Development Control – Delegated Officer Report

Application Number: AWDM/0027/25 Recommendation: Refuse

Site: Land west of 28 Bramber Road, Worthing

Proposal: **Proposed chalet bungalow with 2no. parking spaces, access from Bramber Road**

Last visited: 12.11.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site relates to the back garden land to the west of No.28 Bramber Road and at the rear of dwellings at No's 38-40 Turner Road, and includes a portion of land within the curtilage of No. 28 where there is currently a large garage/workshop building as well as a portion of land to its frontage. At the time of visiting the garden land appeared to have been recently cleared of various shrubs, trees and other vegetation with the exception of its southern boundary where some hedgerow/trees remained. Close-boarded fencing had been installed separating the site from the neighbouring gardens.

The streetscene in Bramber Road comprises of predominantly 2 –storey houses positioned regularly around a communal park area at its centre. Dwellings here are mainly semi-detached or terraces but No.28 itself is a two storey detached dwelling. There is an access drive to the north of the site, between No.28 and No.26 Bramber Road that provides access to an infill bungalow behind No.26. No.28 is sited within an L-shaped plot and has a large detached garage/workshop building to its west side.

Proposal

Permission is sought for the construction of a 2-storey/chalet bungalow. This follows refusal of a previous scheme last year (AWDM/1071/24 refers). As before, the proposals would involve sub-dividing the western portion of the curtilage of No.28 where a new double car port would be constructed, following removal of the existing garage/workshop building, and a vehicular access would be formed across the frontage of No. 28 Bramber Road. Since the previous application, the position of the proposed dwelling has been brought forward, although still positioned towards the rear of the site, and its orientation has been altered in a clockwise direction so it would now face north. The application still proposes a new 3 bedroom dwelling, which would have a footprint of approximately 80.2 square metres. It has been designed as a chalet-style bungalow with a pitched roof and front gable and would include accommodation within the roofspace served by windows in the gable, a dormer window and rooflights. A rear dormer has been deleted from the current scheme and with rooflight windows proposed instead. As before the accommodation would comprise of an open plan

lounge/dining/kitchen area, utility room, bedroom and bathroom at ground floor level, and two bedrooms and an ensuite bathroom at first floor level.

Relevant Planning History:

28 Bramber Road:

AWDM/0873/12 - Single storey extension to provide accommodation for dependent relative
STATUS: REF 3rd September 2012.

AWDM/1429/12 - Single storey extension to provide accommodation for dependent relative (Revision to AWDM/0873/12)
STATUS: APP 21st December 2012.

AWDM/0943/18 - Demolition of existing detached garage and construction of 1 no. 2 bed dwelling attached to west elevation of existing house.
STATUS: REF 28th September 2018.

AWDM/1791/18 - Retention of electric gates (set 20cm off the ground) to a height of 1.7m set within 1.9m piers to front (north/east boundary) of property and 1.8m high close board fencing to north and east boundaries (retrospective).
STATUS: REF 21st January 2019.

AWDM/0633/19 - Demolition of existing garage and construction of two-storey pitched roof garage with workshop at first floor.
STATUS: APP 2nd July 2019.

AWDM/1874/20 - Replacement of an existing front gate and fencing with electric gates and brick boundary walls, and the erection of a single-storey workshop to the rear of the detached garage building with associated works (part-retrospective). (Alterations to previously approved AWDM/0633/19).
STATUS: APP 1st March 2021.

AWDM/1071/24 - Erection of a detached chalet bungalow
STATUS: REF 20th November 2024.
Reasons for refusal:

01. The proposed development would, by reason of its siting, scale, design and means of access, relate poorly to the character and layout of the surrounding pattern of development, and appear as a visually discordant form of development that would be harmful to the visual amenities of the site and surrounding area. As such the proposed development would be contrary to policy DM5 of the Worthing Local Plan, SPD A Guide to Residential Development, and the relevant paragraphs of the NPPF.

