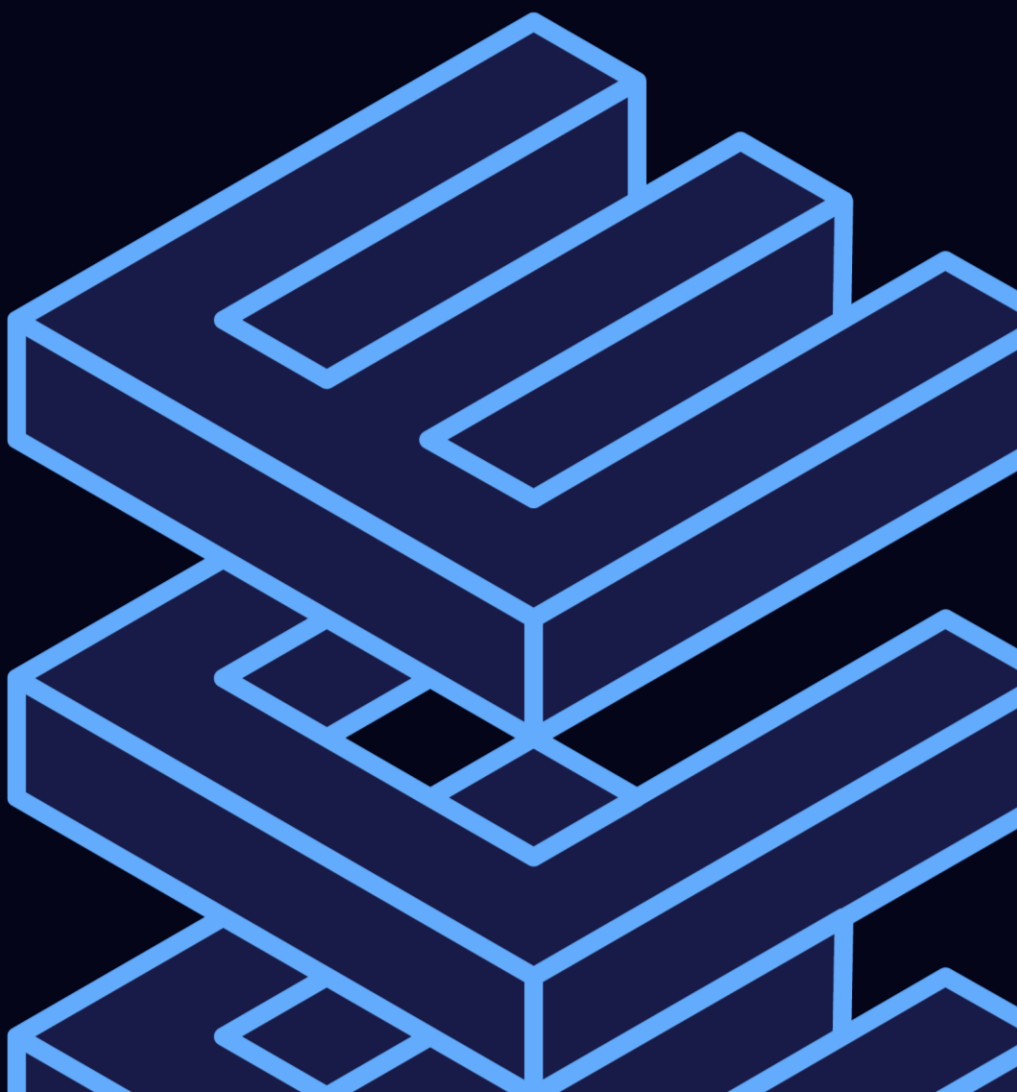
ECE Planning

Statement of Case

Land at 13-15 Farncombe Road

11 September 2026



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Project Name:	Land at 13-15 Farncombe Road
Location	Land at 13-15 Farncombe Road, Worthing, BN11 2AY
Client:	Patagonia Properties Limited
File Reference:	P2259

Issue	Date	Author	Checked	Notes
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1. Introduction

1.1. This Appeal Statement of Case and Grounds of Appeal has been prepared by ECE Planning on the behalf of Patagonia Properties Limited ("the Appellant") in support of this Section 78 Appeal against the refusal of Planning Permission by Worthing Borough Council ("the Council") under reference AWDM/0133/25 ("the Decision") on 18 May 2026 at Land at 13-15 Farncombe Road.

1.2. The Appellant sought Full Planning Permission for the following development ("the Proposed Development"):

1.3. *"Erection of 4no. single storey, 1-bed residential dwellings for adults with complex learning disabilities and autism (1no with associated staff room) (Class C3(b))".*

1.4. The application was subsequently refused by the Council for the following reasons:

01. The proposed dwellings represent an incongruous form of backland development sitting deep into the rear of the site. By reason of the proposed site layout, relationship to existing development on the site, access, hard surfacing and car parking together with the footprint, siting, form and appearance of the proposed dwellings, the proposals constitute a discordant overdevelopment of the site that relates poorly to existing development, plot pattern and street character, lacking any meaningful sense of place or sympathy with local distinctiveness or the character of the Conservation Area and the local listed buildings. The proposed detached buildings and access and parking would furthermore be an unacceptable over intensification of the site. It is not considered that the applicant has brought forward a scheme for housing with sufficient justification to outweigh the harm that would be caused to the conservation area and heritage assets. The proposal would therefore be contrary policies DM5 and DM24 of the Worthing Local Plan and the Guide to Residential Development SPD 2013 and the NPPF.

02. The proposed detached dwellings by reason of their design, size and siting represent an anomalous and awkward form of development to the setting of local listed buildings No. 11, 13, 15 and 17 Farncombe Road, identified as making a positive contribution to the Farncombe Road Conservation Area. The proposal would result in unacceptable harm to the character and appearance of the Conservation Area, failing to preserve or enhance, and is therefore contrary policy DM24 of the Worthing Local Plan and the relevant policies within the NPPF.

03. The proposed dwellings, by reason of their siting and close proximity to the western site boundary would result in a perception of overlooking for the occupiers of neighbouring properties and would generate intrusive noise and disturbance, to the detriment of their living conditions, especially those of Nos. 34 and 36 Madeira Avenue with their shallow rear gardens. The dwellings would also provide a poor relationship with existing development with flats within 13 and 15 Farncombe Road with actual and perceived overlooking, noise and disturbance and loss of communal open space associated with them. As such it would be contrary to policy DM2, DM5 and DM18 of the Worthing Local Plan and the relevant policies of the NPPF.

1.5. A copy of the Decision Notice (P2259 Decision Notice) together with the documents that made up the planning application are submitted with this Statement as part of this appeal submission. Please refer to the accompanying Document List ("Documents List") for further information.

1.6. The requested Mode of Appeal is **Written Representations.**

1.7. In accordance with the Government's Updated Guidance in relation to 'Use of artificial intelligence in casework evidence' dated 20 February 2026, it is confirmed that this Statement has used AI (Claude) to review language structure. The Statement has been thoroughly checked prior to submission, to ensure that the content is accurate and has not been amended by AI.

2. The Appeal Site

2.1. The appeal site relates to two buildings located on the western side of Farncombe Road; a residential street situated within close proximity to Worthing town centre. The site benefits from a highly accessible urban location, with Worthing Hospital positioned some 170 metres to the north. To the south, Farncombe Road terminates at Brighton Road, which is characterised by a run of commercial retail uses, beyond which lies Worthing seafront. The Splashpoint Leisure Centre is located to the south-west, with Beach House Park immediately to the west.

2.2. The site is well served by public transport, with bus stops located approximately 260 metres and 230 metres away on Lyndhurst Road and Brighton Road respectively. This includes the 700 bus service which runs very regularly along Brighton Road and connects Brighton to Portsmouth (along with a number of linking towns). More broadly, the site is within easy walking distance of the town centre and its associated services and facilities. In this regard, the appeal site is considered to occupy a highly sustainable location.

2.3. The entirety of Farncombe Road, together with a section of Church Walk, falls within a designated Conservation Area. A significant number of properties within the street; Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13A, 14, 15, 16, 17, 18, 19, 22, 23 and 25 are identified as Locally Listed Buildings. At the junction of Farncombe Road and Church Walk, a Grade II Listed lamppost is situated within a roundabout island, further reinforcing the historic character of the immediate area.

2.4. Farncombe Road is characterised by large, generously proportioned Victorian properties, each set well back from the road behind substantial front gardens. The streetscape is notably verdant in character, with grass verges running along the pavement and a strong canopy of mature street trees, which serve to soften the built form and provide rhythm and enclosure to the public realm. A broadly consistent flint boundary wall runs along the majority of property frontages, contributing significantly to the historic character of the street. Notwithstanding this, the scale of the Victorian villas has, over time, lent itself to conversion; many properties along the road have been subdivided into smaller flats or brought into office use, and as a consequence, the majority of front gardens have been substantially or entirely turned to hardstanding to accommodate off-street parking.

2.5. No. 13 Farncombe Road is a detached building that has been subdivided into studio and one-bedroom flats. The property is well separated from its immediate neighbours and has been subject to various alterations over the years, including a substantial extension to the rear. No. 15 Farncombe Road is a semi-detached property with a two-storey pitched roof side extension that is prominent within the streetscene. No. 15 is currently in use as a large sui generis House in Multiple Occupation (HMO) and studio flats.

2.6. No. 13 is a two-storey, double bay-fronted villa, set back from the road and finished in cream render beneath a slate roof. The property is served by an 'in-and-out' vehicular access from Farncombe Road, with a tarmacked parking area occupying the majority of the front curtilage, which is enclosed by a low brick and flint boundary wall with an established hedge planted above. Of note is that the building is orientated at a slight angle relative to its immediate neighbours on either side, a detail which adds to its individual character. To the rear, the property has been extended with a contemporary flat-roofed, two-storey addition on its north-western corner. The southern boundary of the site features a number of large, mature trees which significantly screen views of the property from the south.

2.7. No. 15, to the north, forms one half of a pair of semi-detached Victorian villas of similar architectural character to No. 13, featuring a three-storey projecting gable, a two-storey

bay window and cream rendered elevations beneath a slate roof. The property has a more recent two-storey side extension, which is set back from the principal front façade (see planning permission reference AWDM/1190/16 and subsequent applications). The frontage of No. 15 includes a number of trees; of particular note is a large, mature tree situated in the south-eastern corner of the curtilage, adjacent to the existing vehicular access.

2.8. The application site comprises the rear gardens of both Nos. 13 and 15, together with the front and side garden of No. 13. The site is enclosed on all sides by residential uses. To the west, a run of two-storey semi-detached and terraced mid-to-late nineteenth century villas on Madeira Avenue back directly onto the application site.

2.9. The rear garden area associated with both properties have fallen into a state of neglect and are significantly overgrown. Tennant's have no rights to access this area, as part of their lease agreement. The current condition of the site therefore makes no meaningful contribution to the amenity of its occupants, nor to the wider character of the Conservation Area.

3. Relevant Planning History

3.1. Introduction

3.1.1. The Planning History pursuant to the Appeal Site is set out in full within the submitted Planning Statement. It is however considered important in the determination of the Appeal to elaborate further on selected previous planning history as well as highlight the surrounding context and number of recent Council decisions within the area.

3.2. Planning Application Site

3.2.1. **13 Farncombe Road – AWDM/0699/20**

3.2.2. The above permission related to the demolition of an existing garage, shed, and rear steps and access arrangements, and the construction of a two-storey rear extension to the western elevation of the property, providing two one-bedroom self-contained flats. The approved scheme also included the provision of bicycle and refuse storage and four off-street parking spaces.

3.2.3. This permission is considered to be of particular relevance to the appeal scheme for the following reasons. Prior to the demolition of the existing garage, the existing gap between the host building and No.11 was previously occupied, as shown in the historic Google Street View imagery (Figure 1). The visual relationship between that single-storey structure and the streetscene is considered to be directly and meaningfully comparable to the relationship that would be created by the proposed single-storey bungalows. In other words, the presence of a single-storey built form in this location was previously considered acceptable, indeed, it was an established feature of the site for a considerable period, and the appeal scheme would introduce a form of development of a broadly equivalent scale and visual impact. This further supports the Appellant's submission that the proposed bungalows would not represent an uncharacteristic or harmful addition to the site or its immediate setting.



Figure 1 Google Street view of the site from October 2020 (Source: Google)

3.2.4. A further point of relevance arising from this permission concerns the design approach adopted for the approved two-storey rear extension. Notwithstanding its position immediately behind the host dwelling, the extension remains visible from north-easterly views of the site and presents as a clearly identifiable contemporary addition, characterised by a flat roof and a clean, modern architectural language. This design approach is directly comparable to the design rationale adopted for the appeal scheme, where a contemporary and deliberately subservient architectural expression has been chosen. As is discussed further in this Statement, this approach is consistent with the principles set out in Policy DP3(1) of the NPPF, which requires development to respond to its context whilst not precluding innovation or change where appropriate.

3.2.5. A review of the Officer's Report for the approved extension confirms that the scheme was considered to preserve the character and appearance of the Farncombe Road Conservation Area and the setting of the Locally Listed Buildings. The Officer's Report gave specific and favourable weight to the subservient and contemporary nature of the extension's design, recognising this as an appropriate and positive response to the sensitive historic setting.

3.2.6. **15 Farncombe Road – AWDM/1190/16**

3.2.7. The above permission relates to the construction of the two-storey southern side extension to No. 15 Farncombe Road, which now exists in situ. This consent is of particular relevance to the appeal scheme and merits careful consideration for the following reasons.

3.2.8. In granting permission, the Council's Officers concluded that the extension would preserve the character and appearance of the Conservation Area, and the Council's Design and Conservation Architect raised no objection to the proposal. This position is noted. However, it is instructive to consider the physical consequences of that approved development when assessed against the harm now alleged in respect of the appeal scheme. The approved extension, as constructed, has demonstrably altered the character of No. 15 in a number of material respects: it visually unbalances the property from its semi-detached pair; it encloses and reduces the gap between No. 15 and the neighbouring No. 13; and it results in an increased quantum of built form within the garden area all without, in the Council's assessment, causing harm to the character or appearance of the Conservation Area.



Figure 2 Approved Side Extension of No. 15 Farncombe Road under AWDM/1190/16.

3.2.9. By contrast, the appeal scheme is positioned substantially further back within the site than the approved side extension and is, as a consequence, considerably less prominent in views from the public realm. It is therefore submitted that if the Council was content to conclude that the approved extension preserved the character and appearance of the Conservation Area notwithstanding its direct and visible impact on the established semi-detached composition of the street then a consistent application of that judgment ought to lead to the same conclusion in respect of the appeal scheme. The appeal proposals, being more substantially set back and less visually prominent than this already-approved example of development, cannot rationally be held to cause a greater or more harmful impact upon the Conservation Area.

3.3. Neighbouring Applications

3.3.1. **19 Farncombe Road – AWDM/1567/24 and AWDM/1522/24**

3.3.2. No. 19 Farncombe Road is situated approximately 20 metres from the appeal site and falls within the same designated Conservation Area. The property is also Locally Listed and is of a comparable scale, architectural form and age to Nos. 13 and 15 Farncombe Road. It is therefore considered to represent a highly relevant example when assessing the contribution, the appeal site makes to the overall character and appearance of the Conservation Area.

3.3.3. Two planning permissions have been granted at No. 19 Farncombe Road. The first, reference AWDM/1522/24, granted consent for the construction of a two-storey rear extension incorporating a raised first-floor terrace (shown in Figure 2). The second permission (AWDM/1567/24) granted consent for the construction of a detached single-storey annexe within the rear garden (shown in Figure 3). It is noted, for the purposes of this comparison, that No. 19 Farncombe Road is presently in commercial office use rather than residential occupation.



Figure 3 Approved Elevations and Siter Plans for No.19 Francombe Road under AWDM/1522/24

3.3.4. A careful review of the Officer's Report accompanying the above applications provides a useful basis for comparison with the appeal scheme. Of particular relevance is the assessment of the detached rear annexe, in respect of which the Council's Design and Conservation Architect reached a conclusion consistent with the advice offered in relation to the appeal site, namely, that the proposed development would result in less than substantial harm to the character and appearance of the Conservation Area.

3.3.5. The Officer's Report proceeds to weigh that level of harm against the identified public benefits of the proposal. In the case of No. 19 Farncombe Road, those public benefits were assessed as being the enhancement and continuation of the existing employment use of the site. It is acknowledged that the approved scheme at No. 19 was reduced in height and afforded greater screening from the public realm when compared to the proposals at the appeal site, and that this may have served to reduce the degree of harm to some extent. However, it is significant that the Officer's Report does not draw any material distinction in the degree of harm, the impact on the Conservation Area in the permitted scheme and this appeal was characterised simply as less than substantial, without further qualification or gradation.

