Worthing Borough Council

Statement by Worthing Borough Council in relation to the appeal at Dolphin Court, Shelley Road, Worthing, West Sussex, BN11 4DD

PINS Ref: 6007549

LPA Ref: AWDM/1103/25

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: 05.11.2025 on the following grounds: -

1. By reason of its scale, bulk, massing, proportions, layout and detailed design the proposed roof extension would constitute an unduly assertive and unsympathetic form of development that would dominate and unacceptably accentuate the existing poor visual relationship of the existing 3-storey addition to the Victorian host building, further detracting from the overall composition and appearance of the building to the detriment of local character and the street scene. The development is therefore contrary to policies DM2 and DM5 of the Worthing Local Plan, the Council's SPD 'A Guide to Residential Development' and the NPPF.

2. The proposed development, by reason of its scale, bulk, massing and the layout of the proposed residential accommodation would harmfully detract from residential amenities of existing nearby flats within the host building and neighbouring flat buildings resulting in an unacceptable loss of light, outlook and privacy contrary to policies DM2 and DM5 of the Worthing Local Plan and the NPPF.

Rebuttal to Grounds of Appeal

<u>Reason 1</u>

Paragraph 131 of 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. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 goes on to require decisions to ensure that developments are visually attractive as a result of (amongst other things) good architecture and layout, are sympathetic to local character and history, including the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Adopted Worthing Local Plan Policy DM5 requires all new development, including intensification, to (amongst other things) be of a high architectural and design quality

and respect and enhance the character of the site and the prevailing character of the area including consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping; enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, tree canopy, impact on street scene and layout of the development; and make a positive contribution to the sense of place, local character and distinctiveness of an area.

The Officer report provides a detailed description of the existing building the subject of this appeal, evaluating the later flat-roof addition and its visual relationship to the pitched-roof Victorian host building, noting that despite its unsympathetic proportions it is at least visually subordinate in overall scale and height to the latter.

Dolphin Court sits within attractive landscaped grounds, as do the neighbouring flat buildings within this 'island' bounded by Shelley Road to the north, Southey Road to the southeast and Wordsworth Road to the southwest, with mature tree, hedge and shrub planting to their roadside margins 'softening' the appearance of the built forms and contributing to the overall pleasant character of the area.

Rather than being characterised by "dense flatted development" as stated in the Appellant's grounds of Appeal, the surrounding area is characterised by a mix of grand Victorian and Edwardian villas, typically 2-storey, some with roof accommodation contained within pitched roofs with gable features and dormers, together with mid-to-late C20 flat buildings mostly 3-storey, but some 4-storeys in height. For the most part, roofs are pitched, but with some flat-roofed flat buildings, typically dating from the mid-C20. In more recent years, considerable care has been taken to safeguard and where possible enhance the largely traditional character of the townscape with modern redevelopments replicating the style, scale, proportions and architectural detailing of the older buildings either as a form of architectural 'pastiche' as at the nearby 'Poets' and 'Berkely Lodge' care homes in Shelley Road, or a modern interpretation, as at Lomas House (Wordsworth Road), Cambridge Lodge (Southey Road), and Pegasus Court (Shelley Road). The result is that these modern flat developments which have a clear design integrity and visual coherence have helped to reinforce rather than erode the existing sense of place and local character.

In contrast, for the reasons outlined in the reason for refusal and the Officer report, the unsympathetic scale, bulk, massing, proportions, layout and detailed design the proposed mansard roof extension would in fact amplify and reinforce the existing poor visual relationship of the existing flat-roofed addition to the host building, reversing its current subordinate visual relationship to become the more dominate form, the lack of visual coherence between the two different components within the street scene being heightened by the prominence of the enlargement, to the detriment of local character and the quality of the surrounding townscape.

