PINS Ref: APP/M3835/W/24/3354695

Site : Land West of 70 Parham Road, WORTHING, BN14 0BN

Written by: Neal Roberts

Response to the Rebuttal Statement by Worthing Borough Council in relation to the appeal of AWDM/0320/24

This document is a direct response to the points raised in the LPA's rebuttal Statement. Therefore, in order to simplify the process of cross-referencing between the two documents, the entire LPA's rebuttal statement has been copied below in blue typeface and relevant responses have been provided after each paragraph, where appropriate.

(Copied from LPA's Statement)

The Officer's Delegated report sets out the LPA case for refusing the planning application. This Statement provides a rebuttal to the points raised in the Appellant's Ground of Appeal.

Background

The planning application AWDM/0320/24 was refused by the Local Planning Authority on 30.04.2024 on the following ground:-

1. The proposed development of this severely constrained site represents a contrived and discordant form of tandem backland development that would be out of keeping with the character and appearance of existing development, lacking any meaningful visual relationship with surrounding properties and harmful to existing local character and sense of place. The proposed development is therefore contrary to policies DM2 and DM5 of the adopted Local Plan, the relevant policies of the NPPF and the Council's SPD 'A Guide to Residential Development.

Presumption in Favour of Sustainable Development

Since the decision was made the NPPF has been revised and the latest Housing Delivery Test results published (12th December 2024).

The latest Housing Delivery Test results (2023) demonstrate that Worthing has met the (rolling 3yr) delivery target of 613 dwellings based on the housing requirement set out in the adopted Local Plan (which is less than 5 years old). As a consequence the presumption in favour of sustainable development (NPPF, paragraph 11(d)) is not triggered.

If the figures quoted by Worthing Council are correct and the recent NPPF revision has been correctly calculated, it is encouraging to see that Worthing has the most improved percentage test result score of **any** English LPA (**by a considerable margin**) after years of underprovision, i.e. 52% (2020), 35% (2021), 33% (2022) and 107% (2023), which is an improvement of 3.24 times over the previous year. With the vast majority of LPA's posting a marginal improvement and some even posting a reduction (using the amended NPPF calculation methodology allowing for COVID restrictions), it is possibly worth further

examination of Worthing's figures to ensure that the 2023 Local Plan is on track to deliver the quantity of new housing agreed as part of the plan's original validation process.

It is also relevant that the Government has recently introduced new housebuilding targets to enable 1.5 million homes to be built over the next 5 years and Worthing Council has seen its housebuilding target increased by 168% (from 322 to 862 - BBC News 5th December 2024). This significant increase means that it is highly likely that the LPA will fail to achieve the required Housing Delivery Test Results in the near future and that the presumption in favour of sustainable development will be triggered again unless the Council takes proactive steps to significantly boost permissions and completions.

Substantial weight should be afforded to the policies of the adopted Worthing Local Plan (2023) in determining the current appeal.

As it remains strongly contended that this application achieves better compliance with the policies of the adopted Worthing Local Plan (2023) and other local policies than would be achieved by leaving the site it in its current form, the Inspector is fully encouraged to make a positive and creative objective assessment of this re-application, in accordance with WLP (2023), local policy and the direction of updated NPPF policy (especially Para 39)

The Local Plan also achieved validation on the basis that 67 completions were achieved every year on 'small windfall sites' from 2024 to 2036 (WLP page 192). Therefore, the permitting of development on small windfall sites such as this is not only compliant with the Local Plan, but WLP was actually validated with the expectation that a minimum number of 67 small windfall site developments would be delivered annually.

Relevant Worthing Local Plan Policies

WLP Policy DM2 requires development proposals to make the most efficient use of land, adopting a design-led approach to determine capacity, with particular consideration given to (amongst other things) the site context and character of the surrounding area in which the development it is located, and the need to achieve high quality design. It also requires new dwellings to meet as a minimum the nationally described space standard for internal floor area and storage, and to have regard to the Council's local guidance for external space.

