

Planning Objection

Application Reference: AWDM/0236/26

Site: Lyne House, 20 Links Road, Worthing, West Sussex

To: Adur & Worthing Planning Authority

I wish to object to the above application. The proposal would result in a material and unacceptable loss of residential amenity, particularly in respect of privacy and overlooking. The application also contains a misleading landscaping statement which the Council should treat as a material concern.

1. Misleading Landscaping Statement and Loss of Screening

The application states:

“As far as practical, as much of the existing planting... will be retained... Existing hedging and trees will be retained wherever possible to maintain privacy...”

This statement is demonstrably inaccurate. The hedge along the shared boundary between Lyne House and our property — the boundary facing the west (rear) elevation of Lyne House as marked on the submitted drawings — has already been removed.

This hedge provided effective, established privacy screening between the properties. Its removal has materially increased intervisibility and reduced the level of privacy enjoyed by the neighbouring occupants. The function it served — privacy, visual amenity, and contribution to local green infrastructure — cannot be replicated in the short to medium term by fencing or replacement planting of lesser maturity.

The landscaping statements in the application are expressed in non-committal terms — “as far as practical” and “wherever possible” — and provide no certainty that meaningful boundary screening will be retained or reinstated. In the absence of a detailed and enforceable landscaping scheme, these statements cannot be relied upon to mitigate the harm to privacy and amenity.

2. Direct Overlooking and Loss of Privacy

The removal of established boundary screening has created a clear and uninterrupted line of sight between the west (rear) elevation of Lyne House — as marked on the submitted plans — and our garden. There is now direct overlooking into the full depth of our outdoor space, including the primary amenity areas — the patio, seating zones, and lawn.

Photographs submitted with this objection were taken from multiple positions within our garden at ground level. They demonstrate clear, unobstructed sightlines toward the upper windows of the west (rear) elevation of Lyne House from the back garden. These photographs represent a conservative illustration of the overlooking that would be experienced in practice: occupants at first-floor window height, on a property already elevated above ours by virtue of the slope, would command a more direct and extensive downward view than these images convey.

This constitutes a material loss of privacy and an unacceptable level of intervisibility between properties, resulting in harm to the reasonable enjoyment of our garden as a private amenity space.

3. Elevated Relationship, Topographical Dominance, and Roof Terrace

Lyne House is positioned at a higher elevation on the slope relative to our property. This topographical relationship means that upper-floor windows in the west (rear) elevation already provide a naturally elevated and downward-facing view across the shared boundary into our garden. As the photographic evidence demonstrates, sightlines are clear and unobstructed from ground level across the full depth of our outdoor space. Any remaining boundary vegetation provides no effective screening at first-floor height. The degree and intrusiveness of overlooking is therefore significantly greater than would be the case between properties at equivalent levels.

The proposed roof terrace, accessed via doors from Bedrooms 3 and 4, would intensify this harm severely. It would function as a deliberate elevated viewing platform with its primary outlook directly over our garden and those of other neighbouring properties. There is no meaningful outward aspect beyond private residential land. Unlike overlooking from a fixed window, a terrace involves active occupation — its use is deliberate and sustained rather than incidental, and it cannot be mitigated by obscure glazing or restricted opening.

Taken together, the topographical elevation and the proposed terrace would result in panoramic, continuous, and downward views into the majority of our primary amenity space. It is difficult to envisage conditions that could adequately mitigate the impact of an occupied terrace in this position and relationship to neighbouring properties. The terrace should be refused outright.

The altered building form also introduces the risk of future additional openings, which could further erode privacy.

4. Conflict with Planning Policy

National Planning Policy Framework

Paragraph 135(f) of the NPPF requires development to create places that provide a high standard of amenity for existing and future occupants. This proposal fails that test through the direct and elevated overlooking it would enable and intensify.

Worthing Local Plan 2023

Policy DM20 — Privacy and Amenity

Requires development to protect the privacy of existing occupants and to avoid unacceptable overlooking and loss of amenity. The proposal fails this policy on both grounds.

Policy DM18 — High Quality Design

Requires development to function well within its context and to avoid creating unacceptable relationships between neighbouring properties. The proposed roof terrace, given its elevation, outlook, and relationship to adjacent gardens, creates precisely such an unacceptable relationship.

5. Biodiversity and Loss of Established Vegetation

The application correctly notes that the statutory biodiversity net gain requirement does not apply to this householder development. However, the removal of established boundary hedging represents a loss of ecological and environmental value — including habitat and contribution to local green infrastructure — that remains a material consideration.

No replacement planting of equivalent maturity, density, or ecological function has been proposed.

Conclusion

The application should be refused on the following grounds:

- The landscaping statement is demonstrably inaccurate and cannot be relied upon as mitigation.
- The removal of established boundary screening has caused a clear and demonstrable loss of privacy.
- The topographical relationship between the properties results in direct, elevated, and intrusive overlooking from the existing upper-floor windows.
- The proposed roof terrace would create a severe and unacceptable level of harm to the privacy and amenity of neighbouring occupants, with no adequate mitigation available.
- The proposal conflicts with NPPF Paragraph 135(f) and Worthing Local Plan Policies DM18 and DM20.

If the Council is Minded to Approve

If, notwithstanding the above, the Council is minded to grant permission, the following conditions are necessary to provide any meaningful mitigation of the identified harm and to secure compliance with Policy DM20.

- The roof terrace and associated access doors from Bedrooms 3 and 4 shall be omitted from the approved scheme.
- Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: boundary planting designed specifically to mitigate overlooking; minimum planting heights and densities at installation; species selection appropriate for year-round screening; and a clear implementation timetable.
- All approved landscaping shall be implemented within three months of the decision notice and thereafter retained and maintained. Any plants which, within a period of five years from the date of planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- A long-term management and replacement plan for boundary screening shall be submitted and approved prior to occupation.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no additional windows, openings, or alterations shall be inserted in the west (rear) elevation of the building without the prior written approval of the Local Planning Authority. This condition is necessary to prevent incremental erosion of the privacy of neighbouring occupants.

Planning Portal Summary (for online submission box)

This application should be refused. The proposal results in a material and unacceptable loss of residential amenity through direct and elevated overlooking into a neighbouring garden. The established boundary hedging has been removed, contrary to statements in the application. The proposed roof terrace would function as a deliberate elevated viewing platform with a primary outlook over private residential gardens and would cause severe and unacceptable harm to neighbouring amenity. The proposal conflicts with NPPF Paragraph 135(f) and Worthing Local Plan Policies DM18 and DM20.