The Appellant's Statement suggests the proposal is a "direct and logical response" to the design deficiencies of the existing addition, introducing a "more coherent roofscape" that "resolves the upper part of the building in a matter that is legible and proportionate". That is very clearly not the case. The submitted 2-dimensional

drawings do not fully reveal the very steep angle of pitch of the mansard roof in juxtaposition to the shallow angle of the pitched roof on the Victorian host building, or the siting of this component stepped forward (north) of the adjacent part of the host building. The result being that the enlarged scale, height and massing of the addition would dominate the host building as clearly illustrated by the submitted 'Proposed 3D views', in effect, becoming a visual representation of the metaphorical expression 'the tail wagging the dog'.

It is noted no 3D view of the proposed east elevation has been provided although the southeast 3D view illustrates the vertical component of the proposed roof enlargement and its unsightly junction with the host building that would be clearly visible in views from Southey Road.

The simplicity of the elevational drawings (and the Proposed 3D views), which just show the frame details of the proposed 'dormer' windows within the mansard, understate their visual impact. The necessary insulation and construction details would inevitably result these features having a 'heavier' appearance contributing to the scale and mass of the roof enlargement and further accentuating the relative prominence of this building component and its lack of coherence and poor visual relationship to the host building.

[The second-floor windows in the North elevation of the Victorian host building do not 'break through the eaves' as is indicated on the submitted Drwg 200.]

Finally, it is noted that the Appellant's Statement has clarified that the existing brick elevations of the flat-roofed addition would be rendered (i.e. not white painted bricks as annotated on the submitted drawings). As acknowledged in the Officer report, this would help to achieve some degree of visual harmony with the host building. However, neither this, nor the removal of the heavy fascia board detail, would compensate for or outweigh the resulting significant harm to the appearance of Dolphin Court and the character of the surrounding area that would result from this unequivocally unsympathetic and intrusive form of development contrary to Local Plan policy DM5 and the relevant paragraphs of the NPPF.

Reason 2

Dolphin Court – Daylight and Outlook

A Daylight and Sunlight Report has been submitted in support of this appeal but was not available at the time the application AWDM/1103/25 was under consideration.

The report explains the Vertical Sky Component (VSC) as a measure of available skylight noting that diffuse daylight may be adversely affected if after a development the VSC is less than 27% and less than 0.8 times its former value.

The results demonstrate that after the proposed development the VSC will be less than 27% for windows 1-4 on the first and second-floor on the south side Dolphin Court and in the case of window 3 (serving a bedroom/living room) less than 0.8 times its former value. The report cites appeal decisions where a lower level of VSC has been accepted (paragraph 3.4.7) with examples provided relating to developments at William Road, London NW1; Blount Street, London E14; and Whitechapel Estate,

London E1. However, those circumstances clearly differ to that of the appeal site which is neither within a city or densely built-up town centre location. Moreover, it is worth pointing out that the affected windows 3 and 4 within Dolphin Court serve a living room/bedroom. For whatever reason, the floor plans of the existing flat accommodation in Dolphin Court have not been provided as part of the original application, or as part of the current appeal. Nevertheless, it can be reasonably expected that the windows in question serve small, studio-type accommodation (with the bedroom located within the main living area) and that the main habitable living area will not benefit from any alternative source of daylight. For the occupier(s) the resulting loss of daylight to these windows demonstrated by the Daylight and Sunlight Report must be considered as significant and consequently unacceptable.

The inclusion of the appeal decision for Norwood Walk West, Sittingbourne is wholly irrelevant since in that case that LPA's own assessment concluded that the development in question complied with the BRE Daylight and Sunlight Good Practice Guidance which is not the case here.

Aside from loss of daylight, the outlook from windows 1-4 on the south side of Dolphin Court will also be significantly affected by the proximity, height, scale and mass of the proposed roof enlargement, having a dominating effect. The combination of the unacceptable loss of daylight and an overbearing strong sense of enclosure would undoubtedly be oppressive for the occupiers of these existing small flat units.