Policy DM5 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. 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 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 to 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);

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 supporting text to DM5 (paragraph 5.59) further elucidates that the quality of new design plays an important part in creating successful developments – well-designed developments relate well to existing buildings and spaces around them, are pleasant to use and take account of local distinctiveness. Good design is a key aspect of sustainable development.

New development should integrate well into Worthing's landscape and townscape, and contribute positively to its varied character and distinctiveness.

The full adherence to WLP Policies DM2 and DM5 has been discussed at length in the D&AS and Statement of Case using **demonstrable evidence** such as photographs, historic maps, space standards regulations etc. It remains contended that the LPA's assertion that this amended application contravenes WLP Policy DM2 and DM5 relies on a false appraisal of the site and its surroundings, which ignores the **demonstrable** longstanding context and character of the site and the backland developments directly opposite.

The Council's adopted SPD 'A Guide to Residential Development' highlights the difficulty posed by garden 'backland' development, particularly 'tandem' development, of integrating successfully or contributing positively to local character, noting that it is "more often than not an anomalous and contrived form of development that makes little contribution to local distinctiveness" (paragraph 4.29).

It is unfortunate that the Council present such a negative summary of backland development, as the negative perspective unjustifiably overlooks the fact that backland development represents a highly sustainable and efficient use of established urban land, where the density of housing serviced by a single road can be sustainably increased without the street view becoming crowded. The addition of tidy side driveways can aesthetically add variety and openness to an otherwise mundane regular street pattern.

The partial relevance of SPD Para. 4.29 is discussed in the Statement of Case document, however the highly relevant Para 4.31 is discussed in both the D&AS and the Statement of Case documents. It is politely requested that the Inspector examine the direction provided in Para 4.31, **which was written specifically for the assessment of backland development,** as the direction in this key paragraph has driven the design and been fully complied with.

It is also politely requested that the Inspector note that the Council has elected not to respond to (or dispute) the points raised in the statement of case document about para 4.31. It is contended that the Council has elected not to discuss the points raised regarding para 4.31, as it demonstrates that the design of the development complies with policy and therefore undermines the reason for refusal.

Response to Grounds of Appeal

Errors in Assessment Process

The Appellant argues that the incorrect interpretation of the submitted drawings exaggerates the visual impact of the proposed development and hence the stated harm to local character. The Statement goes on to argue that the structure of the proposed dwelling has been designed to be 'hidden' and would have very little visual effect.

The Inspector is politely requested to note that the LPA has not provided evidence to counter the arguments.

Parham Road is characterised for the most part by consistently spaced semi-detached and detached bungalows on either side of the road. Owing to the steep gradient of surrounding land, those on the west side are typically elevated above the road whilst those on the east side are situated at a lower level.

The LPA is 100% correct that **'for the most part'** Parham Road is made up of consistently spaced semi-detached and detached bungalows on either side of the road, however the historic map in the D&AS **unequivocally confirms** that the plot pattern the termination of the road has existed as vehicular access points and driveways to backland houses on both sides of the road since the 1960's, one of which is now tidy and developed and the other is currently overgrown, untidy and presents a security risk to the 4 houses which surround it (as does any unoccupied piece of land abutting exposed rear gardens of residential houses).

An abundance of vegetation growing within the rear gardens is noticeably visible through the gaps between the frontage buildings on the west side, accentuated by the rising ground level on this side of the road. The key point in the Officer's delegated report is that as garden land the appeal site contributes positively to the pattern of existing development and local character. Indeed, the image (Photo 6) within the Appellant's Statement confirms exactly this: "It is impossible to determine the size or dimensions of the site from this Parham Road viewpoint". The site assimilates with the surrounding landscape and is not discernibly distinguishable from the surrounding gardens.

The Inspector is politely requested to thoroughly inspect the image referred to by the LPA and identify whether the image shows ANY vegetation growing within the site. The image demonstrably confirms that ALL vegetation that can be seen grows from outside the site, as the vegetation growing within the site is predominantly below 1 metre in height and is therefore concealed from view by the surrounding fencing. (Please note: the photo and statement referred to by the LPA would appear to be on page 6 of the D&AS for the

application that the LPA declined to determine, not the 'Appellant's Statement' as suggested).

