Expiry Date - 12/04/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0224/24 **Recommendation – REFUSE**

Site: **17 Moat Way Worthing West Sussex BN12 4DR**

Proposal: **Outline application single storey dwelling in rear garden, with all matters reserved except Scale and Access.**

Date of site visit: 09.04.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a rectangular-shaped dwelling plot located on the north side of Moat Way, within an outer residential suburb of the town. The plot currently consists of a 2-storey detached house set back from highway behind a grassed/paved frontage enclosed by a low brick wall on the front boundary. The dwelling has 2no vehicle accesses, one serving an integral garage with paved driveway/parking area which extends up to the western site boundary and wraps around the west side of the dwelling; the other serving an attached garage and drive on the east side of the dwelling. The rear part of the plot comprising part of the rear garden has been fenced off and is accessed from the paved area/drive to the west side of the dwelling.

It was noted on site that a narrow slither of land has been fenced and incorporated into the application site from the adjoining property 11 Moat Way. The latter consists of a semi-detached flat building 11/11A (paired with 9/9A). A driveway to the east side of the building leads to a pair of garages set back (North) of the building, adjoin the site boundary with the application site.

Adjoining to the East, 19 Moat Way consists of a detached chalet dwelling, set back substantially deeper into its plot than other dwellings on this side of the road.

To the rear (North) the site adjoins the rear gardens of 15 and 17 Brook Barn Way. No.15 consists of a detached chalet house and No.17 is a semi-detached house with rooms in the roof.

The site is not within a conservation area and there are no TPO trees on the site.

Proposal

Outline planning permission is sought to subdivide the existing plot and erect a single storey dwelling in the rear garden. Only access and scale are to be considered as part of this application with all other matters (appearance, layout and landscaping) reserved for future consideration.

The proposed dwelling plot would be 21.2m wide by 14.7m deep. It would be accessed from the existing paved area to the west side of the existing dwelling.

A new vehicle access would be formed by widening the VCO serving the existing dwelling and removing a section of front boundary wall.

Indicative drawings have been provided which show a single-storey dwelling 11.7m long by 7.4m wide located on the western part of the site. The plan shows a minimum gap of 1.2m between the north side of the dwelling and the northern site boundary, minimum 0.9m to the western site boundary and 1.1m to the southern site boundary (with the existing dwelling). The indicative plan shows a dashed line (interpreted as a canopy roof) extending over the main entrance to the dwelling on the south side, extending up to the southern site boundary. The dwelling would be orientated to face East overlooking a landscaped garden area 12.5m by 14.7m.

The accommodation is shown as consisting of an entrance hall, boiler cupboard, WC, study/bedroom, living/dining/kitchen area leading to lobby with bedroom, en-suite bathroom and walk-in store.

An indicative section drawing shows the single-storey dwelling with a mono-pitch roof maximum height 3.3m sloping down to 2.4m high

Relevant Planning History: None

Consultations:

WSCC: The ***Local Highway Authority*** has no objection in principle, commenting:-

“This application seeks outline planning consent for a single residential dwelling in the garden to the rear of 17 Moat Way. All matters are reserved at this point in the application except scale and access

Access
Moat way is a residential road in Worthing subject to speed restrictions of 30mph. The existing property is served with two Vehicular crossovers with associated hardstanding and two garages- one either side. The proposal seeks to extend the western most access point and appears to show this adjoin with the neighbouring VCO.

The access works would be subject to the applicant obtaining a licence from the local Highways Engineer. This license enables the works to be carried out on the publicly maintained highway. Occupiers of two adjacent properties may

wish to build a double width crossing to serve two sites. The Area Engineer operates a policy whereby, in order to maintain on street parking, the maximum allowable width of any single residential access is 4.5m per property from the centreline of the shared access. Hence, a single VCO for two adjacent properties with a shared access should not be more than 9.0m in total.

From measuring off the plans submitted, it appears that the VCO proposed may measure closer to 12m. I have independently consulted the Area Engineer regarding this proposal to ascertain whether this would be likely to be granted a license given the loss of on street parking that this would result in. Additional comments will be provided once a response has been received. The Eastern access is proposed to remain as currently is.