02. Having regard to the relationship with neighbouring dwellings, the proposals would represent an overbearing and unneighbourly form of development, detrimental to the amenities of neighbouring occupiers in terms of noise and disturbance and overlooking resulting in loss of privacy. As such the proposed development would be

contrary to policy DM5 of the Worthing Local Plan and the relevant paragraphs of the NPPF.

03. In the absence of a Section 106 obligation to secure the proposed development as a self-build scheme the Local Planning Authority cannot be satisfied that it will be exempt from achieving 10% biodiversity net gain and as such would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as amended) and policy DM18 of the Worthing Local Plan.

Land rear of 38-40 Turner Road:

07/0717/FULL - Construction of a detached 2 bedroom bungalow with vehicular access and parking area, together with parking area for existing dwelling at 40 Turner Road.
STATUS: REF 13th September 2007.

07/0136/FULL - Erection of two bedroom detached bungalow.
STATUS: REF 3rd April 2007.

05/0599/FULL - Erection of detached garage.
STATUS: CCN 27th July 2005.

26A Bramber Road:

WB/1070/84 Outline application for erection of detached bungalow and garages and layout of new access drive. Refused 12.2.85 Allowed on appeal 4.39.85

WB/1057/85 Erection of detached bungalow and garages (matters reserved for approval subsequent to outline consent WB/1070/84 allowed at appeal dated 4.9.85)

Consultations:

The **Highway Authority** raises no objection and has made the following comments:

This proposal is for the proposed chalet bungalow with 2no. parking spaces, access from Bramber Road. The site is located on Bramber Road, an unclassified road subject to a speed restriction of 30 mph.

The LHA previously provided consultation advice for this site for application DC/22/1234, raising no highway safety concerns. This Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

The existing vehicular access point will be used to form a shared drive between the existing and proposed dwellings. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on to Bramber Road.

The applicant proposes two car parking spaces will be provided for the proposed dwelling in a double-bay carport. This would be in accordance with WSCC Parking Standards for a dwelling of this size and location. Two car parking spaces will also be retained for the existing dwelling.

From inspection of the plans, on-site turning may not be achievable, so cars may have to reverse out of the site on to the maintained highway. However, this looks to be the existing arrangement and would not be anticipated to give rise to a safety concern.

The site is situated in a sustainable location within walking/cycle distance of local services, amenities, and public transport links. Secure cycle storage for two bicycles has been demonstrated in the plans, in accordance with WSCC Parking Standards.

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 116), 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 space (details approved)
No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

The Council's **Drainage Consultant** has commented as follows:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for a proposed chalet bungalow with 2no. parking spaces, access from Bramber Road. The application is to Worthing Borough Council.

Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development ***we would recommend the approval of the application*** *with the following conditions attached:*

Condition 1: *Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to*

support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. 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 and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any infiltration drainage. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

*Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur & Worthing Council.**Condition 2:** The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:*

I a timetable for its implementation.
II details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
III a management and maintenance plan for the lifetime of the development which shall include details of design life and the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Adur and Worthing Council.

The Council's **Environmental Health** Officer has made the following comments:

As per the previous application, the DAS makes reference to an air source heat pump. However I cannot see anything marked on the submitted plans and there is no supporting evidence to demonstrate that noise emissions are acceptable.

Representations:

Three representations have been received from the occupiers of No.34, No.36 and No.38 Turner Road objecting to the application on the following grounds as summarised below:

- Overdevelopment
- Negative impact on the character of the area

- Importance of retaining garden land/effect on character and green infrastructure/loss of habitat/biodiversity
- Proximity of proposed dwelling and patio to neighbouring gardens – overbearing, loss of privacy, overlooking, overshadowing, building would dominate outlook/loss of open outlook, noise and disturbance
- Increased traffic/access and vehicles/movements – effect on surrounding residents, noise from vehicular movements
- Previous similar planning applications have been refused – relevant issues of overdevelopment, privacy, character
- Loss of property value