The Inspector is also politely requested to give **substantial weight** to the LPA's agreement with the statement that ***'it is impossible to determine the size or dimensions of the site from this Parham Road viewpoint',*** as it has been an ongoing point of disagreement that the site was judged by the LPA as unsuitable for development due to its compact size and proportions being visible from its surroundings. **With the correct acknowledgment that this isn't the case**, the suitability of the size and dimensions of site for development logically defaults to the Space Standards regulations and an assessment on the amenity value for future residents, both of which have been fully achieved.

The submitted Site Sectional drawing (SSP LOS1) seeks to demonstrate that through a combination of excavating the site ground level and increasing the height of boundary treatments, the proposed dwelling would not itself be visible in public view from Parham Road.

As the LPA previously made **errors** assessing and visualising the amount of the proposed dwelling which would be seen from Parham Road and the surrounding environment, drawing SSP LOS1 was completed to provide accurate pictorial details of the finished fence and dwelling heights, plus how the fencing then provides total screening of the development when viewed uphill from Parham Road.

Whether this would in fact be the case is unclear. What the drawing does make clear is that the taller boundary treatment erected on top of the retaining walls enclosing the site would be visible from this direction, highlighting the separation of this 'backland' site from surrounding rear gardens as an anomaly to the existing pattern of development.

The LPA states that the drawing is unclear, however the LPA's statement is **strongly refuted** as drawing SSP LOS1 shows an **accurate scale drawing** of the relevant structures and how the taller fencing provides comprehensive screening of the dwelling at a viewing angle following the 8 degree uphill slope from Parham Road. It is also strongly contended that the LPA's statement suggesting the ***'case is unclear'*** **is an attempt to dismiss demonstrable evidence which confirms that the case for refusal was based upon an assessment of visibility which was significantly overestimated and incorrect, as was the assessment of the consequential visual detriment which would be caused.**

The LPA is correct that the increase in fence height of the boundary treatment from 5 to 6 foot will be visible in views between 68 and 70 Parham Road, however as a 6 foot fence is an extremely common boundary treatment, then it is contended that views of the taller fence will not cause detriment or be anomalous with the garden profile of the site. **It is therefore contended that the LPA's entire paragraph is unfounded and not in accordance with NPPF Para 39 (formerly 38).**

Deliberately designed in order to be 'hidden', the development would not achieve the expectations for new development set out in policy DM5 "to enhance the local environment by way of its appearance and character", and "to make a positive contribution to the 'sense of place', local character and distinctiveness of an area". The excavation of the dwelling into the sloping ground (by up to 1.6m) and enclosure by retaining walls and fencing is clearly no more than a contrivance intended to disguise a discordant form of the development on this severely constrained, cramped site.

Despite the longstanding existence of three large 4 bedroom 2 storey backland houses directly opposite this site, the planning history confirms that the LPA has consistently used **any** visual part of **any** proposed dwelling as a reason to bolster the case for refusal, due to a perceived incompatibility with the existing character of the area. Therefore, due to the LPA's actions, the proposed dwelling was **forced** to be completely hidden from view and as a result no longer has either a positive or negative effect on the street view.

As Policy DM5 is predominantly written for standard developments, which are generally built in visual locations where the appearance and compatibility of the new construction is important, then the use of policy DM5 to negatively appraise non-visual parts of developments is inappropriate. The D&AS clearly details the enhancement to the local appearance and character caused by the improvement in the visual elements of the development**. It is politely requested that the Inspector note that the LPA's has elected not to either mention or dispute the enhancements made to the street scene by the tidying up of the longstanding overgrown vehicular access point and installation of new smart secure gates, which were some of the improvements acknowledged by the previous Inspector in paragraph 14 of his report.**