From a safety perspective, both accesses are existing arrangement. An inspection of data supplied to WSCC by Sussex Police over the period of the past five years reveals that there have been no recorded accidents/injuries recorded within close proximity of the accesses. Therefore, there is no evidence to suggest that the existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Visibility
The LHA advise a condition securing pedestrian visibility from the altered access point. This should be demonstrated as a 2m x 2m splay to the rear of the publicly maintained footway. There may not be space to demonstrate this in the western direction, therefore visibility should be demonstrated 2m back into the site from the rear of the footway along the boundary wall on land within the applicants red edge as above. Any vegetation should be maintained to a height of below 0.6m or furniture below 0.6m. The splays should only intersect land within the control of the applicant.

Other matters
Alongside any formal FULL or reserved matters application, the applicant should provide details of:

Parking
Parking provisions for both host and proposed dwellings. Parking provisions should align with local policies and reflect the demand as set out within the WSCC Parking Demand Calculator. Parking space sizes should adhere to Manual for Streets (MfS) standards which stipulates 2.4 x 4.8m would be sufficient for a parking space to accommodate an average sized vehicle. To be counted toward a parking provision, garage spaces will need to measure 3 x 6m which will accommodate an average sized vehicle with the possibility of cycle storage. Garages count towards 0.5 of a parking provision.

Sustainability and Capacity
The applicant should demonstrate that secure and covered cycle parking is available to serve the dwelling.
It should be made clear the number of bedrooms in the host and proposed dwelling, in order to ascertain the likely parking demand and any overspill parking that may be generated as a result of the proposal.

Conclusion
The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 115), and there are no known transport grounds to resist the proposal."

In the event of approval, the following conditions are recommended:-

Access (Access to be provided prior to first occupation)
No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Location and Block Plan and numbered P001 Revision A.
Reason: In the interests of road safety.

Pedestrian Visibility (details required)
No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided to the east side of proposed site access and visibility for 2m back into the site has been provided to the west of the proposed site vehicular access onto Moat Way, in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
Reason: In the interests of road safety.

Informative
Vehicle Crossover – Minor Highway Works
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.

The following further comments have been received from the LHA:-

"Further to my comments dated 11/03/2024, I am now in receipt of comments from our Local Area Engineer, who has provided the below statement with regards to the proposed Vehicular Crossover (VCO).

In principle I have no issue with the new property adjoining the existing dropped kerb however our guidance states:

https://highwayslicensing.westsussex.gov.uk/Uploads/Documents/VCOGuidanceNotes.pd f
12. Shared access and permitted widths Occupiers of two adjacent properties that share a driveway may wish to build a double width crossing to serve the two sites. To maintain on street parking, the maximum allowable width of any one access is 4.5m per property from the centreline of the shared access. Hence, a single VCO for two adjacent properties with a shared access should not be more than 9.0m in total.

This therefore means that should they wish to do this, they would need to move the dropped kerb so that is adjoining and subsequently reinstate the existing kerb height to full height.

The applicant should consider adjusting the proposed VCO in accordance with the specifications as above and as outlined within WSCC VCO guidance, in order to obtain a license for the Highway works."

Southern Water has commented as follows:-

Foul and Surface Water Drainage

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse

- Infiltration

- Watercourse

- Storm Sewer

- Combined Sewer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

The Council's **Drainage Consultant (WSP)** has raised not objection in principle, commenting:-

Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development we would recommend the approval of the application with the following condition attached. This condition is designed to be basic due to the scale of the proposed development.

No phase of the development shall commence, other than works of site survey and investigation, until outline details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. This shall be provided in the form of a basic Flood Risk Assessment and Drainage Strategy to outline the following:

- *Any flood risk affecting the site.*
- *Pre and post development discharge rates.*
- *Pre and post development permeable and impermeable areas.*
- *Proposed surface water drainage plan.*
- *The consideration of SuDS.*

Reason:
To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Adur and Worthing Councils

Public Sector Housing: No objections on PSH grounds.

