appleton

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