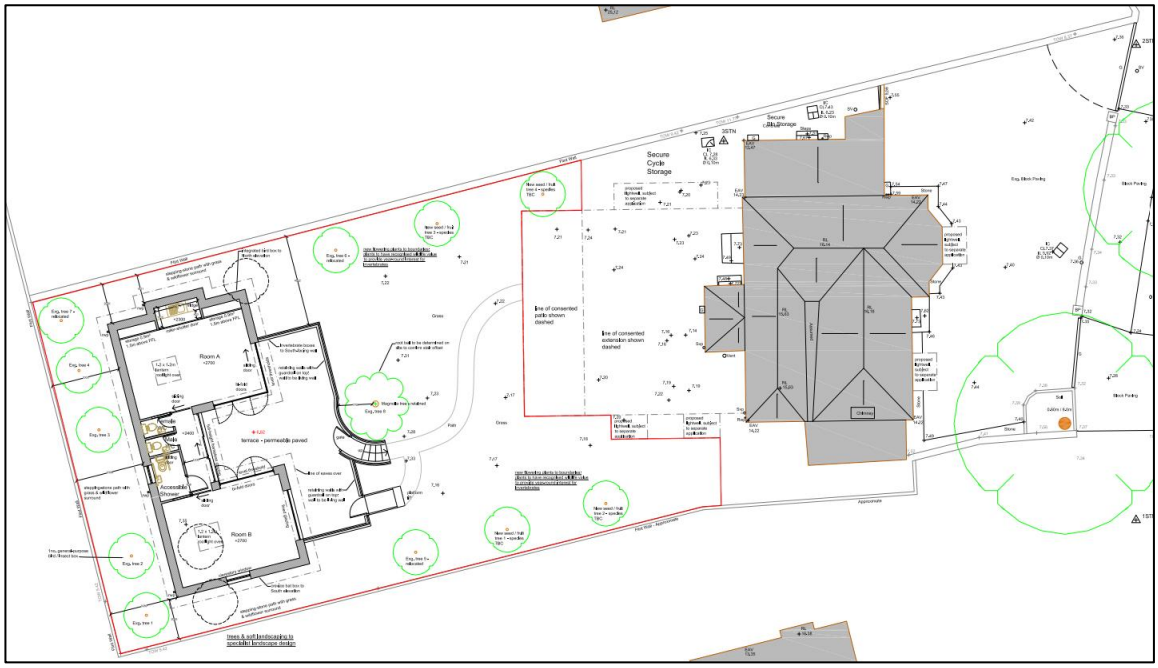


Figure 4 Approved Site Plan for No.19 Francombe Road under AWDM/1567/24

3.3.6. In light of this, it is submitted that the balance of planning judgment ought to favour the appeal scheme on the basis of the relative weight of the respective public benefits.

3.3.7. **Miller House 14-16 Farncombe Road – AWDM/1141/22**

3.3.8. Miller House is situated on the eastern side of Farncombe Road, directly opposite the appeal site. It is the largest historic property within the Farncombe Road Conservation Area and is, by some margin, of a notably greater scale than the appeal site. In common with the appeal site, Miller House is Locally Listed. By virtue of its scale and prominence within the street, it is considered to make at least an equivalent contribution and arguably a greater one to the character and appearance of the Conservation Area than Nos. 13 and 15 Farncombe Road. It is for this reason that it represents a particularly material and instructive comparator

3.3.9. Planning permission was granted in 2023 for the construction of four two-storey, two-bedroom dwellings within the rear garden of Miller House, constituting a form of backland development directly analogous to the appeal proposal (shown in Figure 4). The circumstances surrounding the determination of that application are highly relevant to the present appeal and warrant careful consideration.

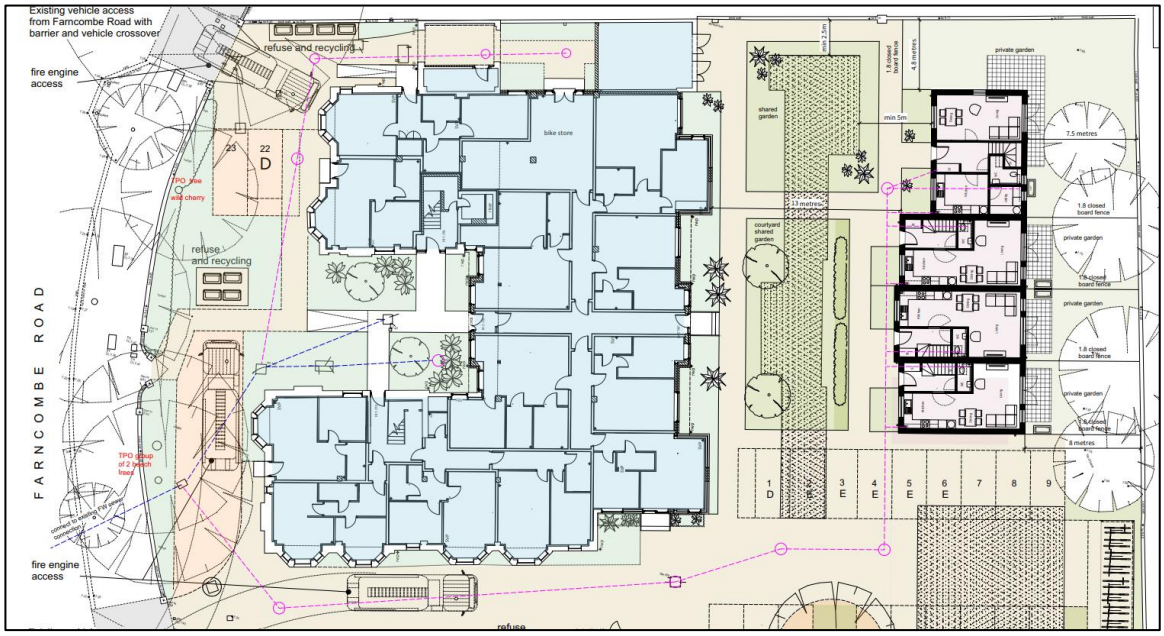


Figure 5 Approved Site Plan for Miller House 14-16 Farncombe Road under AWDM/1141/22

3.3.10. The application was recommended for refusal by Officers on grounds substantially similar to Reasons for Refusal 01 and 02 issued in respect of the appeal scheme. For completeness, the Officer's reasons are set out in full below:

1. The proposed dwellings by reason of their size, siting and design would represent piecemeal, backland development which would be a discordant overdevelopment of the site that relates poorly to the urban grain, plot pattern and street character, lacking any meaningful sense of place or sympathy with local distinctiveness or the character of the Conservation Area and would be visible as such from Farncombe Road and furthermore adding harding and clutter on the frontage. The proposal would therefore be contrary to saved policy H18 of the Worthing Local Plan, Policies 8 and 16 of the Worthing Core Strategy, policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified) the Guide to Residential Development SPD 2013 and the NPPF.

2. The proposed dwellings by reason of its design, size and siting represents an anomalous and awkward form of development causing harm to the setting and composition of local listed buildings No. 14 and 16 Farncombe Road, identified as making a positive

contribution to the Farncombe Road Conservation Area. The proposal would also involve the detrimental part loss and part relocation of a substantial flint wall. The proposal would give rise to substantial harm to the character and appearance of the Conservation Area, failing to preserve or enhance, and is therefore contrary to policy 16 of the Worthing Core Strategy, policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified) the Council's SPD 'Guide to Residential Development' and relevant paragraphs within the NPPF.

3.3.11. As with the application at No. 19 Farncombe Road and the appeal scheme itself, the Council's Design and Conservation Architect raised objections and concluded that the proposals at Miller House would result in less than substantial harm to the Conservation Area. The Officer's Report proceeded to weigh that harm against the public benefits of the scheme, being the provision of four additional dwellings but concluded that those benefits were insufficient to outweigh the identified harm. On that basis, the Officer recommended refusal.

3.3.12. However, and critically, the application was not determined in accordance with the Officer's recommendation. The Planning Committee resolved to grant permission, taking a materially different view of the planning balance and concluding that the public benefits of the scheme did outweigh the less than substantial harm to the Conservation Area. Whilst no recording of the Committee's deliberations appears to be available on the Council's website, the minutes of the meeting (attached at Appendix 2), whilst brief, are unambiguous in their effect: Members overturned the Officer's recommendation and granted planning permission, having satisfied themselves that the public benefits were sufficient to justify the grant of consent notwithstanding the harm identified.

3.3.13. This decision is of considerable significance to the present appeal. It demonstrates that the Council's own Planning Committee as the democratically accountable decision-making body has previously concluded, in directly analogous circumstances and on the same street, that backland development within this Conservation Area can be justified where the public benefits of the proposal are sufficient. That conclusion should weigh materially in favour of the appeal scheme.

3.3.14. Drawing a direct comparison between Miller House and the appeal site, both schemes involve the development of rear garden land associated with an existing flatted building and both constitute a form of backland development within the Farncombe Road Conservation Area. Whilst the greater mass of Miller House itself serves to screen views of the new dwellings from the Farncombe Road, the two-storey height of the approved units means that they remain visible from views southward along Church Walk.

3.3.15. On the question of public benefits, the two schemes are broadly comparable in type, though it is submitted that the appeal proposals carry greater weight when assessed against identified need. Whilst the Miller House scheme provides two additional units when compared to the appeal proposals, those units are open market dwellings with no identified specialist function. The appeal scheme, by contrast, proposes purpose-built accommodation specifically designed to address an acknowledged and significant shortfall in accessible and adapted housing within the Authority's area. The provision of specialist disabled accommodation a demonstrably underprovided typology represents a public benefit of a higher order than the provision of general open market housing, for which the Council has an adequate supply. On this basis, and when assessed against the Miller House example, the balance of planning judgment should fall decisively in favour of the appeal scheme.

4. The Appeal Scheme

4.1. The appeal scheme seeks full planning permission for a modest and carefully considered development to the rear of the existing properties at Nos. 13 and 15 Farncombe Road. The proposal would deliver four purpose-built units of specialist accommodation designed specifically for individuals with complex learning disabilities and autism a typology of housing that is demonstrably and significantly underprovided within the Authority's area. The units would be provided in the form of two detached single-storey bungalows, each containing two self-contained units. Each individual unit would comprise an open-plan kitchen, living and dining area, a fully accessible bathroom, and a double bedroom. Every home would benefit from a private garden area of approximately 50 square metres, together with a dedicated off-street visitor parking space. Unit 3 would additionally incorporate a staff facility area, comprising a kitchenette, shower and WC, together with desk and seating space to support the operational requirements of the care provision.

4.2. The proposed bungalows have been designed with a simple and restrained rectangular form, in keeping with the modest and undemonstrative character appropriate to a backland setting within a Conservation Area. The roofscape incorporates a considered combination of flat green roofs and pitched slate-covered roofs, providing visual interest whilst remaining subordinate to the principal buildings on the site. The external elevations would be finished in white or cream painted render, deliberately chosen to reflect and complement the palette of the existing buildings at Nos. 13 and 15, and the prevailing character of the wider Farncombe Road streetscene.



Figure 6 Proposed Elevations

4.3. To the front of the site, a new vehicular access would be formed to serve the development, providing access to the rear. The access arrangements would also incorporate a bin store and a secure cycle shelter. Two fully wheelchair-accessible parking spaces would be provided, reflecting the specialist nature of the accommodation and the needs of its intended occupants.

4.4. New landscaping is proposed towards the front (east) of the bungalows as well as planting in between the two buildings. In addition, new boundary fencing is proposed, which would replicate the existing closed board fencing on site.

4.5. Considerable care has been taken in the design of the proposed bungalows to ensure that the layout and orientation of windows minimise any potential for overlooking or loss of privacy to neighbouring properties. The principal outlook from both units has been deliberately directed to the north and south of the site respectively, away from the shared boundaries with adjoining residential occupiers to the east and west.

4.6. The northern unit features three windows on its front, east-facing elevation. Two of these windows serve non-habitable rooms specifically a hallway and a kitchen and can therefore readily be conditioned to be obscure glazed so as to prevent any direct overlooking to the east. The third window on this elevation serves a bedroom; however, it is positioned at ground floor level and is set behind a hedgerow, which provides a natural and effective screen. The primary source of outlook for the northern unit is provided by two large, glazed patio doors, which face north onto the side boundary fence and the adjoining garden, avoiding direct views into neighbouring properties. On the western elevation, two windows are proposed: one serving the kitchen and one providing secondary light to the living and dining room. Both of these windows can be conditioned to be obscure-glazed and non-opening below 1.7 metres, thereby effectively preventing any overlooking to the west. On the southern elevation, one window is proposed serving a bedroom, which faces onto the proposed 1.8 metre close-boarded boundary fence and the adjacent southern unit. The positioning of windows on both bungalows has been carefully coordinated to ensure that no windows directly face one another, with any residual inter-visibility being limited to oblique and heavily restricted angled views only.

4.7. The southern unit features a single small window on its front, east-facing elevation, which serves a hallway only, and presents no meaningful overlooking concern. In all other material respects, the window arrangement of the southern unit follows the same principles as the northern unit. The principal outlook is directed southward, towards the boundary and the side elevation of the neighbouring garden. A single rear, west-facing window is proposed, which can be conditioned to be obscure-glazed and non-opening below 1.7 metres, consistent with the approach taken on the northern unit, so as to safeguard the privacy and amenity of occupiers to the west.

4.8. The use and occupation of the dwellings have been a key aspect of the design evolution of the scheme, as demonstrated within submission by West Sussex County Council, there is significant need for the scheme, and its exact location and proximity to Worthing Hospital (circa 170m to the north-west) and local amenities.

5. Response to Reason for Refusal

5.1. Introduction

5.1.1. This Appeal has been submitted following the Council's refusal of planning permission on 18 May 2026 for Full planning permission comprising the construction of 4no. single storey, 1-bed residential dwellings for adults with complex learning disabilities and autism (1no with associated staff room) (Class C3(b))".

5.1.2. The wording of the reasons for refusal is as follows,

01. The proposed dwellings represent an incongruous form of backland development sitting deep into the rear of the site. By reason of the proposed site layout, relationship to existing development on the site, access, hard surfacing and car parking together with the footprint, siting, form and appearance of the proposed dwellings, the proposals constitute a discordant overdevelopment of the site that relates poorly to existing development, plot pattern and street character, lacking any meaningful sense of place or sympathy with local distinctiveness or the character of the Conservation Area and the local listed buildings. The proposed detached buildings and access and parking would furthermore be an unacceptable over intensification of the site. It is not considered that the applicant has brought forward a scheme for housing with sufficient justification to outweigh the harm that would be caused to the conservation area and heritage assets. The proposal would therefore be contrary policies DM5 and DM24 of the Worthing Local Plan and the Guide to Residential Development SPD 2013 and the NPPF.

02. The proposed detached dwellings by reason of their design, size and siting represent an anomalous and awkward form of development to the setting of local listed buildings No. 11, 13, 15 and 17 Farncombe Road, identified as making a positive contribution to the Farncombe Road Conservation Area. The proposal would result in unacceptable harm to the character and appearance of the Conservation Area, failing to preserve or enhance, and is therefore contrary policy DM24 of the Worthing Local Plan and the relevant policies within the NPPF.

03. The proposed dwellings, by reason of their siting and close proximity to the western site boundary would result in a perception of overlooking for the occupiers of neighbouring properties and would generate intrusive noise and disturbance, to the detriment of their living conditions, especially those of Nos. 34 and 36 Madeira Avenue with their shallow rear gardens. The dwellings would also provide a poor relationship with existing development with flats within 13 and 15 Farncombe Road with actual and perceived overlooking, noise and disturbance and loss of communal open space associated with them. As such it would be contrary to policy DM2, DM5 and DM18 of the Worthing Local Plan and the relevant policies of the NPPF.

5.1.3. In forthcoming sections, the Appellant will present the case against the Council's decision by addressing the reason for refusal in its constituent parts.

5.2. Heritage & Conservation

5.2.1. The Local Planning Authority has raised concerns regarding the impact of the appeal scheme upon the character and appearance of the Farncombe Road Conservation Area and, in particular, its effect upon the setting of the Locally Listed Buildings at Nos. 11, 13, 15 and 17 Farncombe Road. Before addressing each property in turn, it is important to place the relative significance of these buildings in its proper context. None of the properties identified by the Council are statutorily listed; they are recorded as Locally

Listed Buildings, recognising their local architectural and historic interest. As non-designated heritage assets, the balancing framework applicable to any harm to their significance or setting is that set out in Policy HE7(2) of the NPPF, which requires "*a balanced judgement...having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.*" The weight to be afforded to any harm to their setting must therefore be weighed accordingly and assessed proportionately against the public benefits of the scheme.

5.2.2. The Farncombe Road Conservation Area is a designated heritage asset. The framework for considering harm to the Conservation Area and its significance is therefore that set out in Policies HE5 and HE6 of the NPPF, and specifically in Policy HE9 which addresses development within or affecting the significance of conservation areas. The specific tests and balancing framework applicable to this designation are addressed further below.

5.2.3. With respect to No. 11 Farncombe Road, the property is substantially screened by a number of large, mature trees located along its frontage and along the northern boundary of the appeal site. When considered alongside the geometry of Farncombe Road, which curves sinuously northward, the cumulative effect of this planting and the alignment of the road is such that views towards the proposed development from the vicinity of No. 11 would be extremely limited. For a pedestrian travelling northward along Farncombe Road, any view of the proposed development would not become physically possible until they had passed well beyond No. 11, at which point the development would only be briefly glimpsed in the context of the wider appeal site before being screened entirely by the existing building at No. 13. Furthermore, given that the proposed bungalows are set approximately 45 metres back from the street, any view of the new built form would be perceived in a manner not dissimilar to existing views of the rear elevation of No. 34 Madeira Avenue, which is already visible between the two properties. When assessed in the round, the verdant and well-planted character of the street, combined with the presence of other built features and street furniture within the public realm, would significantly limit any perceived impact on the setting of No. 11 Farncombe Road.



Figure 7 View of the site from the south-east along Farncombe Road

5.2.4. No. 13 Farncombe Road is a large, distinctive Victorian property, set apart from its immediate neighbours and positioned well back within its plot. The front boundary is defined by a brick and flint wall with established hedge planting above, beyond which lies a modest area of soft planting and then the existing hardstanding, which currently provides off-street parking for the flats within the host building. Whilst the appeal scheme includes the provision of two additional parking spaces to the front and southern side of the existing building, this area already functions as an established hardstanding used for parking and as such the change in this respect would be minimal.

5.2.5. As noted in the assessment of No. 11 above, views of the additional built form from the public realm would be restricted to oblique angles and, given the substantial depth of the development within the site, the proposed bungalows would be unlikely to be perceived as anything other than an extension of the existing residential built form to the rear. It is also relevant to note that the Farncombe Road Conservation Area already contains a number of examples of development which have a comparable or more pronounced visual impact on the streetscene and the setting of neighbouring properties than is proposed here. These include the front side extensions at No. 19 Farncombe Road, the set-back side extension at No. 9 Farncombe Road, and the side garages at Nos. 5 and 7 Farncombe Road all of which have been accepted as compatible with the character and appearance of the Conservation Area.