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM18 (Biodiversity)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)

National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPD 'Space Standards' (WBC 2012)
SPD 'A Guide to Residential Development' (WBC 2013)
CIL Charging Schedule (Aug 2021)

Planning Assessment

Principle of Development

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

Paragraph 78 of the NPPF (2024) requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:

a) 5% to ensure choice and competition in the market for land; or
b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or

c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of the Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

The most recent 5 Year Housing Land Supply (5YRHLS) position for Worthing (as at 01/04/2023) demonstrates a 6.3 years supply applying a 20% buffer as at that time Worthing had failed the then current Housing Delivery Test (HDT) (2022 published December 2023).

However, the most recent HDT 2023 (published December 2024) shows that Worthing scored 107% and therefore faces no consequences from the HDT.

Having a 5YRHLS position and having passed the HDT with no consequences means that for Worthing Paragraph 11 c) of the NPPF applies which states: '*For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay* '.

The site is located within a sustainable location within walking or cycling distance to local services and amenities. The proposed development would make a small contribution to meeting housing need in the Borough by providing one additional dwelling. The main determining issues relate to the effects of the development proposals on the visual amenities of the site and surrounding area, the effects on living conditions for existing and future occupiers, highways, access and parking considerations, and sustainability, ecology and biodiversity considerations. This is considered having regard to the previous refusal AWDM/1071/24.

Visual Amenity

Chapter 12 of the NPPF sets out the policies to achieve well-designed places. In paragraph 131, it advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF emphasises securing high quality design that (amongst other things): will function well and add to the overall quality of the area for the lifetime of the development, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history; maintains a strong sense of place using the arrangement of streets, building types and materials to create attractive, welcoming and distinctive places to live; and, with a high standard of amenity for existing and future users (paragraph 135), and that permission should be refused for development that is not well designed, especially where it fails to reflect local design policies or government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (paragraph 139).

The Worthing Local Plan sets out in Policy DM5 requirements that all new development should:

i) be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. This will include 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, tree canopy, 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 where appropriate 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 giving rise in significant adverse impacts, or vehicular movements resulting in severe cumulative impacts on the road network, or loss of important open space of public value (unless it satisfies any of the exceptions set out under Policy DM7 – Open Space, Recreation and Leisure);
ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain. Where appropriate, this will include the protection and integration of existing trees and green infrastructure into new developments;
x) ensure that lighting incorporated into developments provides the minimum for public safety, is energy efficient and avoids light pollution.

The Councils Supplementary Planning Document ‘A Guide for Residential Development’ provides policy and design guidance for new residential development.

Paragraph 3.3 it states that: 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.

It recognises the role garden space has including contribution to local character, green infrastructure biodiversity, flood risk and mitigating the effects of climate change and

that such matters will need to be considered in assessing any application that would involve the loss of such space (para 4.27).

It recognises that whilst some infill development can provide a welcome addition to the Boroughs housing stock, backland garden development is generally regarded as an inappropriate form of development in the Borough and will be resisted in most cases as set out in the SPD. Nevertheless the SPD acknowledges that there may be circumstances where some forms of back-land development may be appropriate with careful consideration.

It is relevant to note two earlier applications refused at the land to the rear of No.38-40, which comprised of a similar parcel of land to the application site, albeit with access gained from Turner Road to the west. In each application a detached 2-bedroom bungalow was proposed and with the later scheme (application reference WB/07/0717/FUL) subsequently dismissed at appeal (appeal reference APP/M3835/A/07/2057742). Although the reasons for refusal for the appeal scheme did not refer to the principle of development, the policy context has since evolved and the decision pre-dates current policy including the Worthing Local Plan and the SPD Guide to Residential development. Residential gardens have also been excluded from the definition of previously development land since the last applications were determined. The NPPF states that decisions should support development that makes efficient use of land taking into account factors including the desirability of maintaining an areas prevailing character and setting including residential gardens.