Queen's Mansions – Loss of Privacy

It is acknowledged that a mutual overlooking relationship exists between principal facing windows in Dolphin Court and Hopedene Court owing to the relative proximity of the buildings to each other compared to separation distances typically recommended as necessary to achieve reasonable levels of privacy (of between 21 and 28 metres). The proposed roof enlargement will introduce new south-facing windows at 3rd-floor level that will directly overlook windows on the third floor of Queen's Mansions which are at present not directly overlooked and will introduce a new elevated angle of overlooking towards the existing windows on the lower floors Queen's Mansions. Both the potential for actual overlooking and perception of being overlooked will be increased for the occupiers of Queen's Mansions, which at the relatively short distances involved is considered unneighbourly.

Hopedene Court – Loss of Privacy

Contrary to the Appellant's Statement there is not a mutual direct overlooking relationship between opposing windows in the closest (northern) elements of Dolphin Court and Hopedene Court as the potential for overlooking is effectively mitigated by the high-level design of the windows in west side of this part Dolphin Court.

The submitted Proposed Third Floor Plan shows 3no west-facing windows (within Flat 2) within this northern component opposite Hopedene Court. This would lead to the introduction of direct and elevated overlooking of windows serving habitable rooms on the first, second and third floor in the nearest east elevation of Hopedene Court at a minimum distance of only 6.1 metres. This direct mutual overlooking relationship does not currently exist. The Proposed West Elevation drawing shows these windows would

be openable. Thus, a possible requirement for the proposed windows to be obscure-glazed as suggested in the Appellant's Statement would not adequately mitigate the potential for overlooking (from an open window) resulting in an actual loss of privacy, or the perception of being overlooked and resultant sense of lost privacy owing to the size and orientation of the windows in question and their proximity to opposing windows in Hopedene Court. The consequential effect of overlooking, actual or otherwise, would be unacceptably intrusive and materially different to the current situation. For the affected occupiers of flats within Hopedene Court, the effect would not be a "continuation of an existing urban condition", but an unacceptable loss of existing amenity and degradation of their current living conditions.

Conclusion

Paragraph 125(e) of the NPPF requires decisions to support opportunities to use the airspace above existing residential premises for new homes and allow upward extensions – including mansards roofs – *where the development would be consistent with the prevailing form of neighbouring properties and the overall streetscene, is well-designed* and main maintains safe access and egress for occupiers.

The officer report recognises the benefit to the existing appearance of the building that would be derived from rendering the existing brickwork component, but this cannot be considered in isolation from the cumulative effects of the increased height, scale, massing and unsympathetic architectural language of the roof enlargement on the appearance of the building as a whole. Instead, the existing lack of visual coherence would be compounded by the resulting heightened stature and visual prominence of the building to the further detriment of its appearance and the quality of the surrounding townscape.

The submitted Daylight and Sunlight Report clearly identifies the unacceptable loss of daylight to existing windows within Dolphin Court but the harmful effect on the amenities of existing occupiers of the building is understated by the Appellant's Statement. Whilst incorrectly dismissing the loss of daylight as insignificant, the Statement also fails to properly take account of the harmful effects of the development on the outlook from the same windows serving habitable rooms. For the occupier(s) of this accommodation the resulting impacts will be significant and must be considered unacceptable.

Similarly, the Appellant's Statement lightly dismisses the overlooking impacts of the development as "limited", "localised" and "perceptual". However, the introduction of new development and additional windows in proximity to neighbouring flat buildings would result in both actual and perceived overlooking and loss of privacy (or a 'perception of privacy') which Inspectors have long recognised as a valid ground for refusal.

It is acknowledged that the proposal would result in the creation of 4no additional flat units which although welcomed would only provide a very small contribution toward meeting local housing need and does not outweigh the unacceptable harm that would result from the development identified by the officer's delegated report and this response to the Appellant's Ground of Appeal.

The Inspector is therefore respectfully invited to dismiss the appeal.