The LPA refers to the proposed development as a ***'contrivance intended to disguise a discordant form of the development on this severely constrained, cramped site',*** however is contended that the LPA's statement is an extremely negative and resistive way of acknowledging that the development complies with policy, as it has been designed to seamlessly integrate within the existing environment and plot dimensions following the guidance and direction provided in the only local policy specifically written for the design and integration of backland developments (SPD para 4.31). **It is contended that this negative paragraph is also not compliant with NPPF Para 39 (formerly 38) and seeks to negatively bolster the case for refusal.**

It cannot be equated that a development that is deliberately concealed from view must 'logically be even more acceptable' than one which is deemed as being 'discreet' or having limited visual impact within the street scene. This statement misinterprets the importance of context and the interaction between buildings (their scale, form, siting, proportions, massing, layout etc.), the space around them, and other landscape features, that together contribute to creating a 'sense of place' and local character and distinctiveness.

The Inspector is encouraged to consider whether the LPA's argument is logical or valid, as the LPA is asserting that a view which doesn't change as a result of a new development is no less detrimental than one which alters, **after consistently objecting to any visual parts of the proposed dwellings throughout all applications on this site**. The LPA's statement also highlights their own misinterpretation of context due to the **inconsistency** of assessing 'Wayback' positively as an established backland development which complements the street scene but then negatively assesses any development on this site as completely anomalous and incompatible with the history and character of the area.

It is a fact that the irregular shape and constrained size of the appeal site is inconsistent with the existing pattern of development. By arguing that the relevant determining factors are only the space standards and an assessment of amenity value for future residents, the Appellant understates the role of policy DM5 and the importance of safeguarding and where possible improving the character and quality of local areas to the overall balance of considerations. Good

design is a key strand of sustainable development. Places that have a good quality built environment are successful places - socially, economically and environmentally.

The LPA makes the statement ***'It is a fact that the irregular shape and constrained size of the appeal site is inconsistent with the existing pattern of development'*** however, the LPA already agreed earlier in their response document that '***the image (Photo 6) within the Appellant's Statement confirms exactly this: "It is impossible to determine the size or dimensions of the site from this Parham Road viewpoint". The site assimilates with the surrounding landscape and is not discernibly distinguishable from the surrounding gardens'.*** **It is contended that these 2 statements contradict each other and demonstrate that the LPA is building a case for refusal based upon perceived harm caused by something which is *'not discernibly different from the surrounding gardens'.***

The 'existing pattern of development' is **demonstrably confirmed** by the official maps covering the past 60 years, which confirm that backland development and access tracks have existed on **both sides** of the Southern termination of Parham Road since the late 1950's. The LPA's statement also quotes a **perceived** fact which is contradicted by official records and a visit to the site.

It is contended that the role of DM5 hasn't been understated but that it should be applied appropriately, taking into consideration the **actual** (not perceived) existing character and quality of the area and the **actual** (not perceived) changes (both positive and negative) to the existing character e.g. the positive enhancement made by securing and tidying of the overgrown former access point, which was previously acknowledged by the Inspector (para 14).

The planning permission granted at 48 Parham Road for the creation of a detached annex in the rear garden for a dependent relative (AWDM/0895/18) has no direct relevance to the appeal circumstances. Fundamentally, that plot is not become subdivided and has not resulted in the creation of a separate dwelling unit. Importantly the annex accommodation is ancillary to the host dwelling. The assessment of a 'householder' planning application for this type of development is subject to different policy considerations requiring that such accommodation does not assume an independent identity to the host dwelling either in design or functionality.

The LPA misinterprets why the example of the 1 bedroom detached annex at 48 Parham Road was highlighted. It was simply used to provide **demonstrable evidence** of similar sized 'garden structures' (which are capable of supporting independent living), in close proximity to the site. The demonstrable existence of the larger 'garden structure' at 48 Parham Road is therefore **highly relevant** to this appeal as it demonstrates that the Council's false narrow interpretation of typical garden structures in the area used in the officer report (page 17 para 6) is **not accurate**. It is contended that the ancillary use of the annex has little relevance, as it has no impact on the visible size and structure of the fully-equipped garden building.

