

PLANNING APPEAL STATEMENT

Eagle House, 84 High Street, Worthing, West Sussex, BN11 1DJ

Application reference: AWDM/1463/25

Planning Portal reference: PP-14496172

Appellant: Village Green UK Ltd

Local Planning Authority: Worthing Borough Council

Development: Enlargement of five windows to the first-floor rear (eastern) elevation

1. Introduction

This statement supports an appeal under section 78 of the Town and Country Planning Act 1990 against Worthing Borough Council's refusal of planning permission, dated 12/02/2026, for the enlargement of five existing first-floor windows on the rear (eastern) elevation of Eagle House.

The appeal proposal is limited in scope. It does not introduce windows into a previously blank elevation. Five windows already exist in the same positions and serve the first-floor residential accommodation approved under prior approval reference NOTICE/0013/24. The proposal retains the established arrangement of five regularly spaced openings and increases their depth.

The Council refused permission for two reasons, alleging:

- unacceptable loss of privacy to neighbouring occupiers; and
- poor design, proportions and composition, detrimental to the appearance of the building and surrounding area.

For the reasons set out below, neither alleged harm is substantiated. The proposal accords with Policy DM5 of the Worthing Local Plan and the development plan when read as a whole. The Inspector is respectfully requested to allow the appeal and grant planning permission.

2. Site and planning background

Eagle House is a substantial, detached building with elevations of differing architectural treatment. Its first floor has approval for residential accommodation pursuant to prior approval reference NOTICE/0013/24, relating to the change of use from offices within Class E to ten dwellings within Class C3.

The approved first-floor arrangement already includes a continuous row of windows at high level on the rear elevation. The five appeal windows are therefore established openings serving the approved residential accommodation. The officer's report identifies the relevant accommodation as Units 2, 3 and 4 and expressly acknowledges that the proposal would improve its standard by providing better outlook, particularly for Unit 3, whose approved light and outlook would otherwise be solely through high-level windows.

The existing windows are shown as approximately 1,458 mm wide and 600 mm high. The proposed windows are approximately 1,458–1,465 mm wide and 1,500 mm high. The change is therefore principally an increase in depth. The proposed units are aluminium and are expressly specified to match the existing style and profile.

The front, northern and southern elevations remain unchanged. There is no extension, additional floor, change of use or increase in the number of dwellings arising from this application.

3. The proper basis for assessing the proposal

The correct comparison is between the lawful or approved arrangement and the appeal proposal. It is not a comparison between a blank elevation and five entirely new windows.

Existing windows already provide outlook towards the east. The planning question is therefore whether increasing their depth causes an additional effect of such magnitude that it amounts to unacceptable harm. The officer's report narrows the alleged privacy impact principally to No. 28 Parkside. It finds that Providence Terrace is sufficiently remote, that the angle and existing intervisibility prevent significant harm to Saw Mill Place, and that the more distant Parkside dwellings are sufficiently separated. The appeal should therefore be determined by assessing the specific incremental effect on No. 28, rather than by treating the surrounding area generally as subject to unacceptable overlooking.

The existence of a neighbour's concern does not itself demonstrate material planning harm. The assessment must be based on the physical relationship, existing opportunities for overlooking, the orientation and use of affected areas, and the degree of additional effect caused by the proposal.

4. Ground 1: neighbouring privacy

The officer's assessment substantially limits the scope of the alleged harm. It expressly concludes that:

- Providence Terrace is sufficiently remote and the angle of view avoids significant impact;
- although the gardens at Saw Mill Place would experience some overlooking, the approximately 16-metre separation, oblique angles and existing intervisibility mean that no significant privacy harm would arise;
- dwellings farther east of No. 28 Parkside are at least approximately 14 metres away and their stepped alignment, angle and distance limit the impact; and
- No. 28 has no side windows directly facing Eagle House.

Accordingly, the Council's privacy case rests principally on a perceived effect upon No. 28 Parkside, where the report estimates approximately 7–10 metres between the closest windows and refers to a rear-to-side relationship. That relationship must nevertheless be assessed in its complete context, including the oblique angles, the absence of directly facing side windows at No. 28, the existing intervisibility and the intervening communal parking area. The report itself acknowledges each of those mitigating features.

Five openable windows already occupy the same positions. The officer expressly acknowledges that they are already openable. The proposal does not move them closer to No. 28, increase their number or redirect their orientation. It enlarges existing openings downwards to improve the living conditions of approved dwellings. This is an incremental change to an established relationship, not the creation of five new viewpoints in a blank elevation.

The report states that the existing high-level windows “appear to have been specifically designed to avoid” views over neighbouring land. That is an assumption rather than an identified fact. No evidence is cited concerning the original design intention, and the prior approval assessment accepted the windows as part of a conversion proposal rather than determining that their dimensions were required as a privacy safeguard. Limited weight should therefore be attached to this unsupported inference.