In terms of the principle of development, this form of backland garden development would generally be regarded as an inappropriate form of development as it can often appear contrived and making little contribution to local distinctiveness. Whilst backland or tandem development is normally resisted, this needs to be considered in relation to NPPF paragraph 11 and the adoption of the local plan which seeks to increase the rate of housing from small sites. However in this instance, one single dwelling would make a limited contribution to housing need and should be given limited weight.

As was the case in the previously refused application AWDM/1071/24, the proposals would result in the loss of a substantial portion of garden land and whilst much of the site is cleared and now comprises mainly of grass and some vegetation to the south boundary, it is noted that a substantial portion of vegetation has been recently cleared.

In terms of the pattern of development and the character of the area, as noted in the previous application, there is some variety in plot sizes and it is noted those dwellings at the rear of the site, including at No.38-40 Turner Road, have particularly long gardens due to their corner positioning, although those at No.38 and 40 have already been divided to form the proposed site area with boundary fencing installed. The remaining garden area for No.38 and 40 Turner Road does not appear unreasonable. As in the previous refusal it is considered that there is a sense of continuity to the pattern of development within the Bramber Road streetscene and the proposed new dwelling would be seen against this context. Dwellings here are regularly arranged around the open space at its centre, directly fronting the street and angled at the street corners. The exception here is the 1980's bungalow at No.26A allowed at appeal accessed via a long driveway between No.26 and No.28. High fencing has been installed along the boundary of No.28 at the edge of the access driveway to No.26a

making the driveway access itself now appear relatively prominent. It is also noted that the application drawings show the boundary alignment along the driveway to align with the front of the neighbour's garage at No.26A, whereas the existing boundary fencing is set back from the frontage of this garage. At No.28 there are some differences in its form and design compared with other neighbouring dwellings and its inclusion of a relatively dominant garage building and uncharacteristically high fencing/gates at the frontage, but the dwelling itself does directly address the street frontage like others in the street.

The scale and height of the proposed new dwelling has not been altered from the previous scheme. It would be approximately 5.9 metres in height and with a two storey gable feature and dormer window to its frontage, as before. Although its positioning has been altered and would be sited further forward than previously proposed, it would still appear as a contrived form of backland development. Having regard to its positioning, scale and height it would appear out of keeping with surrounding character and has not addressed the previous reasons for refusal. As was the case with the previously refused scheme, the proposed site entrance would be formed across the frontage of, and in close proximity to, the dwelling at No.28 and would also appear particularly contrived. The proposed car port is indicated to be sited immediately adjacent to the north boundary fence and neighbouring driveway, aligning with the neighbouring garage, whereas the existing boundary fencing is set back from this positioning. If the application drawings are correct, and the proposed car port and high fencing would be installed further forward on this driveway, the result would be a more prominent.

As was the case with the previous refusal, the proposed subdivision of the plot at No.28 and formation of the new access and entrance to the site would open out this part of the site at the frontage and to the side of No.28, where the existing garage/workshop would be removed, making the rear of the site and proposed new dwelling visible from the street frontage particularly given its excessive height. It is acknowledged that some additional soft landscaping has been proposed between No.28 and the new dwelling in the current scheme, which may provide some limited screening but nevertheless it is considered that screen planting is not an acceptable way to deal with an otherwise inappropriate form of development. The contrived access and uncharacteristic positioning, at the rear of No.28, would be readily apparent and in contrast to the prevailing character. As before, the new access and entrance would dominate much of the frontage to the site and where it would be seen in combination with the existing access to the bungalow at No.26A creating a more noticeable break in the continuity of dwellings in the streetscene. It is not clear whether any boundary treatment is proposed to separate the proposed shared driveways at the site frontage, or whether new fencing/realigned fencing is proposed along the northern boundary with the neighbouring driveway, but it should be noted that any further means of enclosure at this point would appear awkward and exacerbate the detrimental visual impact.