Public Health & Regulation

The following condition is recommended:-

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted.
Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: To safeguard the residential amenity of the area

Representations:

5 Objections have been received from the occupiers of 10, (Flat 2) 11, 17 Moat Way, 15, 17 Brook Barn Way on the following grounds (which have been summarised):-

- Parking issues already exist in Moat Road which narrows at the point of the proposed access. There are already problems with large vehicles trying to pass by parked cars which in turn encourage people to park on the pavement; ambulances have difficulty passing by at this point which

raises a safety issue. Additional on-street parking during and after construction will cause considerable disruption in terms of access to homeowners. As soon as 2 cars park opposite each other the road is effectively blocked.

- The perception of Moat Road as a quiet road is not accurate as it is often used as a ‘cut through’.
- The close proximity of properties in this section of road will cause considerable disruption.
- The dwelling would lie very close to my property leading to increased noise and lack of privacy.
- This area was never intended for an increase in the density of housing by opportunistic plans which take advantage of a large garden; although single-storey the building appears to be very close to boundaries of 15 and 17 Brook Barn Way with inevitable loss of privacy and potential increased disturbance. Council policy to look very closely at back garden development are to be commended otherwise many applications with commercial agendas will proliferate. This clearly come sin the overdevelopment category. The division of the garden and neglect of the border hedge which has been allowed to grow to substantial height presumably for the purpose of this application will soon result in loss of light. Cramming properties into such spaces which were never intended for multiple structures should be resisted.
- Will inevitably result in loss of privacy.
- Very difficult to comment without knowing the size and scale of the proposal. Cannot appreciate the full impact of the proposal until this detail is finalised, similarly for construction materials. Such information must be communicated to neighbours for comment before commencement in accordance with LP policy DM5. A single storey dwelling of moderate size for the use of the applicant is a very different proposition to a building of larger scale. I would be interested to know what the maximum height at apex would be as this would define whether we would have sunlight/daylight blocked or whether we would be overlooked.
- Would like to be reassured on the use of the proposed building, whether for rental purposes or a holiday let, Airbnb etc. Concerned that the application is in the name of a business rather than an individual. Potential for additional negative impacts in terms of access, parking, anti-social nuisance, noise, waste etc. if used as a holiday rental.
- Back garden of 17 Brook Barn Way has previously flooded and concerned that the development could cause greater issues.
- The site should be considered as a ‘green site’ as it is private garden and not to be considered as previously development land.
- The loss of the existing pond will negatively impact local ecology, green infrastructure and biodiversity. Then pond is within 10m of our own pond which is home to many species including frogs, toads, newts, dragonflies, mayflies, damselflies, pond snails and others. We regularly see hedgehogs in the area which are a priority species Ref: UK Biodiversity Action Plan (BAP) Priority Species List.

An objection has also been received from Goring and Ilex Conservation Group commenting:-

“Our committee has considered the application but has reservations against such backland development. Whilst sympathising with the applicant's circumstances the committee objects to the application in regard to overdevelopment. We note that the Design and Access statement refers to Worthing Local Plan paragraph 5.65 which states that "Private residential gardens within the built up area are now excluded from the definition of previously developed land. Inappropriate development of residential gardens will be resisted" but also states "their development in some circumstances may be acceptable."

If this were a paragraph 5.67 residential annexe application subsidiary to the main building and requiring conversion when no longer needed, the committee would have less reservation but this is an entirely separate and new building which, although outside the Permitted Development date of 28th October 2018 for an additional storey may not be in future years if these dates change to reflect the passage of time.

The committee is also concerned that, albeit with other older similar developments nearby, this would set a modern precedent for the area.”