No. 28's relevant windows are on its rear elevation, while it has no side windows directly facing Eagle House. The report accepts that the angle limits views from the appeal windows closest to No. 28. It identifies a potentially more apparent effect only towards the southern end of Eagle House, but does not distinguish which of the five openings is said to create the unacceptable view, what internal or external private area would be seen, or how that view materially differs from existing intervisibility.

The proposal includes no balcony, terrace, raised platform or external amenity area that would encourage sustained overlooking. The fixed orientation of the elevation and the oblique relationship remain unchanged.

A theoretical ability to obtain a view is not equivalent to an intrusive overlooking relationship. The assessment should reflect normal patterns of domestic occupation, involving casual and incidental outlook rather than deliberate surveillance. On the Council's own description, there is no direct window-to-window relationship. To obtain and retain a view towards No. 28, an occupier would have purposely to turn away from the natural outlook and maintain a sustained, protracted and sharply oblique viewing angle. That contrived act is materially different from a readily available direct view and cannot reasonably be treated as ordinary or intrusive overlooking. The mere possibility that someone could deliberately position themselves and look persistently at an acute angle does not demonstrate an unacceptable loss of privacy.

The circumstances here must be assessed on their own physical facts. Existing intervisibility is acknowledged; the five openings already exist and are openable; No. 28 has no side windows directly facing Eagle House; and the officer accepts that the angle limits views. Any possible view towards No. 28 would therefore be indirect and sharply oblique rather than a natural, direct window-to-window outlook.

The report does not explain why an observer would naturally look towards No. 28 for any sustained period, rather than principally obtaining outlook across the intervening access and parking area. To obtain the alleged view, an occupier would need purposely to turn, position themselves and maintain a sustained and protracted oblique viewing angle. Nor does the report identify a direct sightline into any particular habitable room or private garden area. The possibility of such contrived viewing does not establish unacceptable overlooking or material harm to neighbouring living conditions.

The only representation came from Providence Terrace, not No. 28 Parkside. The Council itself concluded that Providence Terrace would not experience significant impact because of remoteness and angle. The further concerns raised in that representation regarding lighting, masts and security cameras do not form part of this proposal.

The proposal also produces a recognised amenity benefit. The report accepts that it would clearly improve the standard of accommodation, especially Unit 3, where light and outlook would otherwise be solely through high-level windows. That benefit should be weighed against the limited and oblique incremental effect alleged.

The appellant's primary case is that the submitted proposal is acceptable without mitigation. If the Inspector nevertheless identifies a genuine privacy concern, the report's rejection of obscure glazing merely because improved outlook is intended is based on a false all-or-nothing premise. The existing high-level windows already provide light and outlook, while the proposal principally extends the glazing downwards. The lower part of only the window or windows genuinely implicated could easily be conditioned to use obscure, frosted or opaque glazing below normal eye level and, if necessary, to remain non-opening below that height. The upper portion would remain clear glazed, thereby preserving improved daylight and a meaningful outward view while eliminating the alleged downward or oblique sightline. There is no technical or planning reason why the whole window must be obscure glazed. The report fails to consider this obvious, targeted and proportionate solution; consequently, refusal of

all five windows cannot be justified where any localised concern could be fully addressed by condition.

Taken as a whole, the evidence does not demonstrate an unacceptable loss of privacy. The officer accepts that most surrounding properties would not suffer significant harm, while the remaining relationship with No. 28 is oblique, contains no directly facing side window and already involves intervisibility. The first refusal reason should not be upheld.

5. Ground 2: design, proportions and composition

The officer's report considers that the proposed windows differ from those at ground-floor level on the eastern elevation and from larger windows on the northern and western elevations, producing an alleged unbalancing effect. However, difference is not synonymous with harm. The relevant question is whether the eastern elevation, assessed as a whole, remains coherent and well composed. The report does not explain why a repeated set of five identical, aligned windows in matching materials would be visually unacceptable.

The proposal retains a coherent composition:

- five openings in an evenly spaced row;
- consistent dimensions and alignment;
- a common head level;
- matching aluminium construction, style and profile; and
- no alteration to any other elevation.

The existing rear elevation is not governed by a single uniform window proportion. It includes the shallow upper-level openings and taller vertical openings at lower level. The proposed windows adopt a more vertical proportion that is already represented elsewhere on the building. They therefore do not introduce an alien architectural form.

The revised openings remain plainly subordinate to the broad expanse of the rear elevation and to the building as a whole. Their repeated form produces an ordered rhythm rather than visual clutter. The proposal does not alter the building's roof form, footprint, height, principal western elevation or side elevations.

The rear elevation is functional and materially less architecturally elaborate than the principal western elevation. The proposal responds appropriately to that secondary elevation while improving natural light and outlook for the approved residential accommodation.

The proposed materials are specified to match the existing windows. Accordingly, the development would read as a considered alteration to the existing building, not an unrelated addition.