It is considered that the proposals have not addressed the previous reason for refusal and would result in a visually discordant form of development detrimental to the visual amenities of the site and prevailing pattern of development.

Residential Amenity - Neighbours

The NPPF emphasises the importance of creating places that have a high standard of amenity for existing and future users (paragraph 135). The quality of living environment derives not only from the amount of internal space, but also relates to issues of overlooking and privacy, natural daylight and outlook as well as the importance of private amenity space and the quality of the living environment in terms of the effect of noise and disturbance.

The main impact of the development would be to the occupiers of the dwelling at No.28 Bramber Road and those dwellings close to the proposed new access/frontage at No.26 and 26A Bramber Road, and to the occupiers of dwellings to the west and east in Turner Road and Southways Avenue whose rear gardens surround the rear portion of the site where the new dwelling would be sited.

The more intensive use of the site and introduction of activity at the rear of the site would give rise to additional noise and disturbance as well as from comings and goings along the new access which would be particularly closely sited to No.28 at its frontage, side elevation and along its west side boundary where vehicular movements would be possible and cause associated fumes. It is noted that the current application includes some additional landscaping to the eastern edge of the site close to No.28 and this could provide some screening at this point. However, the issue remains that the close proximity of the access and its relationship with No.28 would be detrimental to the amenities of occupiers of No.28 Bramber Road in terms of noise, disturbance and loss of privacy.

The proposed car port at the north of the site would replace the larger garage/workshop building that already exists at the site, and would be sited closely to the neighbouring garage at No.26A where it would not pose any significant threat to residential amenity.

As was the case with the previous application, the proposed dwelling would be reasonably well separated from the dwellings themselves at No. 36-38 Turner Road to the west which are two storey, and the bungalow at No. 31 Southways Avenue. The revised positioning is set further away from the boundaries with those neighbouring gardens which has improved this particular relationship but the two-storey scale of the proposal with rooflight windows would nevertheless introduce an overbearing form of development with overlooking to these areas at the rear of existing gardens where there would be a reasonable expectation of privacy and quiet. Whilst the proposed dwelling has been designed as a chalet bungalow, its two storey scale which includes first floor windows would have an unacceptably overbearing impact to neighbouring occupiers. Furthermore the positioning of the proposed bungalow sited in close proximity to the rear of No.28 and its western boundary, extending along much of its length, would introduce considerably bulk at this point which would be overbearing, detrimental to the amenities of the occupiers of No.28.

The Council's Environmental Health Officer has raised concerns over the impact of the proposed air source heat pump as previously, with no indication of its proposed location or supporting information to demonstrate that noise emissions would be acceptable. More information would be sought if planning permission were to be granted.

Residential Amenity – Future Occupiers

The proposed dwelling has been designed as a 3-bedroom dwelling and has been indicated to have a floor area of 107.6 square metres which would meet Government's Nationally Described Space Standards overall for a 3 bedroom 6 person two storey dwelling (102sqm) and with adequate room sizes, light and ventilation. Built-in storage has not been incorporated however.

The Council's local standards continue to apply under Policy DM2 of the Worthing Local Plan 2023 for the provision of external space. A private garden area has been indicated to the south-west and south of the proposed dwelling where a patio has been indicated. The garden area indicated would allow adequate private amenity space to meet the standard for a 3 bedroom detached dwelling (85sqm).

Access and Highways

The site is considered sustainable, being within walking/cycling distance to local services and amenities including bus services in Upper Brighton Road which provide connections to the town and wider area. As was the case with the previous application, two parking spaces are proposed to serve the new dwelling and two parking spaces would be retained for the existing dwelling at No.28, utilising the existing access onto Bramber Road. The location of cycle storage has been indicated. No objection has been raised by the Highway Authority in terms of parking, access or highway safety. Car parking and cycle storage would need to be secured by condition if the development were approved.