Figure 8 Proposed Streetscene views

5.2.6. Direct views of the proposed built form would be available from the gap between Nos. 13 and 15 Farncombe Road. However, it is noted that a large, mature tree positioned at the south-eastern corner of No. 15 would provide a degree of natural screening in this view. As with the assessment of other viewpoints, the substantial set-back of the proposed development from the street would significantly limit the actual degree of visual impact, and this has been demonstrated by the photomontages and visualisations submitted with the appeal (see Figure 6 and Appendix 3).



Figure 9 Extract from Visual Impact Assessment with boundary tree

5.2.7. It is further submitted that the sense of openness and visual separation between Nos. 13 and 15 has already been materially and substantially eroded by the extensions constructed at both properties. The existing extensions introduce built form which partially closes the gap between the two buildings and obscures views into the rear of the site. As a consequence, save for views taken directly down the front driveway of No. 15, the proposed development would be largely screened by the existing buildings at Nos. 13 and 15 and would not be visible as a prominent or discordant addition within the streetscene.

5.2.8. With respect to No. 17 Farncombe Road, the proposed development is not visible from any public realm viewpoint in the vicinity of that property. Whilst it is acknowledged that the development would be perceptible from the rear of No. 17, this is not a consideration that relates to the setting of a heritage asset as experienced from the public realm. In any event, it is noted that a comparable form of backland development was approved at No. 19 Farncombe Road, which similarly abuts the rear boundaries of neighbouring properties. The impact on the setting of No. 17 in the present case is therefore considered to be no greater than that which was accepted at No. 19 and should be assessed accordingly.

5.2.9. Having assessed in detail the impact of the appeal scheme upon the most immediately affected properties within the Conservation Area, it follows that any residual impact upon the wider Farncombe Road Conservation Area beyond these immediate neighbours would be correspondingly lesser in degree. In this context, specific and careful regard has been given, both as part of the original application and within this appeal, to the Farncombe Road Conservation Area Appraisal.

5.2.10. The Appraisal document sets out the essential architectural character of the area, noting that the area is defined by its large villas and then going on top list 12 prevalent features. It is significant to note that the physical separation between properties is not identified within those twelve features. Of specific note within the Appraisal is the reference to No. 11 Farncombe Road, which is noted as having been laid out historically to provide a stable to the rear of the property. The introduction of a modest ancillary structure within the rear

curtilage of a property within this Conservation Area is therefore not without historic precedent, and the appeal scheme comprising two modest single-storey bungalows set well back within the site is not materially dissimilar in concept or in its relationship to the host buildings.

5.2.11. Finally, whilst the Appraisal does make reference to the harmful effects of modern infilling within the Conservation Area, a careful reading of that passage confirms that the concern expressed relates specifically to the introduction of alien building materials that are incompatible with the established architectural palette of the area. The Appeal Scheme proposes materials (cream/white painted render, slate roof coverings and green roof elements) that are specifically selected to complement and respond to the established palette of Farncombe Road, consistent with Policy HE9(1)(b) of the NPPF, which requires development within conservation areas to consider the area's special architectural or historic interest in the design of development.

5.2.12. We would encourage the Inspector as part of the Appeal to examine the other properties within the Conservation Area, as there are notable examples of single storey infill add-ons, which provide a similar impact on the streetscape to the proposal.

5.2.13. Specific regard is now had to the requirements of Policy HE9 of the NPPF, which directly governs development proposals within or affecting the significance of conservation areas. Policy HE9(1) requires proposals to:

(a) retain and conserve buildings and other features which make a positive contribution to the character or appearance of the conservation area where possible; and

(b) consider the area's special architectural or historic interest in the design of development.

5.2.14. The appeal scheme satisfies both requirements comprehensively. No buildings or features making a positive contribution to the Conservation Area are proposed to be demolished or altered. The design has been specifically developed to reflect and complement the architectural palette of the Conservation Area. Furthermore, Policy HE9(2) of the NPPF confirms that not all elements of a conservation area will necessarily contribute to its significance. In this case, the overgrown and inaccessible rear garden areas subject to development make no meaningful positive contribution to the character or appearance of the Conservation Area, and their redevelopment in the form of carefully designed, single-storey specialist accommodation cannot therefore be considered harmful in any substantive sense. Policy HE9(3) further provides that proposals which conserve those elements of a conservation area that make a positive contribution or which better reveal its significance should be supported and the proposed development, in bringing neglected land back into beneficial use and presenting a carefully designed public face towards the shared boundaries, is consistent with this objective.

5.2.15. Having undertaken a thorough and systematic assessment of the appeal scheme's impact upon the Farncombe Road Conservation Area and the identified Locally Listed Buildings at Nos. 11, 13, 15 and 17 Farncombe Road, it is the Appellant's primary submission that the proposed development would not cause any harmful impact upon the character or appearance of the Conservation Area, nor upon the significance or setting of the Locally Listed Buildings in question.

5.2.16. However, should the Inspector take a different view on this primary submission and conclude that some degree of harm does arise, it is firmly submitted that such harm could only properly be characterised as less than substantial within the meaning of Policy HE5(2)(c) of the NPPF. That policy identifies "substantial harm" as occurring where a development proposal would "seriously affect a key element of the asset's significance" a

threshold that the appeal scheme manifestly does not reach, given the limited public visibility of the development and the very modest impact upon the overall character of the Conservation Area and the settings of the Locally Listed Buildings. Furthermore, when considered against the full range of factors examined above, including the limited public visibility of the development, the significant existing erosion of openness at the site, and the presence of comparable approved development both within and immediately adjacent to the Conservation Area, any such harm should be placed at the lower end of the less than substantial harm spectrum.

5.2.17. In those circumstances, the identified harm must be weighed in the balance against the wider public benefits of the appeal scheme. In respect of the Farncombe Road Conservation Area, as a designated heritage asset, this balancing exercise is governed by Policy HE6(4) of the NPPF, which requires the effect on the designated heritage asset and its significance to be weighed against any public benefits resulting from the proposal. Policy HE6(4) specifically identifies "*securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures*" as important public benefits, providing a clear indication of the broad range of public interest considerations that are relevant to this balancing exercise. In respect of the Locally Listed Buildings at Nos. 11, 13, 15 and 17 Farncombe Road, as non-designated heritage assets, the applicable balancing framework is Policy HE7(2) of the NPPF, which requires a balanced judgement having regard to the scale of any harm and the significance of the non-designated heritage asset. Those public benefits are considerable and are examined in full below. Under both policies, the public benefits of the appeal scheme clearly and demonstrably outweigh any harm.

5.3. Design & Character

5.3.1. In addition to the heritage concerns addressed above, the Local Planning Authority raised objection to the appeal scheme on grounds relating to the siting of the proposed dwellings, the amount of hardstanding proposed, the means of access, and the form and appearance of the buildings. Collectively, the Council considered that these factors amounted to an overdevelopment of the site. Each of these concerns is addressed in turn below.

5.3.2. As part of this Appeal and original Application submission consideration and regard has been given towards the Council's Guide for Residential Development (SPD). It is noted that the SPD purpose is to interpret policy as well as to include design-led good practice guidance. Specific regard has been given to Para 4.25-4.35 of the SPD which sets out the Guidance for 'Backland and Infill Development'.

5.3.3. The SPD acknowledges that, whilst backland development will in most cases be resisted, certain forms of infill development can represent a welcome and valuable addition to the Borough's housing stock. It is the Appellant's submission that the appeal scheme falls squarely within that acknowledged exception. As has been demonstrated throughout this statement, the Borough is significantly and demonstrably under-providing specialist disabled accommodation, notwithstanding a clear, evidenced and urgent need for such provision within the area. In these circumstances, the appeal scheme represents precisely the type of development that the SPD's own guidance contemplates as capable of justification a modest, carefully designed backland scheme that addresses an identified and acute housing need that the market has otherwise failed to meet. It is therefore considered that in this instance the scheme is justified and this is discussed further within this Statement. Specific regard has been given to the 11 bullet points as set out within the SPD for backland development, please see the below extract:

- *Development must not be more intensive than the existing development on the adjoining street frontage. Frequently backland development is single storey so as not to impose on the surrounding area. Backland development should echo the characteristics of existing neighbours.*

- *The degree of overlooking to neighbouring gardens must be minimised.*

- *Spacing between facing windows of habitable rooms. There should be no windows on the boundary between the backland development and existing properties to protect neighbours' privacy. As far as possible, the orientation of backland development should relate to that of the existing surrounding buildings i.e. dwelling backs facing dwelling backs and fronts facing fronts. Windows should look into the proposal site, rather than outwards where possible.*

- *The potential negative impact of noise nuisance.*

- *The potential negative impact of vehicular fumes.*

- *Impact on natural habitat including trees, vegetation and wildlife and any mitigation that might be required.*

- *Careful consideration will need to be given to potential impact on sensitive landscapes such as: the South Downs National Park.*

- *Backland development must integrate with existing landscape features.*

- *Access to the new backland development including vehicular, pedestrian and cyclists. It must be of adequate width to allow vehicular access to the development site as appropriate. This includes access for servicing and emergency services.*

- *There must be space within the backland development for refuse storage and consideration will need to be suitable for suitable refuse collection arrangements.*

- *Maximising security and surveillance through design.*

5.3.4. Reviewing these requirements, it is considered that the Appeal scheme satisfies the above criteria and therefore should be considered to be an acceptable form of backland development, when considered against the Council's need for the specialist living accommodation, in a highly sustainable location. It is highlighted that the SPD further enhances the Council's requirement to provide Sheltered Housing and Supported Housing in Para 4.40-4.43.

5.3.5. With regard to siting, it is submitted that the positioning of the proposed bungalows within the rear of the site is not inappropriate in the context of the surrounding area. As has been demonstrated in the preceding sections of this statement, development to the rear of sites within this part of Farncombe Road is not uncommon, and two recent planning permissions for comparable backland development on nearby sites at No. 19 Farncombe Road and at Miller House provide clear and material evidence that such development can be, and has been, considered acceptable in principle within this setting. The proposed bungalows are sufficiently set back within the site and, by virtue of their single-storey scale, would generate views of built form broadly comparable to the existing westward views through the site towards the rear elevations of properties on Madeira Avenue. The siting of the development is therefore considered to be appropriate and not out of character with its surroundings.

5.3.6. Further support for the appeal scheme is found in Policy L2 of the NPPF (Making effective use of land), which requires substantial weight to be given to the benefits of "*creating additional homes or floorspace within settlements by using the airspace above existing residential and commercial premises, or through sensitive redevelopment or additional development within existing plots.*" The appeal scheme falls squarely within this policy objective as it makes beneficial use of otherwise inaccessible and neglected rear garden land within an existing residential plot in a highly sustainable urban location. Policy L2(1)(d) specifically contemplates "*additional units within residential curtilages*" as a form of development to which substantial weight should be given, subject to maintaining safe access and egress, acceptable living standards for neighbours, and consistency with the overall street scene, all criteria that the appeal scheme satisfies. This represents a compelling and independent policy basis for support that the Council's reasons for refusal did not engage with.

5.3.7. Turning to the concern regarding hardstanding, it is not accepted that the appeal scheme would result in any significant increase in the overall quantum of hardstanding at the site. The front curtilage of the appeal site already functions predominantly as a parking area, consistent with the established character of the majority of properties along Farncombe Road, where the prevailing pattern is one of a flint boundary wall with some planting to the rear and a significant area of hardstanding beyond serving off-street parking. The proposed changes to the frontage would therefore not represent an uncharacteristic or harmful alteration when read in the context of the wider streetscene, and the Council's concern in this regard is considered to be overstated. The additional elements of hardstanding to enable pedestrian access to the rear are modest, with the large section of the rear retained as a plated lawned garden space.

5.3.8. Vehicular access to the proposed dwellings would be taken from the southern side of No. 13 Farncombe Road, utilising what is already an established access point serving the existing flats within the rear of the site. The appeal scheme therefore proposes no material change to the existing access arrangement in this location.

5.3.9. With respect to the form and appearance of the proposed dwellings, the Officer's Report refers to their 'simplistic, box-like nature' as a basis for criticism. It is respectfully submitted that this characterisation represents an oversimplification and fails to engage with the considered design rationale that underpins the proposals. The adoption of a contemporary, clean-lined design aesthetic is a deliberate and well-established conservation design approach: where new development is proposed in close proximity to a significant historic building, it is generally considered best practice and is commonly advocated by conservation specialists to ensure that new built form does not seek to compete with or replicate the character of the host building, but instead adopts a clearly contemporary expression that is complementary and subordinate in character. The proposed materials have been selected to complement the existing buildings on the site without detracting from their individual character or significance. This approach is directly consistent with Policy DP3(1) of the NPPF and with the principles of Policy HE4(1) which requires development to maintain or secure a use consistent with the conservation of heritage assets.

5.3.10. It is further noted that the existing two-storey rear extension at No. 13 Farncombe Road (REF: AWDM/0699/20) similarly adopted a simple and contemporary design approach in close proximity to the same historic host building. That extension was assessed and approved by the Local Planning Authority without objection on design grounds. It would be inconsistent for the Council to accept that design rationale in respect of the approved extension whilst simultaneously rejecting an identical approach as part of the appeal scheme.

5.3.11. Having assessed each of the Council's specific concerns in respect of the siting, hardstanding, access, form and appearance of the proposed development, it is the Appellant's submission that none of these grounds, individually or cumulatively, are sufficient to sustain a finding of overdevelopment.

5.3.12. The proposed bungalows are modest in scale, single storey in height, and are positioned well within the rear of a substantial plot. Their siting is consistent with comparable development that has been approved on nearby sites within the same Conservation Area. The access arrangements utilise an established access point and are proposed to be improved and softened through additional landscaping. The hardstanding along the frontage is not significantly greater than that which already exists and is consistent with the prevailing character of the street. The design of the buildings reflects a considered and widely accepted conservation approach, the principle of which has previously been accepted by the Council in respect of the existing extensions on the appeal site itself, and which is directly supported by Policy DP3(1) and DP3(5) of the NPPF.

5.3.13. Taken together, these factors demonstrate that the appeal scheme represents a carefully considered and proportionate form of development that responds sensitively to both its immediate context and the wider setting of the Conservation Area. The assertion that the proposals constitute an overdevelopment of the site is not considered to be justified on the evidence, and this reason for refusal should not be upheld.

5.4. Residential Amenity

5.4.1. The third reason for refusal relates to the impact of the proposed development upon the residential amenity of neighbouring occupiers, with the Council identifying Nos. 34-40 Madeira Avenue and Nos. 13 and 15 Farncombe Road as the properties of primary concern. It is the Appellant's submission that the impact upon all identified properties is acceptable for the reasons set out below, and it follows that the impact upon any other neighbouring properties which the Council has not considered sufficiently significant to include within the formal reasons for refusal would be lesser still and should accordingly be considered acceptable without the need for further detailed examination.

5.4.2. **No.15 Farncombe Road (east)**

5.4.3. No. 15 Farncombe Road benefits from a substantial two-storey side extension on its southern side, which projects beyond the original rear building line of the host dwelling. This extension does not incorporate any rear-facing windows; instead, it is served by a number of south-facing side windows. The main body of the original building retains a number of rear-facing windows at both ground and first floor level.

5.4.4. In assessing the potential amenity impact on the occupiers of No. 15, it is considered that only the northern of the two proposed bungalows has any realistic potential to affect this property, by virtue of its proximity. A careful review of the proposed floor plans and window layout of the northern unit reveals that the only windows on that unit facing towards No. 15 are those located on the northern section of its eastern elevation. Critically, these windows are set behind a proposed hedgerow, which would provide an effective natural screen and prevent any significant overlooking or meaningful loss of privacy to the occupiers of No. 15.

5.4.5. With respect to the external garden space proposed to the north of the northern bungalow, it is acknowledged that this area has the potential for a degree of mutual overlooking between the occupiers of the proposed development and No. 15. However, it is submitted that this relationship is not materially different from the existing situation at the site, nor indeed from the relationship that routinely exists between the upper floor rear

windows and garden spaces of properties within a typical terraced or semi-detached residential context — a relationship that is widely accepted as a normal and inherent characteristic of urban residential living and which does not, of itself, constitute grounds for refusal.

5.4.6. Furthermore, the potential for overlooking in this location is mitigated by the physical arrangement of the scheme itself. The body of the northern bungalow provides a natural screen, limiting direct sightlines between the garden space and the neighbouring property to the north. This is further reinforced by the proposed boundary treatment, which would provide an additional and effective degree of enclosure and privacy to the garden area. When considered in the round, the level of mutual overlooking that could arise in respect of this garden space is not considered to be of a nature or degree that would give rise to any unacceptable impact upon the privacy or amenity of either the proposed occupiers or the neighbouring residents.

5.4.7. For these reasons, the impact of the appeal scheme upon the residential amenity of the occupiers of No. 15 Farncombe Road is considered to be acceptable.