The report accepts that the positioning of the windows limits their effect in views from High Street and from within the Little High Street Conservation Area. It then relies on the fact that they would be visible from the privately maintained estate road serving Parkside. That is not a reasoned demonstration of harm. Visibility is not synonymous with adverse visual impact,

and the report identifies no important view, sensitive townscape feature or architectural element that would be harmed from that estate access and parking environment.

From the private road, the proposal would be seen as five identical, evenly spaced and aligned openings on a secondary elevation, using aluminium windows specified to match the existing style and profile. No explanation is given as to why that ordered composition would be harmful when viewed from this location. The limited effect upon the more sensitive High Street and conservation-area viewpoints further weakens the conclusion that the proposal would harm the visual amenities of the wider area.

The refusal reason applies broad descriptive terms but identifies no specific design defect and no alternative proportion that would be acceptable. On the submitted elevations, the five matching windows create a balanced and legible composition. The allegation of visual harm is not borne out by the drawings.

The proposal therefore respects the character and appearance of Eagle House and would not harm the visual amenities of the site or surrounding area. The second refusal reason should not be upheld.

6. Engagement by the Local Planning Authority

The decision notice states that the Local Planning Authority acted “positively and proactively” by identifying matters of concern and allowing the applicant an opportunity to consider whether the alleged harm could be remedied by a revision. The correspondence provided does not support that assertion.

6.2 On 05/02/2026, before the application was determined, the appellant’s planning consultant emailed the case officer expressly asking whether everything was in order for approval or whether any further information was required. This was a clear and timely invitation for the Council to identify any concern and to seek clarification, mitigation or an amendment.

The eventual officer report itself identifies an obvious potential means of mitigation—obscure glazing—but rejects it on the assumption that it would defeat the intended improvement in outlook. Had the concern been raised before determination, the appellant could have explained or offered the straightforward alternative now identified: obscure, frosted or opaque glazing only to the lower portion of the particular window or windows said to create a harmful sightline, with clear glazing retained above normal eye level.

The Council therefore had an opportunity to identify its concerns and explore a proportionate solution but, on the evidence available, did not do so before refusing the application. Directing the applicant after refusal towards a paid pre-application service is not equivalent to positive and proactive engagement during a live application, particularly where the applicant had already invited the case officer to identify anything further required.

Immediately following receipt of the decision on 12/02/2026, the appellant’s planning consultant wrote to the case officer and authorising officer recording his disappointment that

the refusal had been issued without any prior indication, noting that his email of the preceding week had received no response, and requesting clarification of the report's assertion that concerns had been identified and the application handled proactively. The LPA ignored this. This contemporaneous correspondence is consistent with the position that no concerns were communicated and no opportunity to consider an amendment or mitigation was provided before determination.

No response or other correspondence has been provided demonstrating that the privacy or design concerns were raised with the appellant before refusal. In particular, there is no evidence that the Council invited consideration of partial obscure glazing, revised treatment to a particular window, or any other proportionate amendment.

This procedural point does not itself determine the planning merits. It is nevertheless relevant to the weight placed on the Council's assertion that refusal was unavoidable or that the alleged harm could not have been addressed through a limited amendment or condition. The evidence demonstrates that a proportionate solution was realistically available but was not explored.

7. Policy DM5

Both refusal reasons rely solely on Policy DM5 of the Worthing Local Plan. On the evidence submitted, the proposal satisfies the policy's relevant design and amenity objectives because it:

- responds to the form and fenestration of the existing building;
- uses matching materials and a consistent repeated design;
- is confined to an existing secondary elevation;
- does not alter the scale, massing, footprint or use of the building; and
- would not cause an unacceptable incremental loss of neighbouring privacy.

Policy DM5 should be applied proportionately to the limited works proposed and on the basis of demonstrable effects. The refusal reasons do not provide sufficient site-specific analysis to establish conflict.

8. Planning balance and conclusion

The appeal concerns a modest alteration to five existing windows serving residential accommodation already approved at first-floor level. The positions, number, alignment and orientation of the openings remain unchanged. The principal change is an increase in window depth from approximately 600 mm to 1,500 mm.

The Council has not demonstrated that this limited alteration would create an unacceptable additional loss of privacy. Nor do the drawings support the assertion that five matching, evenly spaced aluminium windows would be unsympathetic to the rear elevation.

The proposal would provide improved daylight and outlook to the approved dwellings while maintaining a coherent appearance. The officer's analysis confirms that no significant privacy

harm would arise to Providence Terrace, Saw Mill Place or the Parkside dwellings beyond No. 28. In relation to No. 28, the absence of directly facing side windows, oblique angles, existing intervisibility and unchanged window positions materially limit the incremental effect.

The proposal accords with Policy DM5 and the development plan when read as a whole. The Inspector is therefore respectfully requested to allow the appeal and grant planning permission.