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM18 (Biodiversity)
DM19 (Green Infrastructure)
DM20 (Flood Risk and Sustainable Drainage)

National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPD ‘Space Standards’ (WBC 2012)
SDP ‘A Guide to Residential Development’ (WBC 2013)
CIL Charging Schedule (Aug 2021)

Planning Assessment

Principle of Development

The Worthing Local Plan was adopted on 28th March 2023. Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 76 of the NPPF states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision-making purposes where:

a) The adopted plan is less than 5 years old; and
b) That adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

Paragraph 77 goes on to state that where there has been a significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the Plan period).

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report 2022-23. Table 9 indicates the Five Year Supply measured against the adopted WLP annual target of 230 dwellings plus a 20% buffer, and demonstrates a 7 year supply of deliverable sites.

To maintain the supply of housing paragraph 79 of the NPPF requires local planning authorities to monitor progress in building out sites with planning permission. Where the Housing Delivery test indicates delivery has fallen below 75% of the local planning authorities housing requirement over the previous three years, the presumption in favour of sustainable development applies, in addition to the requirement for an Action plan and 20% buffer.

The latest Housing Delivery Test was published in December 2023. Worthing Borough Council scored 33%. Therefore the presumption in favour of sustainable development applies as the delivery of housing was less than 75% of the housing requirement over the previous three years.

Within Worthing, the most significant constraining factor when considering future development is land availability. The overarching spatial strategy of the adopted Local Plan is to achieve the right balance between planning positively to meet the town's development need with the continuing need to protect and enhance the Borough's high quality environments and open spaces. Policy SS1 seeks to increase the rate of housing delivery from small sites, stating that development should make efficient use of brownfield land whilst also making clear that the density of development should be appropriate, and relate well to the character of the area. The definition of previously developed land (or brownfield land) in the NPPF (Annex 2: Glossary) excludes residential gardens in built up areas.

The site is within a sustainable location within reasonable walking distance of bus routes along Alinora Crescent/Eirene Road, Goring Road and George V

Avenue and accessible to local shops and services in Goring Road District shopping centre.

The key considerations are the effects on local character, residential amenity and highway safety.

Local Character and Heritage

Whilst acknowledging the importance that small and medium sites can make in meeting local housing requirements, paragraph 72 of the NPPF states that plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example, where development would cause harm to the local character

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It requires decision-making to ensure that developments are (amongst other things) add to the overall quality of an area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place; and create places that are inclusive and accessible, with high standards of amenity for existing and future users (paragraph 135).

Policy DM2 sets out a design-led approach to determining the capacity of development sites, with particular consideration given to the site context and the character of the surrounding area in which it is located.

Policy DM5 requires all new development to respect and enhance the character of the site and the prevailing character of the area, stating that new development should make a positive contribution to the sense of place, local character and distinctiveness of an area.

The supporting text to this policy states at paragraph 5.65 that private residential gardens within the built-up area are excluded from the definition of previously developed land and that inappropriate development of residential gardens will generally be resisted, although may be acceptable in some circumstances. It states that applications for development of private residential gardens will be considered carefully and each case will be determined on its own merits taking into consideration the size and shape of the garden, impact on neighbouring dwellings, biodiversity, density, and the character of the area.

The Council's SPD 'A Guide to Residential Development' describes 'backland' development as development that lies to the rear of an existing property that often, but not in all cases, fronts a road. Access can be from the road serving the original dwelling from the front, from the side or from the rear. It goes on to state that whilst some infill development can provide a welcome addition to the Borough's housing stock, backland garden development is generally

regarded as an inappropriate form of development and will be resisted in most cases.

Paragraph 4.29 goes on to state that tandem backland development is more often than not an anomalous and contrived form of development that makes little contribution to local distinctiveness and is generally unacceptable.

Moat Way constitutes a low-key residential road within the heart of an established residential suburb. It has a sinuous curved alignment, linking Brook Barn Way to the North and Alinora Crescent to the Southwest. The dwelling plots on the North side of the road vary in width, influenced by the curvature of the road, but are fairly consistent in terms of depth. There is a variety of dwelling types and style on the north side, including detached and semi-detached bungalows and houses. Most buildings are sited toward the front of their respective plots, but not all (as described above).