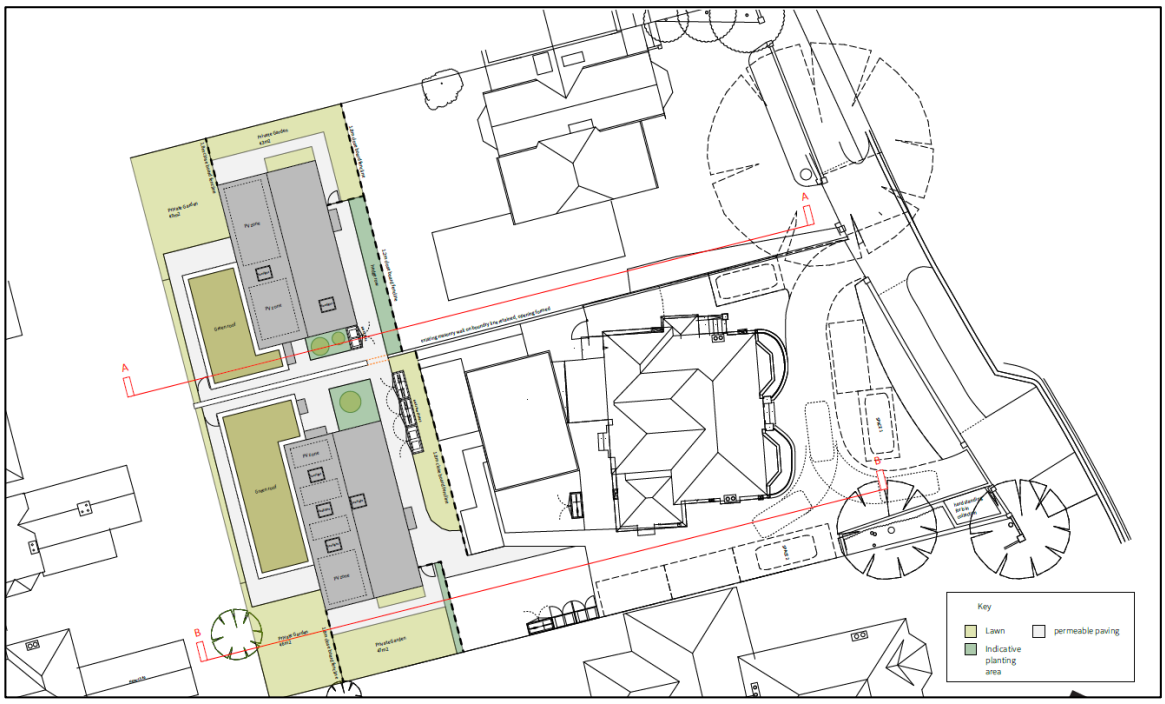


Figure 10 Proposed Site Plan

5.4.8. **No.13 Farncombe Road (east)**

5.4.9. No. 13 Farncombe Road has been extended to the rear under planning permission reference AWDM/0699/20. The approved two-storey rear extension incorporates a set of glazed patio doors at ground floor level and a Juliet balcony at first floor level, with each floor providing a self-contained flat sharing an identical floor plan arrangement. The patio doors and Juliet balcony serve as the primary source of light and outlook for the main living spaces of the two flats; however both also benefit from a north facing window.

5.4.10. In respect of the appeal scheme, the northern unit features only a single small east-facing window on its elevation closest to No. 13, and this window serves a hallway a non-habitable room only. The southern unit similarly features a single recessed east-facing window, which in this instance serves the staff room. Both of these east-facing windows are non-habitable in function and are therefore readily capable of being conditioned to

be obscure-glazed, entirely preventing any direct overlooking towards the rear of No. 13. Furthermore, the physical screening provided by the proposed bin store, cycle shelter and associated soft landscaping would provide an additional layer of separation and screening between the proposed development and the rear elevation of No. 13.

5.4.11. A broadly equivalent relationship to that assessed above in respect of the northern bungalow's garden space would be created between the external garden area proposed to the south of the southern bungalow and the neighbouring property at No. 13 Farncombe Road. For the same reasons as those set out above, this relationship is considered to be acceptable. The degree of mutual overlooking that could arise in this location is no greater than that which would typically exist between the rear garden spaces and windows of properties within a conventional residential setting, and represents a normal and accepted characteristic of urban residential living. As with the northern garden space, the physical form of the southern bungalow itself provides a natural degree of screening, and the proposed boundary treatment along the eastern boundary would further limit direct sightlines and provide a meaningful degree of privacy for both the proposed occupiers and the residents of No. 13. The impact of the appeal scheme in this respect is therefore not considered to give rise to any unacceptable harm to the amenity of the occupiers of No. 13 Farncombe Road.

5.4.12. **Loss of Garden Space for the No.13 and No.15 Farncombe Road**

5.4.13. The Officer's Report raises concern regarding the loss of the rear garden areas associated with Nos. 13 and 15 Farncombe Road and the consequential impact upon the external amenity space available to the residents of both buildings. The Officer notes that previous planning permissions granted for the two sites identified the rear garden areas as providing external amenity space for the occupiers of the respective buildings. Whilst this is acknowledged, it is submitted that the theoretical designation of these spaces as amenity areas in historic planning documents bears little relationship to their actual condition or use in practice.

5.4.14. As set out in the site description, both rear garden areas are substantially overgrown and in a state of considerable neglect. Leaseholders of the flats have no rights of access and these areas therefore makes no meaningful contribution whatsoever to the amenity of the existing residents, whether as usable outdoor space, a visual amenity, or otherwise.

5.4.15. In these circumstances, it is submitted that the loss of these spaces cannot be considered a harmful impact in any meaningful sense. One cannot reasonably conclude that residents are being deprived of an amenity that they are not, and in practical terms cannot, access or enjoy. The existing gardens, in their current condition, offer no tangible amenity benefit to the occupants of either building. To dismiss the appeal on the grounds of losing a resource that demonstrably provides no functional benefit to existing residents would, it is submitted, be a disproportionate and unreasonable application of amenity policy.

5.4.16. Furthermore, it is relevant to note that the appeal scheme itself would deliver new private garden areas of approximately 50 square metres per unit for the proposed specialist dwellings. The development would therefore result in the creation of genuinely usable, well-maintained and purposefully designed external amenity space in place of land that currently lies abandoned and inaccessible. In this respect, the appeal scheme would represent a net improvement in the quality and usability of outdoor space on the site as a whole. This reason for refusal is therefore not considered to be substantiated on the evidence and should not be upheld.

5.4.17. **No. 34 Madeira Avenue (west)**

5.4.18. No. 34 Madeira Avenue is situated adjacent to the south-western corner of the appeal site. The property is two-storeys in height at its main body, with a two-storey outrigger projection to the rear. The rear elevation of No. 34 features a single first-floor window within the outrigger, together with two further windows, one at ground floor and one at first floor level within the main body of the building. The property benefits from a rear garden of approximately 4 metres in depth before meeting the shared boundary with the appeal site, placing the main body of the dwelling approximately 11.8 metres from that boundary. The shared rear boundary itself is defined by an existing brick wall of 1.8 metres in height.



Figure 11 Proposed Section, showing the relatively proximity and scale of the scheme to the east and west neighbours

5.4.19. In assessing the impact of the appeal scheme upon the amenity of the occupiers of No. 34, several important characteristics of the proposed development are material. The proposed southern bungalow is positioned approximately 6 metres from its own southern boundary, meaning that only the northern third of the width of No. 34's rear garden would be affected by the proximity of the new built form. The physical impact of the development upon this neighbour is therefore both laterally and spatially constrained.

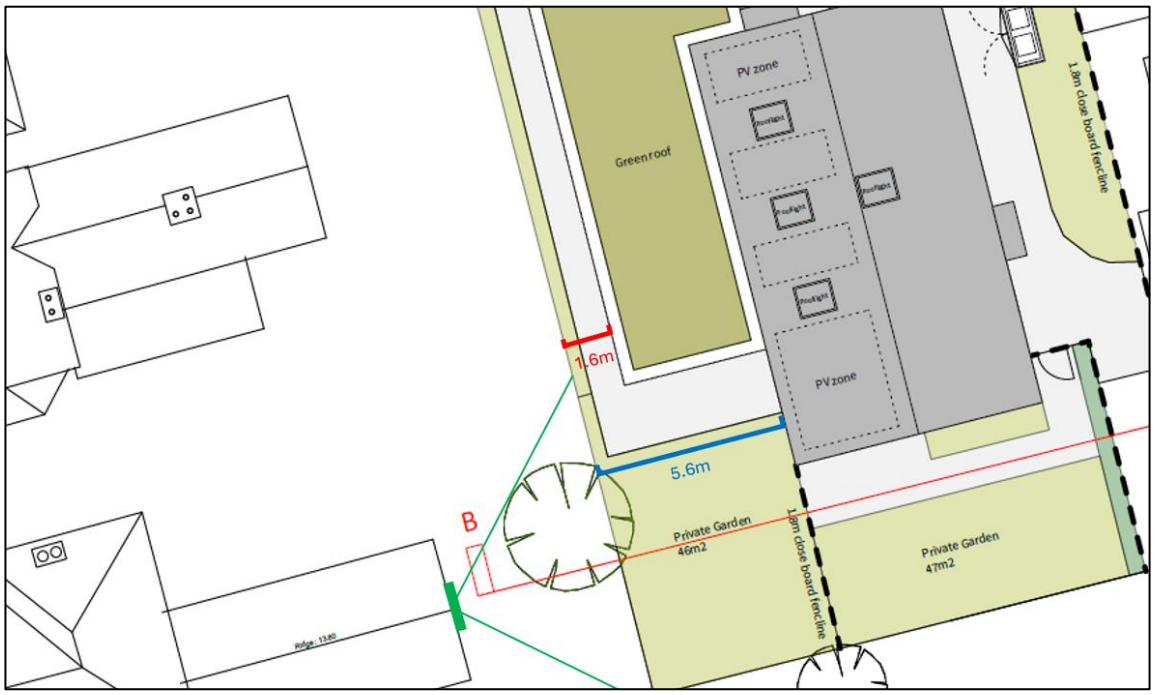


Figure 12 Closer view of the relationship and separation between Appeal Site and Nos.36 and 36 Madeira Avenue

5.4.20. With respect to privacy and overlooking, no windows on the southern unit face directly onto the shared boundary with No. 34. Any residual inter-visibility between the proposed development and the rear of No. 34 would consequently be limited to oblique and angled views only, of a nature that would not give rise to any unacceptable or material loss of privacy. Furthermore, the one window on the southern unit that has any realistic potential to afford views in the direction of No. 34 serves a kitchen, a non-habitable room only. This window is already shown as obscure-glazed on the submitted drawings and could additionally be conditioned to be non-opening below 1.7 metres, consistent with the approach applied to comparable windows within the scheme and in accordance with the principles that underpin the Permitted Development regime. The combination of these measures would effectively eliminate any meaningful concern regarding overlooking.

5.4.21. When assessed in the round, it is submitted that the appeal scheme would not give rise to any significant or unacceptable level of overlooking or loss of privacy to the occupiers of No. 34 Madeira Avenue. This conclusion is reinforced by the inherently open nature of a residential rear garden, which by its very character does not attract the same expectation of privacy as an internal habitable room. This element of the amenity reason for refusal is therefore not considered to be substantiated in respect of No. 34 Madeira Avenue.

5.4.22. It is further noted that the occupiers of No. 34 Madeira Avenue did not submit any objection to the application during the consultation process. Whilst the absence of objection is not in itself determinative, it is a material consideration that lends support to the Appellant's assessment that the impact upon the amenity of this neighbouring property is limited and would not be experienced as unacceptable by those most directly affected.

5.4.23. **No. 36 Madeira Avenue (west)**

5.4.24. No. 36 Madeira Avenue is situated immediately to the north of No. 34 and shares the western boundary of the appeal site. The property is also two-storeys in height with a two-storey outrigger projection to the rear. The rear elevation of No. 36 features a single ground

floor window within the outrigger, but no other rear-facing windows within the main body of the building. To the rear of the main body of the dwelling, and to the south of the outrigger, the property features a glazed conservatory. The outrigger at No. 36 is marginally shallower in depth than that of No. 34, resulting in the rear elevation of the outrigger being set approximately 5 metres from the shared boundary with the appeal site.

5.4.25. As with No. 34, the boundary between No. 36 and the appeal site is defined by an existing brick wall of 1.8 metres in height. The proposed northern bungalow would be set 1.6 metres back from this shared boundary.

5.4.26. With respect to privacy and overlooking, the southern bungalow features one rear-facing window on the elevation adjacent to the boundary with No. 36. However, this window serves a kitchen only and is therefore a non-habitable room. It is proposed that this window be conditioned to be obscure-glazed and non-opening below 1.7 metres. Such a condition would effectively eliminate any concern regarding overlooking or loss of privacy to the occupiers of No. 36 and could readily be secured as part of any grant of planning permission.

5.4.27. It is further noted that the occupiers of No. 36 Madeira Avenue did not submit any objection to the application during the consultation process. Whilst the absence of objection is not in itself determinative, it is a material consideration that lends support to the Appellant's assessment that the impact upon the amenity of this neighbouring property is limited and would not be experienced as unacceptable by those most directly affected.

5.4.28. **Noise and Disturbance to Nos. 34-40 Madeira Avenue**

5.4.29. In addition to the concerns regarding overlooking and loss of privacy addressed above, the Council also raised concern regarding the potential for noise and disturbance to the occupiers of Nos. 34-40 Madeira Avenue arising from the use of the proposed development. It is submitted that this concern is not well-founded on the evidence.

5.4.30. The proposed bungalows feature a minimal number of windows and openings facing the western boundary. Whilst access to the side and rear garden areas of two of the units is shown along the passageway between the bungalows and the western boundary, it is important to note that each of these garden areas is also directly served by patio doors from within the respective units. This direct access arrangement would negate the need for residents to regularly use the narrow passageway adjacent to the western boundary, significantly limiting the frequency and nature of activity in this area.

5.4.31. Beyond this, the external areas associated with the proposed units would function as modest private garden spaces for single occupants a use that is wholly domestic and residential in character. Given that the land in question has historically been designated and used as garden space, it is difficult to understand how its continued use in a similar manner albeit in a more ordered and purposefully designed form could give rise to any material increase in noise or disturbance beyond that which the neighbouring occupiers might reasonably expect. This concern is therefore not considered to provide a sound basis for refusal.

5.5. Overall Planning Balance

5.5.1. As set out and demonstrated throughout the preceding sections of this Statement, it is the Appellant's primary position that the appeal scheme preserves the character and appearance of the Farncombe Road Conservation Area, does not harm the significance

or setting of the identified Locally Listed Buildings, and does not give rise to any significant or unacceptable harm to the residential amenity of the surrounding occupiers. On this basis, it is submitted that the appeal should be allowed without the need to engage in a detailed planning balancing discussion.

5.5.2. However, it is acknowledged that the Local Planning Authority reached a different conclusion at the application stage, and that the Inspector may equally take the view that some degree of harm arises. In those circumstances, any such harm must be weighed carefully and rigorously against the clear and compelling public benefits that the appeal scheme would deliver. Having reviewed the Officer's Report, it is the Appellant's submission that this balancing exercise was not approached with the thoroughness that the significance of the public benefits plainly demands, and that the Officer failed to give proper effect to several specific policy requirements of the NPPF that mandate substantial weight be given to the benefits of the appeal scheme.

5.5.3. **Policy S4 (Presumption in Favour of Development Within Settlements)**

5.5.4. As noted above, the appeal site falls within the defined settlement of Worthing and Policy S4 of the NPPF accordingly establishes a clear presumption in favour of approval. Development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects. Any harm identified in respect of the Conservation Area or the Locally Listed Buildings which at its very highest could only be characterised as limited and at the lower end of the less than substantial harm spectrum cannot, on any rational assessment, be said to substantially outweigh the compelling public benefits of the scheme. The presumption therefore strongly favours the grant of permission.

5.5.5. **Policy HO7 (Substantial Weight to Meeting Housing Needs)**

5.5.6. Policy HO7 of the NPPF provides expressly that "*substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under policy HO1.*" Policy HO1(2)(c) of the NPPF specifically identifies disabled people as one of the groups whose accommodation needs must be taken into account. The appeal scheme proposes four purpose-built units specifically designed for adults with complex learning disabilities and autism, a group expressly identified by Policy HO1(2)(c). The NPPF therefore mandates that substantial weight be given to the benefits of this proposal. The Council's determination of the application does not appear to have given proper effect to this mandatory requirement.

5.5.7. **Policy HO9 (Specialist Forms of Accommodation)**

5.5.8. Policy HO9 of the NPPF provides specific decision-making criteria for specialist housing for disabled people. Policy HO9(1)(a) requires such housing to be located "*where residents will be able to access frequently-used services easily and safely by walking, wheeling (including mobility scooters) and by public or on-site transport services; including through facilities provided as part of the scheme.*" The appeal site satisfies this requirement more comprehensively than virtually any other site within the Borough could. As the site is located within 170 metres of Worthing Hospital, one of the most frequently accessed services for adults with complex learning disabilities and autism, within easy walking distance of the town centre and its services, and is well served by frequent public transport links. No alternative site available within the Borough could plausibly offer a comparable combination of locational attributes for this particular form of accommodation. The proposal therefore fully accords with the locational requirements for specialist disabled

accommodation set out in Policy HO9(1)(a), and this policy alignment constitutes a specific and distinct public benefit of considerable weight.

5.5.9. **Policy HC4 (Health and Wellbeing Benefits)**

5.5.10. Policy HC4(1)(b) of the NPPF provides that "*substantial weight should be given to the benefits where development proposals would make a demonstrable contribution towards promoting good health, preventing ill-health, reducing health inequalities or supporting social interaction in the local community.*" Purpose-built, specialist accommodation for adults with complex learning disabilities and autism, in a location well-connected to healthcare facilities, community services and public transport makes precisely the kind of demonstrable contribution to good health and the reduction of health inequalities that Policy HC4 contemplates. Providing appropriate, purpose-built residential accommodation for this cohort, in a location that affords access to healthcare and community support, directly promotes the health and wellbeing of some of the Borough's most vulnerable residents and helps to reduce deep-seated health inequalities. This represents a further and distinct public benefit of the highest order that Policy HC4 requires to be given substantial weight.

5.5.11. **Policy L2 (Effective Use of Land)**

5.5.12. Policy L2(1) of the NPPF requires substantial weight to be given to the benefits of "*making better use of vacant and underutilised land and buildings.*" The rear garden areas of Nos. 13 and 15 Farncombe Road are substantially overgrown, inaccessible to residents, and in a state of considerable neglect. They make no meaningful contribution to the amenity of any existing occupier or to the character of the Conservation Area. The appeal scheme would bring this underutilised land into purposeful, beneficial use, delivering high-quality specialist residential accommodation in a highly sustainable location. Policy L2(1)(d) further provides that substantial weight should be given to "*creating additional homes or floorspace within settlements...through sensitive redevelopment or additional development within existing plots*". This is precisely what the appeal scheme achieves. The substantial weight that the NPPF mandates be given to this benefit forms a further and independent consideration in favour of the appeal.

