



Appeal Decision

Site visit made on 27 August 2026

by **C Housden BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 September 2026

Appeal Ref: 6010518

4 Offington Court, Offington, Worthing, West Sussex BN14 9PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Hannah Dillely against Worthing Borough Council.
 - The application ref is AWDN/1475/25.
 - The development proposed is a single storey rear extension with new gable roof over to create a first floor bedroom.
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Decision

1. The appeal is dismissed and planning permission for a single storey rear extension with new gable roof over to create a first floor bedroom is refused.

Procedural Matters

2. A new National Planning Policy Framework (the Framework) was issued on 17 August 2026. Having reviewed the changes, I am satisfied that it does not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

Main Issue

3. The appeal results from the failure of the Council to determine the planning application within the relevant time period, and as such, there is no formal decision notice. The Council has confirmed in its appeal documentation that, had it been able to do so, it would have refused planning permission.
4. The main issue is the effect on the living conditions of the occupiers of 5 Offington Court (No 5), with particular regard to overlooking and the provision of daylight and sunlight.

Reasons

5. Offington Court comprises a cul-de-sac of detached bungalow properties set in a regular pattern fronting onto the road, which includes the appeal property, 4 Offington Court (No 4) and its adjacent neighbour No 5.
6. No 5 has a ground floor side window facing towards the plot of No 4, which the evidence shows is the sole window serving the dining room of this property. I observed that the building of No 4 as it currently exists obscures to some extent the daylight and sunlight received by this window. The evidence shows that this is particularly the case in the early morning. Nevertheless, owing to the position of

No 4 with its rear building line shallower in its respective plot compared to No 5, this side window of No 5 still receives daylight and sunlight for much of the day, particularly given the hipped roof with a steep pitch of No 4 which helps to minimise the bulk and massing above the ground floor level. The proposal would involve a hip to gable roof extension, considerably extending the ridge of No 4 to the rear of the property.

7. I have not been presented with any technical evidence regarding the effect of the proposal on the provision of daylight and sunlight to the relevant side facing window of No 5. Given the position of No 4 with No 5 and the path of the sun, along with the additional bulk and massing brought by the proposal above the ground floor level, the development would create an enclosing effect restricting the daylight and sunlight received by this window, along with casting shadows over this window for much more of the day than the existing situation. The small half-hip to the edge of the ridge would do little to minimise the bulk and massing introduced by the proposal above the ground floor level. Therefore, the development would result in the dining room of No 5 feeling colder and uninviting, harming the living conditions of the occupiers of No 5.
8. In relation to overlooking towards this neighbour, the appellant sets out that the location of the side rooflights is indicative and that they intend to install them at a high level of 1.7m above the finished floor level. I am satisfied that a condition could secure these rooflights at a high level which would ensure there would be no direct outlook from them towards No 5. In relation to the proposed rear facing window, given views from this window would be at an oblique angle towards the garden area of No 5 there would not be any direct overlooking, retaining the privacy of the occupiers. Therefore, no harm would occur through overlooking to the occupiers of No 5.
9. Whilst the proposal would not result in harmful overlooking, it would result in considerable harm to the living conditions of No 5 through the enclosure of its side facing window resulting in a loss of daylight and sunlight and harmful overshadowing. The proposal would therefore conflict with Policy DM5 of the Worthing Local Plan (2023). This policy, amongst other matters, seeks to ensure development does not have an unacceptable impact on the occupiers of adjacent properties, including an unacceptable loss of daylight and sunlight.

Other Matters

10. I have been provided with a set of plans which shows a rear dormer extension and single storey rear extension that the appellant contends could be undertaken through permitted development rights. I have no evidence before me demonstrating the plans benefit from a Certificate of Lawful Development. In any case, the appeal scheme would introduce a greater amount of bulk and massing above the ground floor level extending rearwards than the permitted development scheme. Given my concerns regarding the appeal proposal relate to the additional bulk and massing above ground floor level brought by the extension to the roof ridge, the appeal scheme appears to be more harmful to the living conditions of the occupiers of No 5 than the fallback position. Given the location to the rear there would be very limited benefits to character and appearance of the area implementing the appeal proposal over the fallback scheme. Therefore, whilst I have no reason to doubt that there is an existence of a permitted development fallback position, it would not be as harmful as the appeal proposal to the living

conditions of the occupiers of No 5 and offers very little other benefits, and therefore carries very limited weight.

11. It has been brought to my attention that a larger extension was previously approved by the Council¹. However, I have only been provided with limited details of this application and cannot be certain that the circumstances are directly comparable. Furthermore, this permission does not appear to have ever been implemented and therefore would now be time expired. Therefore, the existence of this historic planning permission is a matter of very limited weight. Furthermore, each proposal should be considered on its individual merits which I have done so.
12. My attention has been drawn to other extensions permitted within Offington Court². However, the harm I have identified relates to the specific relationship between No 4 and No 5. Therefore, the existence of these other extensions does not mitigate or otherwise justify the harm that I have identified.
13. The appellant has raised concern regarding the Council's handling of the application. However, this is a matter that lies outside the scope of my determination as it does not affect the planning merits of the proposal.
14. The development would improve the living conditions of the occupiers of the appeal property by providing additional floorspace and improved energy performance. However, these are personal benefits of the scheme and attracts limited weight in favour of the development.
15. Policy S4 of the Framework sets out that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. The proposal would conflict with Policy P3 of the Framework which sets out proposals should not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers and advises that adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Given the harm identified to the living conditions of the occupiers of No 5, the benefits of the proposal would be substantially outweighed by the adverse effects.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

C Housden

INSPECTOR

¹ LPA ref AWD/0360/11

² Including at No 7 Offington Court LPA ref 04/01057/FULL