It is also contested that the Council's comments concerning the sub-division of the plot are also essentially irrelevant, as historic maps confirm that the site has always been separate from 70 Parham for over 50 years and many detached garden annexes have a degree of garden screening between the host dwelling and annex to provide an element of privacy for both parties.

When examining the LPA's statement, it is unclear whether the LPA is inferring that this application would be acceptable if it was used as ancillary accommodation to one of the surrounding houses, using a gap or gate in the fence for access, as the appearance of the site would be virtually identical.

The specific circumstances of the planning permission granted under AWDM/0759/20 for a 2-bedroom dwelling to the rear of 'Dacha', 45 Mill Lane are completely different to the current appeal, namely involving a substantially larger plot size and a different site context and local character, including an established pattern of existing 'backland' dwelling plots.

Whilst it is fully acknowledged that the specific circumstances of 'Dacha' are not identical, it does have many similarities, being a backland development. The LPA attempts to paint the 'Dacha' development in a much more positive light, due primarily to the larger size of its **newly created 'tandem site'**, but it is relevant that the formation of the new 'Dacha' backland site and construction of a new driveway passing between 2 existing dwellings, proposed a **much larger change to the established pattern of development** than the resurrection of an existing driveway and development of a windfall backland site which has existed at the rear of 70 Parham Road for over 50 years. The LPA's further comment concerning the 'established pattern of backland development' for the 'Dacha' development also seeks to dismiss the **demonstrable existence** of established backland properties directly opposite this site and in the surrounding area, examples of which were provided in the D&AS.

Failure to comply with legislation

It is disputed that the LPA decision to refuse planning permission did not comply with legislation. The officer report weighs the benefits of creating an additional 1-bedroom dwelling in the context of the Housing Delivery Test Act Plan, but concludes that this is outweighed by the harm to existing local character and sense of place.

The Council acknowledges the benefits of creating an additional dwelling in the context of the Housing Delivery Action Plan, but then ***'concludes that this is outweighed by the harm to existing local character and sense of place'***. It is **strongly contended** that the Council's assessment on the harm caused is based upon errors and therefore unfounded. It is also strongly contended that the lack of demonstrable evidence presented by the Council to substantiate their negative assessment is due to many of their points raised being based upon unsubstantiated **perceived** negatives rather than **actual** negatives, which can then be substantiated.

Additionally, and very importantly, the decision to refuse permission was made at a time when the presumption in favour of sustainable development applied. Therefore, the decision to refuse permission should only have been issued if the harm caused **significantly and demonstrably** outweighed the benefits. Even with the refusal being predominantly reliant on negative subjective opinion and errors, **with no demonstrable evidence substantiating the decision and plenty contradicting it**, it is strongly contended that the decision to refuse permission did not comply with policy, especially NPPF paras. 38 (now 39) and 11 (d).

When a revised wooden-clad application with Drawing SSP LOS1 included was submitted to give the LPA the opportunity to re-assess the application and correct the previous errors, the LPA decided to invoke Section 70A of the T&CPA and declined to determine the revised application at a time when the 'presumption in favour of sustainable development' also still applied.

Since then, the latest Housing Delivery Test result (December 2024) demonstrates that Worthing is meeting its Local Plan housing delivery target and therefore the presumption in favour of development triggered by paragraph 11(d) of the NPPF does not currently apply to decision-making.

Previously, for earlier applications on his site, the emerging Local Plan was taken into consideration (before its ratification) in the decision-making process. It is therefore relevant that due to the undisputed shortfalls in housing detrimentally affecting younger people in particular, the Inspector will be aware that the recently elected Labour Government have made a firm commitment to raise housebuilding targets and build 1.5 million homes over the next 5 years. Therefore, the promise to raise housebuilding targets throughout the South of England in particular will shortly lead to the presumption in favour of sustainable development being reinstated in many areas after years of significant under provision.