5.5.13. **Freedom of Information Evidence and the SHMA**

5.5.14. In support of the public benefits case, the Appellant draws the Inspector's attention to the body of supporting evidence submitted to the Local Planning Authority as part of the planning application, which is reproduced at Appendix 4 of this Statement. This evidence includes the results of Freedom of Information requests submitted to both Worthing Borough Council and West Sussex County Council. The responses to those requests confirm, unambiguously, that Worthing Borough Council has not approved any specialist residential accommodation since 2020, and that West Sussex County Council has no disabled accommodation either under construction or in the planning pipeline at this time. This is a striking and significant evidential finding that speaks directly to the scale of unmet need in this area.

5.5.15. This picture is further reinforced by the Worthing Strategic Housing Market Assessment (SHMA), which identifies a clear and quantified shortfall in specialist and supported housing provision across the Borough. Taken together, this evidence establishes that the appeal scheme would address a demonstrable, acute and largely unmet need for purpose-built accommodation for people with complex learning disabilities and autism a need that the market has plainly failed to address and that the Council's own planning decisions have done little to remediate.

5.5.16. Having regard to the compelling evidence of need set out above, and to the complete absence of any comparable specialist accommodation having been brought forward within the Borough over the past five years, it is submitted that the public benefits of the appeal scheme would carry very substantial weight.

5.5.17. **Equality Act 2010**

5.5.18. In this context, it is further submitted that the Council's determination of the application failed to give proper weight to its obligations under Section 149 of the Equality Act 2010, which imposes a public sector equality duty requiring decision-makers to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not. Disability is a protected characteristic under the Act. A decision to refuse planning permission for a scheme that would deliver purpose-built accommodation specifically designed for people with complex learning disabilities and autism. In a context where no alternative provision is available or planned engages this duty directly. It is the Appellant's submission that the Council did not give adequate or demonstrable consideration to this dimension of the decision, and that this failure further undermines the soundness of the reasons for refusal.

5.5.19. **Development Plan Consistency**

5.5.20. It is further noted that Annex A, paragraph 2 of the August 2026 NPPF provides that "*development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight.*" In the event that the Inspector considers that any of the Worthing Local Plan policies cited in the reasons for refusal (DM5, DM24, DM2 or DM18) operate to restrict the type of backland development proposed here in a manner that is materially inconsistent with the permissive approach to specialist disabled accommodation and effective land use now mandated by the new NPPF through Policies HO7, HO9, HC4 and L2, the Inspector is invited to give those policies correspondingly reduced weight in the determination of this appeal.

5.5.21. **The Planning Balance**

5.5.22. When the identified harm, which the Appellant maintains is, at its highest, limited and falling at the lower end of the less than substantial harm spectrum as defined by Policy HE5(2)(c) of the NPPF is properly weighed against the substantial, evidenced and pressing public benefits of the scheme, in accordance with the heritage balancing frameworks established by Policies HE6(4) and HE7(2), the balance falls clearly and decisively in favour of granting planning permission. This conclusion is further reinforced by:

- The strong presumption in favour of approval within settlements established by Policy S4;
- The mandatory requirement to give substantial weight to the provision of specialist disabled accommodation under Policies HO7 and HO1(2)(c);
- The specific locational alignment of the scheme with the requirements of Policy HO9(1)(a);
- The health and wellbeing benefits attracting substantial weight under Policy HC4(1)(b);
- The effective use of underutilised land benefits mandated under Policy L2(1); and

- The Council's own Planning Committee's previous decision at Miller House, which established — in directly analogous circumstances on the same street — that backland development in this Conservation Area can be justified where the public benefits are sufficient.

5.5.23. The appeal should therefore be allowed.

5.6. Other Matters

5.6.1. It is noted that the Officer's Report makes reference to concerns regarding access for emergency vehicles and the management of construction traffic. However, these matters have not been carried forward into the formal reasons for refusal and have therefore not been identified by the Council as grounds sufficiently significant to warrant refusal in their own right. Accordingly, these matters are not addressed in detail within this statement.

6. Conclusions

6.1.1. This appeal falls to be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that the determination be made in accordance with the development plan unless material considerations indicate otherwise. As this Statement has demonstrated, the appeal scheme accords with the relevant provisions of the development plan when read as a whole, and the material considerations, most notably the compelling public benefits of the proposal, the clear weight of comparable precedent within the same Conservation Area, and the specific requirements of the August 2026 NPPF strongly support the grant of planning permission.

6.1.2. The appeal site occupies a highly sustainable location within easy walking distance of Worthing town centre, local services and Worthing Hospital, fully satisfying the locational requirements for specialist disabled accommodation set out in Policy HO9(1)(a) of the NPPF. The proposed development would deliver four purpose-built, high-quality specialist residential units specifically designed to meet the needs of individuals with complex learning disabilities and autism, a category of accommodation that is demonstrably and acutely underprovided within the Borough, as evidenced by the Freedom of Information responses and the findings of the Worthing Strategic Housing Market Assessment submitted in support of this appeal. Policy HO7 of the NPPF mandates that substantial weight be given to the public benefits of this provision; Policy HO9 confirms the locational appropriateness of the site; and Policy HC4 requires substantial weight to be given to its demonstrable health and wellbeing benefits. The pressing and unmet need for such provision represents a public benefit of the highest order that must be given full and proper consideration in the determination of this appeal.

6.1.3. The proposed development is modest and proportionate in its scale, restrained and contextually responsive in its design, in accordance with Policy DP3(1) of the NPPF and makes sustainable and beneficial use of an otherwise redundant and inaccessible parcel of land in a highly sustainable location, to which Policy L2(1) of the NPPF requires substantial weight to be given. As this Statement has demonstrated, the scheme is not without precedent: comparable forms of backland development have been approved on sites within the immediate vicinity, including within the same Conservation Area, in circumstances that are materially analogous to those arising here. The appeal scheme has been carefully designed to preserve the character and appearance of the Farncombe Road Conservation Area in accordance with Policy HE9 of the NPPF, and the setting of the identified Locally Listed Buildings in accordance with Policy HE7. It does not give rise to any unacceptable harm to the residential amenity of neighbouring occupiers, consistent with Policy P3 of the NPPF. Where any residual concerns in respect of amenity exist, these are readily and effectively addressed through the imposition of appropriate planning conditions.

6.1.4. The Council's reasons for refusal are not considered to be justified on the evidence presented. The harm alleged, which, at its very highest, could only properly be characterised as falling at the lower end of the less than substantial harm spectrum as defined by Policy HE5(2)(c) of the NPPF does not outweigh the substantial, evidenced and urgent public benefits that the scheme would deliver, when those benefits are assessed through the balancing frameworks established by Policies HE6(4) and HE7(2) of the NPPF. In reaching a contrary conclusion at the application stage, it is submitted that the Council failed to give adequate weight to those public benefits as required by Policies HO7, HO9, HC4 and L2, and did not properly discharge its obligations under Section 149 of the Equality Act 2010. The appeal site falls within the settlement of Worthing, and the presumption in favour of development established by Policy S4 of the NPPF provides a strong and independent policy basis for approval that the Council's reasons for refusal cannot displace.

6.1.5. The appeal proposals represent sustainable development in full accordance with the National Planning Policy Framework (August 2026) and the relevant provisions of the development plan.

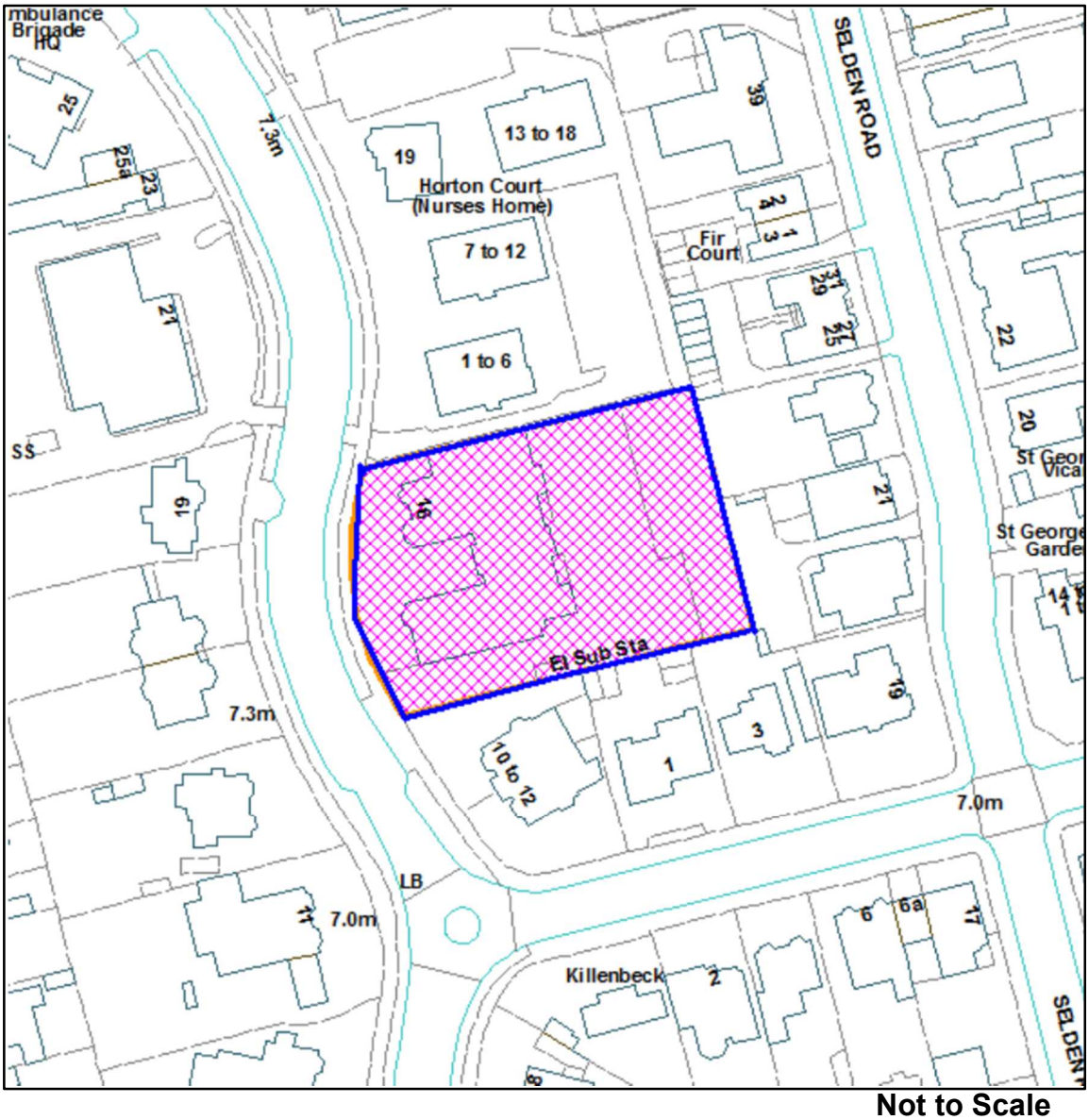
6.1.6. For all of the reasons set out within this Statement of Case, the Inspector is respectfully invited to allow the appeal and grant planning permission, subject to such conditions as may be considered reasonable and necessary

ECE Planning

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Appendix 1 – Planning Committee Report for Miller House (Ref: AWDM/1141/22)

Application Number:	**AWDM/1141/22**	**Recommendation - REFUSE**
Site:	**Miller House, 14 - 16 Farncombe Road, Worthing, West Sussex**	
Proposal:	**New build 4 no. 2 bedroom houses**	
Applicant:	Patagonia Properties Ltd	Ward:Selden
Agent:	Stickland Wright Ltd	
Case Officer:	Jacqueline Fox	



Not to Scale

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Site and Surroundings

The site relates to two large Victorian villas on the east side of Farncombe Road, which are currently in residential one bedroom apartments. The buildings are identified as 'Local Interest Buildings' within Appendix 7 of the Worthing Local Plan 2003 and lie within the heart of the Farncombe Road Conservation Area, being identified as positive contributors to the Conservation Area.

The buildings are substantial, having been extended with part single-storey and part two-storey extensions to the rear including a single-storey link section which is set back some distance from the frontages.

The buildings are set back from Farncombe Road with the boundary flint wall and mature trees on the street frontage. The site has access for vehicles and pedestrians and a large car parking area to the rear as well as some landscaping on the eastern boundary.

The front elevation is characterised by the two original building frontages. These frontages have canted bays, shallow pitched slate roofs, timber sash windows with banding to distinguish ground and first floor. The building is two storey and painted render.

There are mature trees on the site, 3 of which have a T.P.O

The Farncombe Road Conservation Area Appraisal states that the character of the area is defined by its large villas, with double-fronted proportions and shallow-pitched, hipped roofs in natural slate, timber sashes and decorative features, with mature trees contributing to the setting and the buildings themselves being set well back from the edge of the pavement.

Farncombe Road is a wide tree lined street with a mix of commercial and residential uses. The site is bounded to the north and south by 3 storey residential buildings both set back from Farncombe Road. To the south and east of the site the property boundary is backed on to by car parking and gardens from residential properties off Church Walk and Selden Road. These properties are 2 storey height with a mix of character and material palette. On the opposite side of Farncombe Road are flats, HMO buildings and office use within the villa style properties consistent along the street.

The site is also within the Farncombe Road 'key office location' as identified under Core Strategy Policy 4.

Proposal

The application proposes a detached building at the rear of the site for 4 two bedroom terraced houses

The block would comprise three full height two storey dwellings with an element attached to the north which would involve rooms in the roof space which would be lit by dormers to the front and rear to provide a further dwelling. The building would be in the north east corner of the site and would orientate east, west, with the frontage of the properties facing to the rear of the block comprising 14 and 16 Farncombe Road.

The proposed building is shown with a gable at the centre of the two storey element, with small pane sash style windows at first floor. The ground floor has arched brickwork detailing above the front doors and timber detailing.

The lower attached dwelling to the north has a central front door, windows either side and small pitched roof dormers, all windows have small pane detail and sash style windows. At the rear casement style windows are shown.

There is a proposed narrow shared landscaped area to the front in two sections and the properties themselves would have individual rear gardens facing east.

The proposed dwellings would be red brick with high performance timber-aluminum windows and a slate roof. PV panels are proposed to the south/west facing pitched roofs.

The application proposes 23 car parking spaces to the front and the south of the site, as well as cycle and bin stores.

The existing building is let as part of the councils 'Open Doors Scheme' for a period of five years and currently provides accommodation for a mixture of single tenants, single parents and families (currently 33 residents) . All tenants are provided to Patagonia Rental as Landlord by Worthing housing tram and sign up on a 12 month tenancy agreement. All tenants had been moved from temporary accommodation, some who were located many miles away from families and friends

The applicant agent indicates in support of the application:

The existing building is now one bedroom studio apartments but there is a lot of underused car park to the rear of the site where we are proposing to build 4 2 bed homes along with associated outdoor space, parking, cycle storage, refuse storage and landscaping.

The first design iteration extending the existing building to the rear was not favoured by the planners, concerns were raised with this proposal. Therefore during a productive meeting with the case officer, head of planning and conservation architect it was agreed that a detached property of an independent coach house style was more appropriate.

The proposed new build is diminutive in scale and height when compared to the existing Victorian villas. They are also diminutive in scale when compared to all of the existing buildings surrounding the site. The proposed building has a more prominent elevation which lines up with the existing building rear elevation. This creates symmetry forming formal communal gardens between. This provides space for the car parking to the south.

The subservient section of the proposal is hidden by the two storey section of the building. The proposed scheme provides an active use to an underused site providing much needed homes for the area. This is a well connected, town centre location and it is recognised that the location would be desirable for families. As such, 4 two bed houses to cater for young families. This allows a higher density use appropriate for

the town centre, while still offering generous amenity space to occupiers of both new and existing accommodation on the site.

The footprint and mass of the proposed building has been carefully considered and placed to ensure it does not over-dominate the existing building. The new building is 23 metres away from the properties on Seldon Road and 13 metres away from the existing building.

The proposals result in : - 4 No Two bedroom houses at 73(2), 74 and 76 sqm all of which meet nationally described space standards. They all have private gardens.

The application includes a heritage statement, design and access statement and viability statement.

Relevant Planning History

AWDM/0122/20 - Partial demolition of existing link connection and construction of new glazed entrance and altered front entrance roof. Associated landscaping and cycle parking- APPROVED

NOTICE/0003/21 - Application for Prior Approval of Proposed Change of use of an offices to form 21 no. residential units (Use Class C3) - Prior Approval is required and approved subject to the conditions

AWDM/1087/21-Demolition of non original extensions within a conservation area, external alterations - new windows, doors and new access ramps. New extension to rear for plant room.APPROVED

AWDM/1560/21-The addition of a 2-storey building comprising 4no. one-bedroom apartments and a pair of 2no. 2-storey two-bedroom houses attached to the rear (east) elevation of the existing building at 14-16 Farncombe Road- Pending Determination.

Consultations

West Sussex County Council:

Summary and Context

This proposal is for the erection of four two-bedroom dwellings. The site is located on Farncombe Road, a C-classified road subject to a speed restriction of 30 mph. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns to the proposed development.

The LHA previously provided comments pertaining to highway matters for this site for application NOTICE/0003/21, raising no objections. The Local Planning Authority (LPA) permitted the application. The application for 21 residential units has since been built out, and this has been taken into consideration whilst assessing the current application.

Access and Visibility

The applicant proposes no alterations to the existing vehicular access arrangements. From inspection of local mapping, there are no apparent visibility issues with the existing points of access on to Farncombe Road. In addition, the LHA does not anticipate that the proposed development would give rise to a significant material intensification of movements to or from the site.

Parking and Turning

The applicant proposes to reduce the existing vehicular parking provision from 38 parking bays to 23 parking bays, a reduction of 15. From inspection of the plans, on-site turning appears achievable for cars, allowing them to exit the site in a forward gear. Larger vehicles may have to reverse out of the site, but this is not anticipated to result in an adverse highway safety impact. When taking into consideration both the existing 21 residential units and proposed 4 residential units, the WSCC Car Parking Demand Calculator indicates that a development of this size and location would require 25 car parking spaces, if the spaces are unallocated. Therefore, any over spill parking would have to be accommodated on-street.

Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the shortfall of two car parking spaces would result in a detrimental highway safety impact nor give rise to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

Regarding cycles, the applicant has demonstrated a communal cycle store, which alongside the existing cycle store on-site will provide secure cycle parking provision in accordance with WSCC Parking Standards.

Sustainability

The site is situated in a sustainable location within walking/cycle distance of local services and amenities. The site is also well connected by public transport, with regular bus services available from nearby Lyndhurst Road. Both Worthing and East Worthing Train Stations are within walking distance of the site.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway

network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied: Car parking spaces and car spaces

Southern Water:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. 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

Adur & Worthing Councils:

Conservation Design Architect

The large Victorian villas along Farncombe Road were laid out on generous plots along a wide and serpentine tree-lined roadway following the sale of the land in 1865, and by the time the 1875 OS Map was published the vast majority of the plots had been developed establishing the urban grain. This particular enclave was the only area to the east of the town to develop with grand villas during this period, partly due to the area's liability to flooding. Although a very small number of the depicted villas have since been demolished (five), the vast majority of these similar aged buildings are still in existence, their form and characteristics resulting in the area's local distinctiveness.

The significance of the Farncombe Road conservation area is derived from its sinuous street scene of elegant, generously proportioned villas set behind softly landscaped front gardens and the tree lined highway. Although some of the villas have been altered, the primacy of their Victorian design remains, and there are broad consistencies in their widths, 2/3 storey heights, roof profiles and their spacing. This leads them to be viewed as a collective, which reinforces the planned, suburban flow of the conservation area. Due to its rather anomalous placement within this part of the town, its tranquil and affluent character contrasts with the otherwise busy and urban roads to which it connects. This leads the conservation area to have a particular sensitivity to change that would encroach upon its spacious character and suburban scale.

In 1994 the Council granted planning permission at 14/16 Farncombe Road for major extensions and a linking element to these Victorian villas in order to create additional office space for a major employer in the town. The impact on the appearance of the conservation area was limited by maintaining the soft green verdant frontage to the villas and setting back the lightweight glazed linking element. The scale of the

extensions were reduced at the rear to single storey. The necessary car parking for the offices was secured at the rear of the buildings, whilst retaining a substantial area of soft landscaping, which acted as a buffer to the properties in Selden Road.

Following the conversion of these buildings into residential units, the current scheme proposes 4 further residential units occupying a new block at the rear of the villa's curtilage in a 'coach house' style. In contrast to the existing buildings on the site, the new buildings would be constructed using red brick and aluminium windows with georgian styled glazing bars.

The Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining any planning application for development. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.

It should be noted that the current character doesn't include separate buildings set deep within the rear garden areas of the Victorian villas. The proposed buildings will be visible between the existing villas to some extent.Although the proposed development would be screened to some extent by the existing buildings on the site, this should not be the only determining factor in assessing the potential harm of any new proposals. The footprint of new buildings should fit into the urban context of the area, and wherever possible relate to the existing grain. The use of materials generally matching in appearance or complementary to those that are historically dominant in the area is important, as is ensuring that materials, detailing and finishes are all of high quality. This is not considered to be the case with the current scheme.

The original footprints of the two villas, 14 and 16 Farncombe Road, have already spread to cover a substantial part of their garden plots which has resulted in some erosion in the character of the conservation area. Adding 4 further residential units, thinly veiled as 'coach house' buildings will further compromise the spacious character of the conservation area. Where backland development is proposed within a conservation area the impact of the proposal on the pattern of development in the vicinity needs to be carefully considered.

Taking all factors into consideration, the proposal would harmfully divert from the spacious and suburban character which defines the significance of the conservation area. The harm to the conservation area would be less than substantial. Any such harm nevertheless merits great weight in accordance with Paragraph 193 of the NPPF and needs to be weighed in the balance with the public benefits of the development.

Environmental Health

There are no adverse EH comments for this application

Technical Services

Following the submission of additional plans:

The soakaway positions are fine but we still the standard drainage condition

Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity."

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policy DM20 of the Worthing Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

And the accompanying informative:
"Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per:
https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances,
on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%). Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers. Further detail regarding our requirements are available on the following webpage:
https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

Housing

The plan isn't to use these as EA/TA. They would be put on to the Opening Doors scheme as affordable private rentals like all the other flats on the site and would be used to permanently house small families owed a housing duty to get them out of expensive EA/TA placements.

I have not had any advanced discussions with the developer yet as we are awaiting planning permission approval, but certainly the intention is for us to use these properties if approved. I am aware that this does not have any material consideration to the planning application and there is no guarantee that they will give them to us,

but it's worth mentioning that if we are able to obtain them I would estimate that each one would save the council £12k - £15k per year in EA/TA costs, plus it provide a much better standard of living to families currently placed in unsuitable EA/TA.

I can't comment on the general design etc as this is not my area of expertise, however the site currently has 21 one bed flats which are all on the Opening Doors scheme and are well managed and maintained by the developer. The site is quite large and well spaced out with the proposed properties being separate to the main building, so in my view the addition of 4 more properties would not cause any detriment to the area in terms of density of people living on the site or the managing agent's ability to effectively manage the area.

Representations

23 Selden Road

As an immediate neighbour to the site of the proposed development, we are of the view that the proposed development will have a serious impact on our standard of living.

Our specific objection is as follows:

Loss of privacy and overlooking

With reference to the Draft Worthing Local Plan, point 4.23: "It is also important to ensure adequate privacy and daylight to both existing and new homes." and point a) vii of the CP5 QUALITY OF THE BUILT ENVIRONMENT section: All new development (including extensions, alterations, ancillary development, change of use and intensification) should: "not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise or vehicular movements or loss of important open space".

Our home and garden backs on to the proposed development. The proposed site of development would result in both our home and garden being severely overlooked from the top rooms of the new development, resulting in a serious invasion of our privacy. This is especially the case for the two houses which appear to have windows in their roofs thus making them three storeys. The trees that are currently there do provide some cover not enough especially considering the coverage changes with the seasons and the subsequent loss of leaves. Equally, these trees could be easily removed resulting in no coverage at all.

Presumably the house which does not have a window illustrated on the plan could also install one at a later date thereby adding to the invasion of our privacy.

Residents of the proposed homes would be able to see clearly into our back garden, a room on the ground floor and, more importantly, one of our rear upstairs bedrooms which is our youngest son's bedroom.

We believe that the proposed development is a direct contravention of the draft Local Plan for Worthing. The design of the proposed development does not afford adequate

privacy for the occupants of the building or of adjacent residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities.

We would be grateful if the council would take our objections into consideration when deciding this application.

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): H16, H18, TR9, RES7

Worthing Core Strategy (WBC 2011): Policy 7, 8, 9, 15, 16, 19

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance

Space Standards SPD

Housing Delivery Test Action Plan (WBC 2021)

Guide to Residential Development SPD

Housing Delivery Test Action Plan (WBC 2021)

Submission Draft Worthing Local Plan 2020-2036 (as modified)

- SP1 Presumption in Favour of Sustainable Development
- DM1 HOUSING MIX
- DM2- Density
- DM5 Quality of the Built Environment
- DM16 - SUSTAINABLE DESIGN
- DM17- ENERGY
- DM18- BIODIVERSITY
- DM20 - FLOOD RISK AND SUSTAINABLE DRAINAGE
- DM23 - STRATEGIC APPROACH TO THE HISTORIC ENVIRONMENT
- DM24 - THE HISTORIC ENVIRONMENT

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

For LB/CA

Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Policy context

Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

The adopted Development Plan comprises the Worthing Core Strategy which was adopted in April 2011. In addition to the policies set out in the Core Strategy there are 16 Local Plan policies that remain 'saved' from the Worthing Local Plan 2003. These saved policies were adopted in September 2007. A new Local Plan, the Submission Draft Worthing Local Plan (SDWLP) (as modified) has been endorsed by the Council and has recently been found sound by an independent inspector. It now has significant weight in the determination of planning applications.

Policy 8 of the Worthing Core Strategy concerns getting the right mix of homes in terms of size and location, the main objective of the policy approach to redress the imbalance in the housing mix, namely smaller flats. The spatial approach will therefore be to reinforce the town centre to provide higher density developments with new development outside the town centre designed to bring forward a range of housing types and in particular meet the needs of family housing.

Policy 13 concerns natural environment and landscape character; it states amongst other things that all new development will respect the biodiversity and natural environment that surrounds the development and will contribute to the protection and, where applicable, the enhancement of the area. The planning process should play a leading role in not only protecting designated high quality biodiversity areas but also providing the opportunity to enhance the quality of the biodiversity in those areas where there is no statutory provision to do so.

Policy 16 of the Worthing Core Strategy relates to the quality of the built environment and design and requires development to enhance the character of a site and the prevailing character of the area. All new development will be expected to demonstrate good quality architectural and landscape design and use of materials that take account of local physical, historical and environmental characteristics of the area. It should make a positive contribution to the area and not have an unacceptable impact on adjacent properties, and amongst other things contribute towards an overall improvement in the quality of the living environment.

A key objective of the Core Strategy is to ensure that the right mix and type of homes are delivered in the right places to meet the identified local need. Good design is vital to ensure that Worthing's built environment is not compromised. The 'Guide for residential Development (SPD) October 2013 seeks to outline the key elements for

achieving these objectives when considering all new residential developments in Worthing. The aim of this SPD is to interpret policy as well as to include design-led good practice guidance.

Para 3.3 states ‘A key element to the achievement of good design is an appreciation of the context in which it is situated. During the design process of any new development consideration will need to be given to its local setting, the surrounding densities, local building heights and other local features.’

At para 3.11 the SPD indicates that new residential development should seek to incorporate the principles of Lifetime Homes Standards, new dwellings including extensions and conversions should comply with the requirements of the Space Standards SPD. Where proposals do not comply a clear justification will need to be set out in the planning application. It is important to ensure that dwellings are capable of providing a suitable layout and adequate room sizes that reflect the use and type. All new dwellings including extensions and conversions should comply with the requirements of the Space Standards SPD. Where proposals do not comply a clear justification will need to be set out in the planning application. Guide for Residential Development (SPD) - October 2013 16 of accommodation.

Saved policy H18 ‘Residential Amenity’ states: “Development, including changes of use and intensification, which would result in an unacceptable reduction in amenity for local residents, will not be permitted.”

The Submission Draft Worthing Local Plan (SDWLP) (as modified) has recently been found sound by an independent inspector as such relevant policies DM1, DM2 and DM5 are considered material in the determination of the application.

DM1 Housing Mix states at relevant section a)-c)

a) In order to deliver sustainable, mixed and balanced communities, the Council will expect all applications for new housing to consider the most up to-date evidence of housing needs and demands.

b) The Council will support proposals for high-quality self-build and custom build projects that are sensitive to the characteristics of the local area.

c) Housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time. The Council will expect all new build dwellings to meet the optional higher Building Regulations Standard M4(2) for Accessible and Adaptable dwellings.

DM2 - DENSITY states

a) Development proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration must be given to:

> i) the site context and character of the surrounding area in which it is located, and including consideration of any nearby heritage assets or important landscape;

ii) its current and future level of accessibility by walking, cycling and public transport; Social Policies

iii) the need to achieve high quality design;

iv) the need to minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers;

v) and the capacity of surrounding infrastructure.

b) Residential development of family housing should achieve a net density of a minimum of 35 dwellings per hectare. In exceptional cases, lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;

c) Higher densities, in excess of 100 dwellings per hectare should be achieved in most mixed-use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and local services.

Space Standards

d) New dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. These standards will apply to all open market dwellings and affordable housing, including those created through subdivision and conversion. The Council's local standards will continue to apply for external space.

e) The Council will only consider any variation to the requirements set out above in exceptional circumstances, for example when a social or charitable housing provider is able to demonstrate that the homes it is seeking to deliver meets an identified need for supported housing and temporary emergency accommodation and that there is a clear and robust 'move on' strategy and site management in place.

Policy DM5 of the SDWLP requires all new development to be:

i) 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);

ii) 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, impact on street scene and layout of the development;

iii) make a positive contribution to the sense of place, local character and distinctiveness of an area;

iv) respect, preserve and enhance heritage assets and settings;

v) be well built, accessible, fit for purpose, and adaptable to changing lifestyle, demography and climate;

vi) include a layout and design which: take account of potential users of the site; create safe conditions for access, egress and active travel (walking and cycling) between all locations; provide good links to integrated public transport; and have acceptable parking arrangements (in terms of amount and layout);

vii) make a positive contribution to creating a safe and secure environment by integrating measures for security and designing out opportunities for crime;

viii) not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise or vehicular movements or loss of important open space;

ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain;

x) ensure that lighting incorporated into developments provides the minimum for public safety, is energy efficient and avoids light pollution.

Policy DM16 regarding – sustainable design indicates

a) All development (excluding householder applications) will be required to achieve the relevant minimum standards below unless superseded by national planning policy or Building Regulations. Applications for major development must be supported by a Sustainability Statement demonstrating that the minimum standards are met and where possible exceeded. All development is encouraged to exceed these minimum standards where possible

And DM17 – ENERGY

a) All new housing and major non-residential development should incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after Co2 reductions from energy efficiency measures).

DM18 – BIODIVERSITY

a) Planning applications should be supported by relevant environmental information, which is informed by appropriate up-to-date ecological information, prior to determination.

b) All development should ensure the protection, conservation, and enhancement of biodiversity. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts or through design), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then as a last resort such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused. This process is known as the mitigation hierarchy.

DM24 - THE HISTORIC ENVIRONMENT

a) Where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.

b) Proposed development should take account of the information and guidance in Worthing's Conservation and Heritage Guide (which will be updated and periodically reviewed).

The NPPF seeks to achieve sustainable development, defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development: economic, social and environmental. Paragraph 9 states that "these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework.

Paragraph 126 of the NPPF makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states: "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 130 goes on to state that planning decisions should ensure developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) 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;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para 134 indicates that permission should be refused for development of poor design especially where it fails to reflect local design policies and Government guidance on design, taking into account any local design guidance and SPGs.

Paragraph 74 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old.

It is acknowledged that in response to the requirements of the Framework and informed by local evidence a 5 year supply of housing in relation to Objectively Assessed Needs cannot currently be demonstrated.

The Council recognises the Governments' commitment to boost the delivery of new homes and has responded to this challenge by undertaking a full review of the existing adopted Worthing Core Strategy 2011. As part of the new Local Plan the Council has undertaken a robust assessment of all potential opportunities to deliver new homes. The Worthing Borough Council Housing Delivery Test Action Plan (Aug 2021) focusses on whether there are any addition measures that could be identified to improve the delivery of new dwellings.

With regards Para 11(d) of the NPPF and the so-called 'tilted balance', the recent Court of Appeal case (Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government & Ors. Case Number: C1/2020/0542/QBACF) found that the NPPF presumption is "policy, not statute" and "does not change the status of the development plan as the starting point for decision making". Sir Keith Lindblom went on to state:-

"Restricting the scope of paragraph 11(d)ii to shut out the relevant policies of the development plan, as if they were automatically alien to the assessment it required, would seem incompatible with the status and role of the NPPF. Fortunately there is no need to construe the works of paragraph 11(d)ii as having that effect, and in my view, it would be wrong to do so."

He added that other provisions of the NPPF reveal the Government's continuing commitment to the "plan-led" system:-

"If the proposal is plainly in conflict with the policies in the plan, granting permission for it might be seen as undermining the credibility of the plan, inimical to the 'plan-led' system itself, and contrary therefore to the basic policy of the NPPF. ……...It is clear, therefore, that a complete assessment under pargraph11(d)ii, in which 'adverse impacts' and 'benefits' are fully weighed and considered , may well be better achieved if relevant policies of the development plan are taken into account. I would therefore reject an interpretation of paragraph 11(d)ii that renders the policies of the development pan as irrelevant as a matter of law from the assessment required under that provision, What emerges on a true interpretation of paragraph 11(d)ii….is that it requires of the decision- maker an assessment of the kind described, in which the relevant policies of the development plan may be taken into account. Whether and how policies of the development plan are taken into account in the application of the policy comprising paragraph 11(d)ii will be a matter for the decision-maker's judgement, in the circumstances of the case at hand."

The 'Guide for Residential Development' (SPD) indicates that all new development will be expected to demonstrate good quality architectural and landscape design and use of materials. In particular, new development should display a good quality of architectural composition and detailing as well as responding positively to the important aspects of local character, exploiting all reason opportunities for enhancement. Where appropriate, innovative and contemporary design solutions will be encouraged.

Infill development is usually defined as development which fills a restricted gap in the continuity of existing buildings where the site has existing building curtilages, normally residential, adjoining on at least two sides. Infill development requires sensitive design and good landscaping if new buildings are to be fitted successfully into small sites in established residential areas. Insensitive infilling that will negatively impact on areas character or amenity will be resisted.

Backland development is usually defined as development on land 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 properties from the front, from the side or from the rear. Backland development may occur within the curtilages of existing buildings or closely adjacent to them. Backland development is often but not solely, land that is formally used as gardens, or is partially enclosed by gardens. Garden space has a number of roles including the contribution to local character, green infrastructure, secure spaces for play, biodiversity flood risk and mitigating the effects of climate change.

A backland or infill development should therefore contribute to the character of the existing locality. In broad terms, a proposal that fails to complement the local area in terms of design, density levels and layout will be refused.