Biodiversity net gain

The Environment Act inserted within the Town and Country Planning Act Schedule 7A for the provision of biodiversity net gain. The NPPF requires planning decisions to contribute to and enhance the natural and local environments by minimising impact on and providing net gains for biodiversity. Local Plan policy DM18 requires the protection, conservation and enhancement of biodiversity and the requirement to secure 10% net gain.

The applicant has indicated that the proposals would be self-build and as such an exemption would apply. However, it is noted that limited information was provided as part of the application setting out how the proposals would be considered self-build. Had the scheme not been self-build, the development would need to be achieve 10% biodiversity net gain. It is noted that a large proportion of vegetation has already been cleared from the site, although this has not been indicated in the application details. However, Google imagery and photos provided in June 2024 with a pre-application request show a significant proportion of vegetation on site. As the relevant date for any baseline calculation is 30 January 2020 the work carried out after that date that reduces the biodiversity value of the site would be disregarded.

The development would need to secure self-build to ensure the development would be exempt from BNG requirements. If the application were to be approved, a Section 106 agreement would have been sought to secure self-build. It would have also

included a clawback mechanism to provide biodiversity net gain in the event of the site or dwelling being occupied by persons other than the relevant individual. In the absence of such an agreement to secure the proposed development as a self-build scheme there would not be sufficient control to be satisfied that it will be exempt from achieving 10% biodiversity net gain. The application is therefore recommended for refusal on this basis.

Sustainable Development

In terms of drainage, conditions have been recommended requiring a detailed surface water drainage scheme to be agreed and implemented, which would include prioritising the use of Sustainable Drainage Systems and demonstrating no increase in flood risk, and for its maintenance and management. However as the latest dataset for the SFRA identifies parts of the site to be at risk of surface water flooding, the requirement for a flood risk assessment and sequential test would apply to this single dwelling site. If the application was to be acceptable in other respects, this would have been sought.

In relation to sustainable design, the Design and Access statement outlines the following measures:

8.1 The proposed bungalow will be constructed of locally sourced materials. The facing brickwork, tile hanging and roof tiles are from Sussex based suppliers. The windows and doors are timber framed, triple glazed with aluminium panes achieving a 1.2 U value.

8.2 Additional measures proposed include a rainwater harvesting system and air source heat pump a. The home will be sufficiently insulated with underfloor heating throughout and should achieve an EPC ‘A’ rating. All lighting will be energy efficient and the domestic appliances will be Class A white goods.

However, no specific details have been provided in relation to CO2 reduction and to prevent overheating as required by Policy DM16 or specific details on the use of renewable and low carbon energy production equipment to meat at least 10% of total energy requirements as required by Policy DM17. This would need to be secured by condition if approved.

CIL

The proposed development if permitted would be subject to a contribution towards the CIL. However the applicant wishes to claim a self-build exemption in this case.

Recommendation

REFUSE for the reasons:-

1. The proposed development would, by reason of its siting, scale, design and means of access, relate poorly to the character and layout of the surrounding pattern of development, and appear as a visually discordant form of development that would be harmful to the visual amenities of the site

and surrounding area. As such the proposed development would be contrary to policy DM5 of the Worthing Local Plan, SPD A Guide to Residential Development, and the relevant paragraphs of the NPPF.

2. Having regard to the relationship with neighbouring dwellings, the proposals would represent an overbearing and unneighbourly form of development, and detrimental to the amenities of neighbouring occupiers in terms of noise and disturbance and overlooking resulting in loss of privacy. As such the proposed development would be contrary to policy DM5 of the Worthing Local Plan and the relevant paragraphs of the NPPF.

3. In the absence of a Section 106 obligation to secure the proposed development as a self-build scheme the Local Planning Authority cannot be satisfied that it will be exempt from achieving 10% biodiversity net gain and as such would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as amended) and policy DM18 of the Worthing Local Plan.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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

Case Officer: Rebekah Hincke Date: 08.04.2025

Authorised by: Louise Prew Date: 09/04/2025