The planning 'Golden Rules' prioritises sustainable development within existing urban areas and the commitments made in the Council's housing delivery action plan document confirm that windfall sites in existing urban areas will rightly be a priority for development to avoid urban spread. Although it is contended that the benefits of this re-application demonstrably outweigh the negative aspects and that policy has been fully complied with, it is politely requested that the Inspector also take the well documented housing shortfalls and the implications of the Governments pledge into consideration in the final decision making process.

The LPA has engaged with the Appellant over a period of years providing advice that the site would not be suitable for a dwelling plot, substantiated in the grounds of refusal for AWDM/1387/18, AWDM/0317/19, AWDM/0713/20 and AWDM/1952/22 and appeal decisions APP/M3835/W/23/3321108, D/4001448 and APP/M3835/W/19/3234620. The use of section 70A of the Town and Country Planning APP/M3835/W/24/3354695 Act has been applied to bring an end to repeated applications where it has been concluded that the site is not appropriate for residential development.

The LPA has made it very clear since the refusal of the initial application that it will not permit <u>any</u> residential development on this windfall site and that the LPA will be not be open to any negotiation whatsoever. The LPA's rigid stance not only effectively removed the option to gain permission at local level but it also removed the access to productive pre-application advice.

It is important to consider that the Council's stance has been maintained though years of chronic housing underdelivery due to the shortage of available land in the area. Despite changes in planning policy towards greater sustainability and maximising the use of windfall sites in existing urban areas over the last 5 years, the extensive planning history reveals that it is unfortunately only the Inspectorate, who has been willing to objectively appraise this unique windfall site against updated policy and clearly demonstrates why so many

applications on this site had to be appealed. The Inspector's reports have then been used to positively steer the design to one which now only has a single reason for refusal.

Final Summary

Whilst Policy DM2 urges an efficient use of land, it also requires that particular consideration be given to site context and local character, and the need to achieve high quality design. The supporting text at paragraph 5.32 further makes it clear that higher density development should not be to the detriment of the quality of the environment. High quality design does not need to be 'hidden', nor does it equate to 'hiding' unacceptable development within an excavated 'hole'.

As Policy DM2 is primarily written for standard frontage development, it provides guidance for the visual parts of a development. As previously discussed, it is contended that the proposed development achieves better compliance with Policy DM2 than the current untidy situation and as ***'Policy DM2 urges an efficient use of land',*** would it be correct or responsible for the Council to waste a viable windfall site in a sustainable location unless the adverse impacts of allowing the development **demonstrably** outweigh the benefits? It therefore remains contended that the failure to allow development of this viable windfall site without demonstrable justification, contravenes Policy DM2.

The LPA states that ***'High quality design does not need to be 'hidden', nor does it equate to 'hiding' unacceptable development within an excavated 'hole'',*** however the LPA's negative statement overlooks the design requirements of backland development detailed in SPD para 4.31, where the priority is to integrate harmoniously into the backland environment. Also, the proposed dwelling isn't hidden in a hole, it is essentially integrated into the sloping landscape on 3 sides, allowing both a reduction in roof height and the patio and front garden amenity areas to be level. If the dwelling had been in a hole, **as negatively suggested**, then the access doors and reception room would need to be accessed by stairs or a downward slope, however the plans confirm that this isn't the case and therefore **the LPA may have misinterpreted the plans**.

As the overriding local policy written specifically for the appraisal of backland development is SPD para 4.31, it remains contended that policy has been complied with.

It is not disputed that the provision of an additional dwelling unit would make a contribution towards meeting local housing needs. However, the provision of a 1- bedroom unit is not the most needed housing type, which the supporting text to Policy DM1 (paragraph 5.7) identifies as 2-bedroom dwellings (40-45%) and 3-bedroom dwellings (35-40%).

It is very encouraging to see the Council acknowledging the positive contribution that ***'an additional dwelling unit would make'….'towards meeting local housing needs'***, and it is again contended that this 1 bedroom detached dwelling would offer an excellent option for individuals downsizing who do not want a flat (freeing up a much-needed larger house), first time buyers, single people, couples, individuals with disabilities / animals etc.