The creation of houses is acceptable in principle in this sustainable location, the key issues are the impact on the character and appearance of the area including the conservation area, the design of the building and its suitability on the site taking into account the existing buildings, existing use and viability, residential amenity for future residents, impact on neighbouring properties, parking and accessibility and any further technical issues as assessed against the Development Plan and relevant policies within the NPPF

The effect on the character and appearance of the area and Heritage Assets

The existing buildings dates back to the mid nineteenth century and are substantial impressive buildings in render with character detailing

The site is within Farncombe Road Conservation area, the conservation statement indicates that '*All the buildings are set well forward on their plots to produce generous back gardens, yet far enough back from the pavement to give the streets their broad, open aspect. This effect is reinforced by the generous grass verges between road and pavement and by the wide roadways. Mature trees throughout the area, both in gardens and verges, create a pleasant setting for the buildings*. it goes onto say : *The building lines follow the road, with most houses being set 8-10 metres from the edge of the pavement; this, and the generous spacing between the houses affords a series of changing vistas to anyone travelling along Farncombe Road.*

Although Farncombe road has had new development, this has been in synergy with the existing buildings in the street retaining the rhythm and character of the street and conservation area.

The frontage building of 14 and 16 Farncombe Road sits comfortably within the street scene and although now in several flats there has been limited intervention to the building to the frontage other than to link the buildings and refurbish .

National planning policy within the NPPF sets out policy for 'conserving and enhancing the historic environment'. NPPF advises that great weight should be given to an asset's conservation and the more important the asset the greater the weight should be. It further states that such assets are irreplaceable and any harm or loss should require clear and convincing justification.

Paragraph 195 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal

Paragraph 197 of the NPPF states that In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

The overarching duty imposed by s72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 applies even where the harm to a heritage asset is found to be 'less than substantial'. This was set out in the Court of Appeal decision - Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137 (paragraph 29 of the judgment makes that clear). It stated that the decision maker must be careful not to equate 'less than substantial harm' with a less than substantial planning objection. The need, if harm is identified, to give considerable weight to the presumption that preservation is desirable should be expressly acknowledged in carrying out the balancing exercise.

Policy DM24 within the SDWLP requires that development affecting any designated or undesignated heritage asset must be of a high quality, respecting its context and demonstrating a strong sense of place. Development within Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. It states that the importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application of their demolition or development.

The new houses would lie at the rear of the existing property of No. 14-16 that fronts Farncombe Road. Access to the houses would be via the existing access. The applicants have concluded in their heritage statement that:

There are no listed buildings in this location and therefore it is the setting of the Conservation Area which is of historic significance here. The Conservation Area Appraisal itself focuses upon the quality of the streetscape and provides little evidence

for assessment of back land areas. It is inferred that the street scene is of most significance here. The conservation area has areas of differing character, due to the evolution of the historic settlement. Our assessment of the conservation area and street views, show that our proposal has considered these views and is intentionally discreet. There will only be glimpsed part views of the proposed building, but these are modest and often backdropped by other larger buildings within the setting. Importantly, the Conservation Area Appraisal does not comment on the qualities of glimpsed views in the streetscape, only that they offer 'changing vistas'. We see nothing at odds with the appraisal. The architectural character follows a 'coach house' precedent and intends to maintain the distinctiveness of the proposals, as an ancillary building to the main building group, whilst also using a style which is historically sympathetic and subservient in scale. We have agreed with the planning department that this is an appropriate stylistic response. The proposals make good use of the land whilst being sympathetic to the historic building context and discreet within the reading of the conservation area

The significance of the Farncombe Road Conservation Area is derived from its sinuous street scene of elegant, generously proportioned villas set behind softly landscaped front gardens and the tree lined highway. Although some of the villas have been altered, the primacy of their Victorian design remains, and there are broad consistencies in their widths, 2/3 storey heights, roof profiles and their spacing. This leads them to be viewed as a collective, which reinforces the planned, suburban flow of the conservation area. Due to its rather anomalous placement within this part of the town, its tranquil and affluent character contrasts with the otherwise busy and urban roads to which it connects. This leads the conservation area to have a particular sensitivity to change that would encroach upon its spacious character and suburban scale.

The Council has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining any planning application for development. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification.

The comments of the applicants have been taken into account and meetings taken place to look at solutions, however the current scheme due to its size and scale would still be a substantial two storey building in scale and character measuring approx 23m x9m (max); the applicants have been advised by officers that a coach house type building may be appropriate on the site which befits the grandeur of the building and its setting. The proposal would not be a coach house style, the building is predominantly full two storey and partly with rooms in the roof space. The building size and scale would be significantly greater than other garden outbuildings within the grounds of properties in Farncombe Road and would certainly not be the scale of a building which would have been associated with a dwelling of this size and period. Furthermore the style of the building would be completely different to the existing building proposed to be in red brick with a design which is completely at odds to the existing style of the locally listed building. The building would not present as a small subservient coach house as suggested by officers.

The new dwellings would furthermore introduce parallel backland development which although would involve some landscape to the frontage, it is a narrow strip and the site at the rear will be taken up with buildings and associated amenity. As indicated above the consequence is a scale of development which would involve intervention

to the frontage with Farncombe Road, as such the development would appear cramped building has limited landscaping to its frontage with a large expanse of hard surfacing to the south and frontage to create the parking and turning area. The scheme would still appear cramped and out of character on its site, it would introduce hard standing and parking areas and would be an overdevelopment of the site.The footprint of new buildings do not fit into the urban context of the area, and the materials are not complementary.

The car park, even in its unkempt form, is compatible with the character of the immediately adjoining properties in Farncombe Road, with well spaced and appropriate development. The provision of a two storey building at the rear would therefore result in a significant hardening and cramped appearance. The provision of this form of development would be at odds with the prevailing frontage development and spacious appearance of this part of Farncombe Road.

The original footprints of the two villas, 14 and 16 Farncombe Road, have already spread to cover a substantial part of their garden plots which has resulted in some erosion in the character of the conservation area. Adding 4 further residential units, thinly veiled as 'coach house' buildings will further compromise the spacious character of the conservation area. Where backland development is proposed within a conservation area the impact of the proposal on the pattern of development in the vicinity needs to be carefully considered.

Taking all factors into consideration, the proposal would harmfully divert from the spacious and suburban character which defines the significance of the conservation area. The harm to the conservation area would be less than substantial. Any such harm nevertheless merits great weight in accordance with Paragraph 193 of the NPPF and needs to be weighed in the balance with the public benefits of the development, as set out in paragraph 202 of the NPPF. It is not considered that the applicant has brought forward a scheme for housing with sufficient justification to outweigh the harm that would be caused to the conservation area and heritage assets. While the development would bring forward 4 dwellings, its size and design of the scheme is considered to be inappropriate, which would have a negatively permanent impact on the conservation area and heritage assets.

The design and suitability of the building

The Victorian villas 14 and 16 Farncombe Road are heritage assets identified as making a positive contribution to the Conservation Area, which is a Designated Heritage Asset. This is reflected in their local list status. The substantial heritage significance of these buildings and their contribution to the significance of the Conservation Area as a whole is explicitly identified in the Council’s Appraisal document of the Conservation Area. The Appraisal demonstrates Nos. 14 and 16 are key elements of the Conservation Area’s special architectural or historic interest, and are important and integral to the character and appearance of the Conservation Area

The design of the building does nothing to enhance the scheme providing for a two storey terrace of houses without regard to the style and context of the existing building. The building does not pick up on any references from the opulent character and references of the Victorian villas.

The applicants have provided a heritage design statement as well as a viability statement in support of the design and the requirement to have the size of development currently proposed. The comments have been taken into consideration and the work with the council to provide much needed rental accommodation but as indicated previously the current scheme is not a coach house, the design is inappropriate and the building would relate uncomfortably and awkwardly in the setting of the substantial Victorian Villas and the balance of their formal composition, as well as being out of scale to adjacent buildings and diminishing the grandeur of the spacing around the villas. The overall effect would be harmful to the established character and appearance of the Conservation Area contrary to policy and the NPPF.

Residential Amenity

Future residents

Core Strategy policies 16 Built Environment and Design and Policy 8 Mix of Homes. Paragraph 7.13 refers to the adaptability enabled by Lifetime Homes and to the internal size and layout of homes which are both essential factors to consider if new homes are to be built to a standard which enables people to have a reasonable standard of living accommodation.

It is important new homes are designed to meet the needs of the proposed occupants. In its Guide to Residential Development and Space Standards SPDs, the Council has adopted guidance setting out what is expected in the design of housing. Both identify that homes will need to have direct access to useable private amenity space or garden for the sole use of the household. The amenity area will need to provide for safe and secure outdoor space, for drying of clothes and outside covered storage for items such as bicycles, garden tools, and garden furniture. The Space Standards SPD specifies the minimum standard for gardens for houses.

The two storey houses at 73,74 and 76sqm would comply with the internal space standards.

In terms of external space, each dwelling would be provided with a rear garden, three of the dwellings would have gardens of approx 40sqm the northern dwelling would have a greater area. 40 sqm is below the space standards shown for a two bedroom dwelling of 50sqm. Although it is not considered that the application would be refused on this basis it adds to the concerns that the development is an overdevelopment of the site.

Neighbouring amenity

Saved Policy H18 requires new developments not to have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, light, outlook.

The ‘Guide to Residential Development’ SPD also provides guidance on siting and relationship of proposed development on neighbouring properties.

The most affected neighbours are the flats/bedsits within existing No 14 and 16 Farncombe Road, 1 and 3 Church Walk, properties within Horton Court and 21 and 23 Seldon Road.

In terms of the impact on the residents of 14 and 16 Farncombe Road, this property is in flats, it has windows to the east (rear) facing the application site and to the south facing the proposed access. The distance between the proposed fronts and the rear of No 13 is approx. 13m, which is at the minimum level of acceptability and is likely to lead to inter-looking between the properties. The building would also have a visual impact on the residents of these east facing properties.

With regards to the impact on residents in Horton Court this is in flatted accommodation. The nearest block is set further forward on the site and at an angle. It is not considered that the proposal would cause detrimental loss of light, visual impact or undue overlooking of the block.

1 and 3 Church Walk to the south would not be unduly affected by the development. The building is set off the boundary with only a single window to a bathroom on the first floor on the southern elevation.

With regards to 21 and 23 Selden Road these properties lie directly to the rear of the proposed building. No 21 appears to be in flats with a parking area to the rear closest to the boundary with the rear of the application site. No 23 is in single occupation with a rear garden. The occupant of No 23 has raised concerns about the proposal in terms of overlooking and contrary to policy.

The application shows that the proposed dwellings would be 7.5-8m from the rear boundary with No 23, the plan shows the retention of the trees on the boundary. The distance from the rear of the proposed dwellings to the rear of No. 23 is approx 15m (at its nearest point) giving a separation distance of approx 22.5-23m. Although it is accepted that the proposal will cause some overlooking of the rear garden of No 23, this is not an unusual separation and it is not considered that it would cause detrimental overlooking or loss of light to this property.

Access, Car and cycle parking

All new development should accord with highway safety, car parking and cycle standards.

The application proposes the provision of 23 car parking spaces to the front, and southern side of the site for the flats and the proposed dwellings.

The Local Highways Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network although they have indicated that the LPA may wish to consider the amenity implications associated with the parking requirement.

They consider that the number of parking spaces is acceptable for the development.

Sustainability

The applicant agents have indicated that as a practice they always work with a fabric first approach. This means the detailing of air tight homes which are well insulated. They seek to make passive solar gains through glazing locations and orientation.
They indicate that the proposals make best use of under-utilized brownfield land to deliver new homes in an already developed town centre location. The land is

therefore of low ecological value and is well situated for public transport and nearby amenities, mitigating the need for car travel.

There are electrical charging points available on the site as per local guidelines for parking provision for new developments.

The design incorporates air source heat pumps for each house and PV panels on the roof.

Drainage

The proposed site lies within flood zone 1 and is not shown as being at risk of surface water flooding.

An additional plan has been submitted to overcome the objection originally raised by the drainage engineer and is now considered acceptable subject to conditions.

Conclusion

The applicants have sought to submit an application for residential accommodation on a site where officers have raised concerns in terms of the impact of the development on the size and character of the site and the impact on the conservation area.

It is appreciated that the development would bring forward much needed two bedroom accommodation in the rental sector and the viability of the scheme would be compromised by a smaller development on the site. However it is considered that the siting, scale and design of accommodation being proposed would cause harm to 14 and 16 Farncombe Road which, due to their significance to the Conservation Area, would lead to harm to the conservation area.

As such the proposal would be contrary to paragraph 201 of the National Planning Policy Framework as it would result in substantial harm to the established character and appearance of the Conservation Area (a Designated Heritage Asset), failing to either preserve or enhance. The development would not be compatible with Policy 16 of Worthing Core Strategy, policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified) or guidance within the Supplementary Planning Document 'Guide to Residential Development, in that it would not respond positively to local character, and adversely affect the appearance of the street scene.

Recommendation

REFUSE for the following reasons:

1. The proposed dwellings by reason of their size, siting and design would represent piecemeal, backland development which would be a discordant overdevelopment of the site that relates poorly to the urban grain, plot pattern and street character, lacking any meaningful sense of place or sympathy with local distinctiveness or the character of the Conservation Area and would be visible as such from Farncombe Road and furthermore adding harding and clutter on the frontage. The proposal would therefore be contrary to saved policy H18 of the Worthing Local Plan, Policies 8 and 16 of the Worthing Core Strategy,

policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified)the Guide to Residential Development SPD 2013 and the NPPF.

2. The proposed dwellings by reason of its design, size and siting represents an anomalous and awkward form of development causing harm to the setting and composition of local listed buildings No. 14 and 16 Farncombe Road, identified as making a positive contribution to the Farncombe Road Conservation Area. The proposal would also involve the detrimental part loss and part relocation of a substantial flint wall. The proposal would give rise to substantial harm to the character and appearance of the Conservation Area, failing to preserve or enhance, and is therefore contrary to policy 16 of the Worthing Core Strategy, policies DM5, DM24 of the Submission Draft Worthing Local Plan (As Modified)the Council's SPD ‘Guide to Residential Development' and relevant paragraphs within the NPPF.

Appendix 2 - Minutes from Miller House (Ref: AWDM/1141/22) Planning Committee

Public Document Pack

Minutes of a meeting of the
Worthing Planning Committee
22 February 2023
at 6.30 pm

Councillor Jim Deen
Councillor John Turley

Councillor Noel Atkins	Councillor Helen Silman
Councillor Russ Cochran	Councillor Andy Whight
Councillor Dan Coxhill	Councillor Samuel Theodoridi

Officers: Head of Planning and Development, Planning Services Manager, Adur Planning Policy Manager, Senior Legal Officer and Democratic Services Officer

---

WBC-PC/62/22-23 Substitute Members

There were no substitute Members.

WBC-PC/63/22-23 Declarations of Interest

Cllr Noel Atkins declared an interest as an elected member of West Sussex County Council in relation to any issues that may affect West Sussex.

Cllr John Turley declared an interest as an elected member of West Sussex County Council in relation to any issues that may affect West Sussex.

Cllr Sam Theodoridi declared that in relation to planning application 3, he was the Ward Councillor for Castle Ward.

WBC-PC/64/22-23 Public Question Time

There were no pre submitted questions received from the public.

WBC-PC/65/22-23 Members Questions

There were no pre submitted questions from Members.

WBC-PC/66/22-23 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 25 January 2023 be confirmed as a correct record and that they be signed by the Chair.

WBC-PC/67/22-23 Items Raised Under Urgency Provisions

A Report by the Director for Economy –
Levelling Up and Regeneration Bill: Reforms to National Planning Policy.

The Adur Planning Policy Manager presented the report explaining it had been added to the agenda as an urgent item as the consultation period closed on 2 March 2023.

The Officer clarified that the Government were seeking views on the proposed reforms to the National Planning Policy Framework set out in the report and the recommendation for members tonight was to consider the report and refer any comments to the Executive member.

Members commented that with regards to measuring carbon impact it would be beneficial to also prescribe that developers were required to give expected carbon emissions produced by each development from beginning to end, including details of where materials used would be coming from, what type of materials they were and what transportation would be used for the materials.

Members also noted that in response to a consultation question regarding the exceptional circumstances for the use of alternative approaches to assessing local housing needs, the response should state that any guidance should allow for local circumstances.

WBC-PC/68/22-23 Planning Applications

The applications were determined as set out in the attached appendix.

WBC-PC/69/22-23 High Hedge Complaint

The application was determined as set out in the attached appendix.

The meeting ended at 10.39 pm

Chair

Planning Applications

1

Application Number:	**AWDM/1141/22**	**Recommendation - REFUSE**
Site:	**Miller House, 14 - 16 Farncombe Road, Worthing, West Sussex**	
Proposal:	**New build 4 no. 2 bedroom houses**	
Applicant:	Patagonia Properties Ltd	Ward:Selden
Agent:	Stickland Wright Ltd	
Case Officer:	Jacqueline Fox	

The Planning Services Manager presented the report and explained there had been additional comments submitted from the Worthing Society which were in Addendum 2 that had been circulated to Members.

There was one registered speaker who gave a representation on behalf of the Worthing Society in objection to the application. Her representation expressed concerns about the style and materials planned for the development being out of keeping with the surrounding conservation area, an erosion of open light and visibility for the existing villas as well as the visible roof line to the west of the proposed structure diminishing the separation of the villas. In addition the speaker confirmed the society were apprehensive regarding the flint wall being retained.

There was a representation from the Ward Councillor who represented the perspective that saw Worthings substantial shortfall in housing outweighing heritage concerns.

There was one registered speaker, who gave a representation on behalf of the developers in support of the application. He explained that the applicant had liaised at length with the Council regarding the design of the proposed properties. He also confirmed that there were no plans to remove any part of the flint wall.

During debate Members concurred that the red brick coach house design was out of keeping with the other surrounding properties and whilst they were in agreement that Worthing's need for housing mitigated any concerns regarding this being a backland development, it was still of great importance that the conservation area should be protected as much as possible. Members suggested that a rendered finish to the proposed building may be more agreeable than the red brick design within the application.

A proposal was put forward to overturn the Officers recommendation to refuse the application and instead **APPROVE** the application subject to conditions. The Officer reminded the committee that if this proposal was carried all the regular conditions would also apply to the approval.

This proposal was seconded and voted on with an outcome of 5 in favour and 3 against.