The dwelling plots on the south side are typically narrower and more regimented in character, mostly consisting of detached bungalows. A narrow private driveway between No14 and 24 leads to a generously sized ‘backland’ plot occupied by a detached bungalow (No.16). Another generously sized ‘backland’ plot adjoins it to the east, also occupied by a bungalow (24 Smugglers Walk) with its own separate access drive from Smugglers Walk to the South.

The existing dwelling, 17 Moat Way, occupies a wider than average plot being one of the larger properties in the street. That said, its overall plot size is consistent with that of a good-sized family dwelling. The subdivision of the plot would leave this dwelling with an uncharacteristically short rear garden varying in depth between 9.5m (maximum) to 7.2m (minimum), which would be wholly at odds with the pattern of existing development.

The proposed new dwelling plot would also be uncharacteristically small. Although provided for indicative purposes only, the proposed site plan shows a separation distance of less than 10m from the rear of the existing house (and even less if the canopy porch is taken into consideration). Even at single-storey scale a dwelling would feel cramped in relation to the 2-storey scale of the existing frontage dwelling and, based on the indicative plan, the shoe-horned character of the dwelling would be visibly apparent in public views from Moat Way through the gap between the existing frontage buildings.

Although various domestic outbuildings, garages, summer houses, greenhouses etc. are a characteristic feature of these suburban rear gardens, they are ancillary in scale and function and fundamentally different in character to the development of a dwelling house.

The indicative plan shows the paved access to the west side of the existing frontage dwelling as serving both the proposed new dwelling and providing pedestrian access the rear garden of 17. The practicality of this shared, open arrangement is questioned. It is inevitable that a future occupier of the rear dwelling plot would want to demarcate and separate their own access

arrangements with fencing, which would further accentuate the incongruity of the proposed tandem ‘backland’ setting in the streetscene.

Residential Amenity – Future Occupiers

The indicative plan shows the proposed dwelling would have a GIA of 72sqm which would met the Government’s minimum space standard of 70sqm for a single-storey 2-bedroom 4-person dwelling. The habitable rooms would all have a single East-facing aspect, with secondary windows serving non-habitable accommodation (WC/bathroom) in the North and West elevation facing the site boundaries. The indicative drawing shows clerestory (or high-level) windows on the West elevation to provide additional daylight (but no outlook).

A private garden (160sqm) would be provided on the East side of the dwelling which exceeds the Council’s minimum external space standard of 85sqm for a small detached dwelling.

The entrance path and entire garden area would be directly overlooked from the upper floor windows of the host dwelling. Overlooking of the East-facing windows would be at an oblique angle. The indicative drawing shows an over-sailing eaves detail on this side intended to improve privacy. However, the overall impression would be one of being overlooked at close quarters, with all comings and goings to the property observed from the rear windows of No.17, the effect of which would be intrusive and provide the future occupier with a poor standard of amenity.

Residential Amenity - Neighbours

The most affected properties are the frontage dwelling, No.17, plus those on either side and to the rear.

Even at single-storey scale the roof of the proposed dwelling would project above the new close-boarded fencing erected around the shortened rear garden of No.17, having an enclosing effect that would be oppressive and making the garden a less attractive space. The access to the proposed dwelling on the west side of No.17 would introduce a source of activity close to the rear of the house. Even though nearest windows in the first-floor rear elevation of No.17 appear to be obscured, the occupiers of this dwelling would be aware of comings and goings of the occupier(s), visitors, tradespeople etc. in close proximity.

Mature vegetation growing along the perimeter of the northern and eastern boundaries of the rear fenced area provide an effective screen between the adjoining gardens to the North, and the flank wall of No.19 Moat Way to the East. The gardens of 15 and 17 Brook Barn Way are a minimum 14.5m deep, and based on the indicative siting shown on the submitted site plan it is considered a single-storey dwelling in this position would not harmfully detract from the amenities of these neighbouring properties in terms of loss of daylight/sunlight, overbearing effect or loss of privacy.