Previous Inspector's reports confirm that this compact site is large enough to accommodate a 3 bed 1 ½ storey dwelling and exceed all space standards and amenity requirements. It is therefore unfortunate that the LPA refused permission for a larger house due to concerns raised about the visibility of the upper half storey from the Parham Road Direction.

Although the proposed 1-bedroom dwelling would meet the minimum nationallydescribed internal space standard the quality of living accommodation provided and amenity value of the small external space provided would be constrained by the height and proximity of the retaining walls and fencing, creating a strong sense of enclosure. The officer report concludes that the resulting living conditions for future occupiers would not be unacceptably poor. Even so, the living environment would be less than ideal and lends little support for this unsympathetic and contrived form of 'backland' development.

It is a shame that the Council fail to recognise the numerous positive aspects that the proposed development would offer. Even in executive developments, how many dwellings can offer the degree of privacy that this proposed development would have, or the quiet, well-ventilated environmentally responsible accommodation with far-reaching views of Cissbury Ring. The Council state that there will be a 'strong sense of enclosure', however, the Inspector is politely asked to consider whether the Council's negative viewpoint is justified bearing in mind the quiet far-reaching Easterly views that the open plan reception room and main garden area will enjoy.

It is contended that the LPA refer to the proposed living environment as 'less than ideal' as a way of negatively downgrading the application, however it is worth considering how many dwellings in existing urban areas enjoy 'ideal' living environments due to noise (road/rail/commercial), smells (sewage/commercial/pollution) overlooking, lack of parking, attached neighbours etc. Also, when considering 'ideal' living environments, it is relevant that the Worthing Local Plan has allocated sites in Flood Zone 1, as Para 4.1 (page 64) of the WLP confirms that ***'all suitably available sites are required including those at risk of flooding. Even with these sites there is still insufficient capacity to meet Worthing's full local housing need'***.

The Inspector is therefore encouraged to consider the merit of the LPA's *'less than ideal'* statement, especially in the context of the Worthing Local Plan allocating building land in a flood zone which has the potential to be extremely detrimental to the living conditions of future occupiers, due to global warming and rising sea levels.

The Inspector is therefore respectfully invited to dismiss the appeal.

NPPF Paragraph 39 (formerly 38) states, 'Local Planning Authorities should approach decisions on proposed developments in a **positive and creative way'** and that '**decision makers at every level should seek to approve applications for sustainable development where possible'**

It is incredibly easy to take a brief superficial look at the plan of this site and mentally write it off for development due to its size and shape. <u>However, once every individual component is slowly unwrapped and examined</u>, it becomes apparent that the site can indeed provide a much needed dwelling and that it can do so whilst respecting the context and history of the area, improving the street scene and enhancing the security to the surrounding dwellings.

The true challenge of Architecture is to provide built solutions to problems. Currently, in Worthing in particular, there is a shortage of available land and accommodation. This is a **significant problem**, especially for the younger generation (my teenage daughters will shortly be included) who are currently facing suffocating rental prices and considerable detriment to their amenity, aspirations and mental wellbeing.

Sustainable development on windfall urban sites is just one element which needs to be prioritised in order to provide some of the extra accommodation required nationally and LPA's need to fully commit to NPPF para 39, by positively and creatively appraising every application.

The refusal of a planning application shouldn't have to rely upon the LPA's building a case against allowing permission based upon errors and a false narrative. It should be **positively** conducted and **objectively** based upon up-to-date policy, using demonstrable evidence where possible. **The Inspector is therefore politely requested to consider how much of the LPA's refusal is based upon positive objective assessments of factual evidence against policy and how much is incorrectly based on errors and unsubstantiated negative opinion.**

It is strongly contended that this application complies fully with the appropriate Local and National policies and WLP (2023) and that the benefits of allowing the development to proceed demonstrably outweigh the adverse impacts. (A summary of the benefits and adverse impacts can be found on page 27-28 of the D&AS).

The Inspector is therefore respectfully invited to review all of the evidence and conduct an objective positive and creative assessment against policy of the demonstrable benefits verses the adverse impacts of allowing the appeal.