Decision -
Recommendation overturned. Application delegated with a view to approval to draw up suitable conditions including a materials conditions specifying that the dwellings be rendered to match adjacent developments. Wording of material condition to be agreed with the Chair prior to decision being issued.

The Chair confirmed to Members that he would keep them informed of proposed changes to the application design.

Application Number:	**AWDM/1884/22**	**Recommendation - Approve and delegate to Head of Development to issue the decision upon completion of a s.106 undertaking.**
Site:	**10 - 20 Marine Place, Worthing, BN11 3DN**	
Proposal:	**Demolition of existing commercial storage buildings, erection of new 3-storey building containing 9 apartments, with additional studio/ office space at lower ground floor level. To include on-site secure bicycle and refuse storage, and the relocation of an existing electrical substation.**	
Applicant:	Star Property Investment and Management Ltd	Ward: Central
Agent:	Rodway Planning Consultancy Limited	
Case Officer:	Stephen Cantwell	

The Head of Planning and Development delivered the presentation explaining that there had been two additional objections since agenda publication and that these were covered in Addendum 1 that had been circulated to Members.

Members had questions for the Officer regarding archeological interest in view of the fact that the area had many cellars with historical connections to smuggling. The Officer confirmed that this was covered in condition 13. Members also asked for clarification regarding the commercial space and were informed that it would be available for rent on a very flexible basis to residents and non residents.

There were two registered speakers who gave representations objecting to the application. Their presentations voiced concerns over overlooking, regarding the proposed development opposite in the vacant debenhams building, loss of natural light, air flow and ventilation to the adjacent Yoga Centre and disruption during construction.

There was one registered speaker, the agent, who gave a representation in support of the application. He responded to Members' queries regarding sustainability aspects of the development and future management of landscaping and the proposed wildlife area.

During debate Members discussed aspects of the design of the proposed building and issues surrounding loss of light for the adjacent Yoga Centre.

A proposal was made to accept the officers recommendation to delegate for approval agreed subject to the conditions set out in the report and on page 9 of Addendum report.

This proposal was seconded and voted on with an outcome of a unanimous vote in favour.

Decision -

APPROVE and delegate to the Head of Planning and Development for approval agreed subject to the conditions set out in the report and on page 9 of Addendum report 1. No requirement to complete a S106 agreement

Subject to Conditions:-

1. Approved Plans
2. Time – 3 years to implement permission
3. Materials and large scale detailing
4. Landscaping – Hard and Soft Details, including biodiversity
5. Means of Enclosure – details and limitation of Permitted Development Rights at site frontage.
6. Rear boundary – detailed modifications and implementation.
7. Use of obscure glazing and side screen at south east corner of terrace
8. Office use of lower ground floor and no conversion to habitable space
9. Sound insulation between floors
10. Management of office space
11. Secure cycle stores, details and implementation.
12. Travel Plan
13. Archaeology – investigation and details of method
14. Site remediation – investigation and details of method
15. Levels – floors and land levels
16. Flood evacuation plan, including management and updating
17. Sustainable drainage and maintenance.
18. Construction management plan
19. Construction works – hours of.
20. Widening of pavement
21. Any other appropriate conditions

3

Application Number:	**AWDM/1680/22**	**Recommendation - REFUSE**
Site:	**Cissbury Chase (Former Worthing Sixth Form College)**	
Proposal:	**Application to vary conditions 2, 9 and 11 of planning permission AWDM/0363/11 to extend residential curtilage to allow the extension to rear gardens of residential dwellings at Cissbury Chase [Planning permission AWDM/0363/11: Demolition of existing college buildings and construction of 265 dwellings together with floor space for commercial nursery units with associated access, parking and landscaping. Amendments - commercial nursery units replacing doctors' surgery in corner block, amendments to central square and surrounding buildings, minor elevational changes to other buildings, minor modifications to layout of streets.]**	
Applicant:	Cissbury Chase (Worthing) Management Company Ltd	Ward: Castle
Agent:	ECE Planning Limited	
Case Officer:	Jo Morin	

The Head of Planning and Development delivered the presentation explaining that the application related to three ‘buffer strips’ of land to the north, east and south of the site with which the developer had failed to reach the original conditions.

There was one registered speaker who gave a representation in objection to the application. She explained how the buffer strip behind her residence in Bolsover Road provided much needed privacy from the three story houses behind her garden. She was of the opinion that the trees and shrubs there should be retained to safeguard the ecology of the area and in the interests of the protected species to be found there.

The Ward Councillor gave a representation in support of the application explaining how none of the original conditions regarding these strips had been met, either by the developers or the subsequent management company resulting in the strips being a dumping ground for building waste. He clarified that 64 of the 66 residents whose gardens backed on to these strips had, at their own cost, arranged a local ecology survey that concluded that the land was of little or no ecological value in its current state.

There were three registered speakers who gave representations supporting the application. They clarified that the strips were badly designed and too narrow to allow landscaping and access for maintenance. The ground was largely made up of rubble

which caused drainage issues and the trees that had grown there were the wrong type of trees to maintain wildlife.

(At this point the meeting had reached 3 hours long and so the members voted in agreement of continuing)

During debate Members discussed that there may not be one suitable solution for all three strips and they should possibly be looked at separately. It was felt there were too many options and differences between the strips to allow a decision at this point.

It was therefore proposed that the application be deferred to consider further options for each individual buffer area. This proposal was seconded and voted in favour of unanimously.

Decision -
Application deferred to consider further options for each individual buffer area.

Remedial Notice - High Hedge Complaint

Application Number:	**AWEN/0019/20**	**Recommendation - Confirm the issuing of the Remedial Notice**
Site:	**39 Hollingbury Gardens Worthing**	
Proposal:	**Confirmation of Issuing Remedial Notice**	
Case Officer:	Jeremy Sergeant	

The Planning Services Manager delivered the report and explained the background to the case.

Members had questions for the Officer regarding how the prescribed suitable height for the trees had been reached by the Tree Officer. The Officer clarified that British Daylight Standards had been used to calculate the height of 6.5 metres and the maximum height of 7 metres was to allow some tolerance for growth of the trees.

There were two registered speakers objecting to the application who were the residents of the dwelling housing the site of the trees. They explained that the complainants had purchased their property when the trees were in situ and of substantial height. They also clarified that they had obtained a report by a Tree Surgeon confirming that excessive cutting could cause the death of this type of tree.

The Ward Councillor gave a representation explaining that the Tree Officer had issued his concluding report before the deadline for comments had passed resulting in the owners of the trees views not being considered so in the interests of balance and fairness it was important to hear both sides of the debate today.

There was one registered speaker who gave a representation supporting the application reiterating issues addressed in her written representation including concerns regarding the effect of the tree's roots within her own garden and the dangers of large branches falling into her land.

(At this point the meeting had reached 4 hours long and so the members voted in agreement of continuing)

During debate Members discussed the dangers of cutting back this type of tree and the biodiverse benefits the trees currently provided.

A proposal was put forward to reject the Officers recommendation to issue the Remedial Notice. This proposal was seconded and voted on with a result of 7 in favour, 0 against and 1 abstention.

Decision -
Recommendation overturned.
The Committee considered that the enforcement of works or conditions regarding the trees would be damaging to the trees and detrimental to the local landscape. Further, that the effect of the trees on the neighbouring property did not justify any remedial action.

ECE Planning

Shaping places.
Unlocking potential.

Appendix 3 – Visual Impact Assessment by Strickland Wright (Ref: 21074B-P-200)



















View Locations
1:500 @A1

N

Proposed development, rear 13-15 Farncombe Road

23 Vine Street, Brighton BN1 4AG
e: studio@sticklandwright.co.uk
t: 01273 964051
Company registered in England No. 11222477

Revisions:

Rev	XX/XX/XXXX	DESCRIPTION	Checked XX

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Dwg No.	**21074B-P-200 Rev**
Drawing Title	Visual Impact Assesment
Address	13 - 15 Farncombe Road
Client	Patagonia Properties Ltd
Scale	1:500 @A1
Stage	Planning
Drawn by	nc
Checked by	ns

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architecture + interiors
www.sticklandwright.co.uk

Appendix 4 - Freedom of Information Covering Letter and Appendices

ECE Planning
64 – 68 Brighton Road, Worthing
West Sussex, BN11 2EN

Shaping places.
Unlocking potential.

12 February 2026

Jackie Fox
Planning Department
Worthing Borough Council
Worthing Town Hall, Chapel Road,
Worthing, West Sussex,
BN11 1HA

SL/Let/P2259

Dear Jackie,

Application Ref. AWDM/0133/25 – Specialist Accommodation Need

Further to our previous correspondence and discussions, we write to formally set out the evidence relating to need for specialist accommodation, drawing on direct enquiries made to Worthing Borough Council (WBC) and West Sussex County Council (WSCC), as detailed in the appendices appended to this letter.

As part of this process, we submitted Freedom of Information (FOI) requests to WBC in order to establish the extent of delivery of specialist residential accommodation for adults with learning disabilities and/or autism, including wheelchair-accessible provision, within the Borough over the last five years.

Delivery of Specialist Accommodation (WBC Evidence) – Appendix A

WBC has confirmed that during this period:

- No planning permissions have been approved and completed for specialist residential accommodation for adults with learning disabilities and/or autism within the Borough
- No schemes are currently under construction or planned; and
- The only planning application within the Borough that specifically references such specialist accommodation is the current proposal at land west of 13–15 Farncombe Road, which remains undetermined (Appendix 1).

WBC has also confirmed that it does not hold data on wheelchair-accessible specialist housing, reinforcing the absence of any identifiable pipeline of accessible provision capable of meeting this need in the short to medium term.

Commissioning Evidence (WSCC) – Appendix B

Managing Director
Chris Barker MATP MRTPI
Directors
Huw James MRTPI
Sam Sykes MRTPI

ECE Planning Ltd
Registered in England
No 7644833
VAT No 122 2391 54

Registered Office
Amelia House
Crescent Road,
Worthing BN11 1QR

In parallel, we have contacted West Sussex County Council (WSCC) in its capacity as the authority responsible for commissioning adult social care accommodation. WSCC has confirmed that there is a continuing and demonstrable requirement for specialist accommodation for adults with learning disabilities and autism, including wheelchair-accessible units, arising from:

- Increasing demand associated with demographic change; and
- The need to move individuals from inappropriate or out-of-area placements into suitable local accommodation (Appendix B).
- Something about accessibility to the hospital – can you check?

This demand is not time-limited and cannot be met through reliance on generic housing delivery alone.

Strategic Evidence – SHMA

The recently published Worthing Strategic Housing Market Assessment (SHMA) provides further numerical context. The SHMA identifies a clear shortfall in specialist and supported housing provision across the Borough and confirms that:

- The number of residents with learning disabilities and long-term health conditions is projected to increase over the plan period; and
- Specialist housing forms a distinct component of objectively assessed housing need, separate from general market and affordable housing supply.

While the SHMA does not disaggregate need to individual sites, it clearly establishes that the scale of need significantly exceeds recent delivery, which, as demonstrated above, has been nil over the past five years.

Conclusion

The evidence set out above provides a clear, consistent and robust basis for concluding that there is a demonstrable and unmet need for specialist residential accommodation for adults with learning disabilities and autism within Worthing Borough, including wheelchair-accessible provision.

FOI responses from Worthing Borough Council confirm that over a five-year period (January 2020 to present) there has been no delivery (zero units) of this form of specialist accommodation, no schemes are currently under construction or planned, and that the only application expressly seeking to address this need is the current proposal. This establishes a clear and ongoing delivery failure, rather than a temporary shortfall.

Correspondence with West Sussex County Council further confirms that demand for such accommodation is current, locally arising and continuing, driven by demographic trends and the need to provide appropriate placements for adults whose needs cannot be met within the existing housing stock. Importantly, this demand cannot be assumed to be met through generic market or affordable housing delivery.

The recently published Worthing Strategic Housing Market Assessment reinforces this position by identifying specialist and supported housing as a distinct and necessary component of housing need, with projected growth in the number of residents requiring such accommodation over the plan period. When read alongside the absence of recent or forthcoming delivery, the SHMA underscores the importance of supporting proposals that are capable of meeting these needs in practice.

Against this context, the proposed development would deliver a targeted, policy-compliant and deliverable form of specialist accommodation, making a meaningful and timely contribution towards addressing a clearly evidenced local shortfall. The proposal does not duplicate existing provision, nor would it displace delivery elsewhere; rather, it responds directly to an acknowledged gap in supply.

Accordingly, the need case for the development is compelling, and this material consideration should be afforded substantial weight in the overall planning balance.

In light of the above, and noting that the additional information provided addresses the outstanding matter of specialist accommodation need, we respectfully request that the application is now progressed to determination on the basis of this additional evidence.

If you have any further queries or require further information, please contact me on 01903 248777.

Yours sincerely
ECE Planning



Sam Sykes MRTPI
Director
Encs.

Appendix A – WBC FOI

Saskia Lower

From: Adur & Worthing Councils <no-reply@adur-worthing-hr.onmats.com>
Sent: 02 February 2026 11:44
To: Saskia Lower
Subject: Our response to your request for information (ref 24307625)

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from no-reply@adur-worthing-hr.onmats.com. Learn why this is important

Dear Saskia Lower,

Thank you for your request for information (ref 24307625) sent to Adur & Worthing Councils on 9th October 2025.

Your request has been considered and our response is below. Alternatively, view your request and response at: https://adur-worthing-hr.onmats.com/w/webpage/4525BBFCF1?context_record_id=24307625&webpage_token=05c679e2eecd6e5041d03d3db5b4985b1a21c909985f6838269958ecbcf34749

Request:

in relation to specialist housing delivery within the Worthing Borough Council area.

Accordingly, please provide the following information,

1. Details of all approved and completed applications within the Worthing Borough Council area within the last five years (from 1 January 2020 to present) that include specialist residential accommodation for:
   - Adults with learning disabilities and/or autism; and
   - Wheelchair-accessible or fully accessible dwellings designed for people with learning disabilities and /or autism

2. For each scheme, please include the following details:
   - Planning application reference number (as recorded on Councils database)
   - Site address
   - Description of development
   - Number of specialist units provided, identifying whether they are for residents with learning disabilities/autism and/or wheelchair accessible; and
   - Decision date and current status (e.g. completed, under construction, or not yet implemented).

We would be grateful if this information could be provided in an electronic format, preferably as an Excel spreadsheet or PDF summary.

Response:

1. We have found one application with specific reference to the specialist residential accommodation referred to in the question, which is for land west of 13 to 15 Farncombe Road, Worthing, West Sussex. The application has not been determined at this time.

2. The details of the above application can be viewed on the Council website: https://planning.adur-worthing.gov.uk/online-applications/ using reference number AWDM/0133/25.

We apologise sincerely for the delay in providing this response and hope this assists you.

Review procedure
If you are not satisfied with the response to your request for information you have the right to an internal review. Details can be found on www.adur-worthing.gov.uk/foi

Your request for internal review should be submitted to us within three (3) months of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Council.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right to appeal to the Information commissioner's Office (ICO), details of which can be found here: www.ico.org.uk/concerns

Yours sincerely
Information Governance Team
Adur & Worthing Councils

For Freedom of Information (FOI) and Environmental Information Regulations (EIR):
Email: information.officer@adur-worthing.gov.uk

For Data Protection (DP) and General Data Protection Regulations (GDPR):
Email: data.protection@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk/about-the-councils/legal/foi/

This message was sent from an email address not monitored. Please do not respond to this message. To reply, please email information.officer@adur-worthing.gov.uk quoting your reference number, 24307625, in your message.

Appendix B – WSCC FOI

Saskia Lower

From: westsussex@infreemation.co.uk
Sent: 06 November 2025 11:53
To: Saskia Lower
Subject: [FOI/11149] Freedom of Information Request – Specialist Accommodation Delivery Data - West Sussex County Council

You don't often get email from westsussex@infreemation.co.uk. Learn why this is important

Dear Saskia Lower

Thank you for your request for information.

Under section 21 (Information accessible to applicant by other means) of the Freedom of Information Act 2000 (FOIA), the Council is not required to provide information in response to a request if it is already reasonably accessible to you. The information you requested is available on the Care Quality Commission's website at www.cqc.org.uk and, where required, from provider websites as given on the CQC's website.

I can confirm that the Council does not hold data on wheelchair accessibility and can also confirm that there are no services currently under construction or planned.

I hope you find this useful.

If you are unhappy with the way your request has been handled, you may wish to ask for a review of our decision by responding to this email within the next 40 working days. Please do not amend the Subject line.

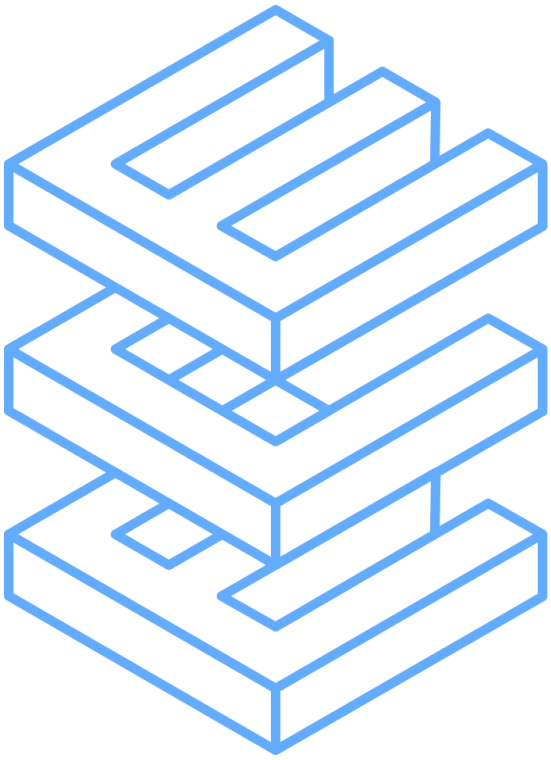
If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted our internal review procedure. The Information Commissioner can be contacted at:

www.ico.org.uk; or

The Information Commissioner's Office,
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Adults' Services Information Liaison Officer



W www.eceplanning.com E info@eceplanning.com T 01903 248777