To the west the proposed site access would adjoin the driveway serving the flat at 11/11A. The indicative plan shows the siting of the proposed single-storey dwelling adjacent to the garage building in the rear of 11/11A and concrete parking area in front of it. Whilst the presence of the new dwelling would be clearly apparent in views from windows in the East side and rear of the flat building, the impact would not be harmful.

Access and Highways

Notwithstanding the concerns raised by third parties, the LHA has raised no highway safety objection and following clarification, is satisfied of the proposed access and parking arrangements. It would be possible to park 2 cars on the paved access to the west side of the existing dwelling. The practicality of the shared arrangement (with pedestrian access provided to the rear garden of No.17) is questioned, as stated above. Nevertheless, sufficient width (with the newly incorporated slither of land) would remain for parking vehicles even if pedestrian access to the garden of No.17 were to be fenced off.

The existing parking provision for No.17 would be retained.

The site is within a highly sustainable location within walking distance of bus routes and accessible to the facilities and services of Goring Road District shopping centre. Cycle parking provision could be secured in the rear garden.

Sustainable Development

Policy SP2 sets out a comprehensive and strategic approach to addressing climate change involving carbon reduction, maximising carbon sequestration and climate change adaption and mitigation measures.

Policy DM16 states that all new housing should seek to achieve an A rating (with a minimum expectation of B rating) Energy Performance Certificate.

Policy DM17 requires all development resulting in new housing to incorporate renewable and low carbon energy production equipment to meet at least 10% of the predicted total energy requirements (after CO2 reductions from energy efficiency measures).

The submitted Design and Access Statement outlines that the proposed dwelling adopt a fabric first approach to sustainable construction incorporating high levels of insulation within the building design (to be reserved), with opportunities to locate solar PV on the roof. A condition could be imposed in the event of approval to secure an EPC B-rating.

Policy DM18 requires new development (excluding change of use and householder) to provide a minimum 10% net gain for biodiversity.

The fenced site currently consists of a combination of surfaced patio, lawn, ornamental shrubs/hedging/trees and garden sheds/greenhouse, plus a pond. The indicative plan shows the pond would be removed along with 2 small trees. The opportunity to provide replacement tree planting at greater than 1:1 is constrained by the size of the site. On the other hand small-scale hedge and shrub planting (along the new fenced boundary with No.17), and other measures such as the inclusion of bird/bat bricks or boxes, could be incorporated which would make a small contribution toward compensating for the loss of existing vegetation and biodiversity.

Although the Government's mandatory 10% BNG for small sites (requiring completion of the Metric) came into effect on 2 April 2024 it does not apply to applications submitted before that date. Nevertheless a plan to secure 10% BNG (either on or off-site) to comply with LP policy DM18 could be secured by condition in the event of approval.

Other

There is no evidence that the proposed dwelling would be used as a holiday let as suggested by the third party.

Similarly, there is nothing to guarantee that the Applicant would occupy the dwelling if permitted, and little weight has been attributed to this suggestion.

CIL

This development is eligible for CIL.

Recommendation

It is acknowledged the proposed development would make a small but welcome addition to the local housing stock, but this does not outweigh the harm the proposed development of this tandem 'backland' site would cause to local character and distinctiveness, or the resulting poor living conditions for existing and future occupiers deriving from its small size and cramped relationship to the frontage dwelling.

REFUSE for the reasons:-

1. The proposed development of this small site would constitute an incongruous and cramped form of tandem backland development that would be out of keeping and unacceptably harmful to local character and distinctiveness. Furthermore, the Council is not satisfied based on the submitted information that the development of a single-storey dwelling on the site would provide satisfactory living conditions for the future occupier(s) and would not be harmful to the amenities of neighbouring residential occupiers. The proposed development is therefore contrary to policies DM2 and DM5 of the adopted Worthing Local Plan, the Council's SPD 'A Guide to Residential Development' and the relevant policies of the NPPF.

Expiry Date - 12/04/2024

Informative

Pro-active - Refusal

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

Case Officer: Jo Morin Date: 12.04.2024

Authorised by: Louise Prew Date: 12/04/2024