AT | ATELIER T & B

Statement of Case
Cumberland Court, Wallace Avenue, Worthing
Appendix AT/1

January 2024

WORTHING BOROUGH COUNCIL

Mr Thomas Andrews
Atelier T&B
78 Fawn Rise
Henfield
West Sussex
BN5 9EZ

PLANNING REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/0835/23

Details of Development
PROPOSED APPLICATION TO CREATE A NEW TWO-BEDROOM PENTHOUSE APARTMENT AND NEW LIFT SHAFT TOGETHER WITH ADDITIONAL PARKING, NEW BIN & CYCLE STORE AND OTHER ASSOCIATED WORKS.

Location of Development
CUMBERLAND COURT WALLACE AVENUE WORTHING WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they REFUSE to permit the above development, in accordance with the application and relevant correspondence registered on 16th June 2023.

The reasons for the Council's decision to refuse to permit the development are stated on the schedule overleaf.

G Peck

Gary Peck
Planning Services Manager
24/08/2023

Worthing Borough Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

SCHEDULE

Reasons for Refusal

01. By reason of its incongruous and poorly integrated design and form and excessive scale the proposed extension to form an additional floor of accommodation above existing three storey development, plus the lift shaft, associated facilities, roof terrace and the creation of additional parking to the frontage would have an adverse effect on the architectural form and integrity of this local interest building and the character and appearance of the street scene in general. The proposal is therefore contrary to policies DM2, DM5 and DM24, of the Worthing Local Plan, the Council's SPD 'Guide to Residential Development' and relevant policies within the National Planning Policy Framework

02. The proposed development by reason of its design, height, fenestration and roof terrace would be adversely overbearing, overshadow and result in unacceptable overlooking of particularly neighbouring properties within Cumberland Court and 7 Wallace Avenue to the detriment of their living conditions. As such it would be contrary to the Guide to Residential Development SPD 2013, Policies DM2 and DM5 of the Worthing Local Plan and relevant policies of the National Planning Policy Framework

Informatives / Notes to Applicant

01. For the avoidance of doubt this refusal relates to the following drawings/plans:-.

Reference/Drawing Number	Version	Date Rec
DESIGN & ACCESS STATEMENT	April 2023 (Pts 1-5)	16.06.2023
PLANNING STATEMENT	May 2023	16.06.2023
ENERGY & SUSTAINABILITY STATEMENT	May 2023	16.06.2023
LOCATION PLAN	AT-049-P01	16.06.2023
EXISTING SITE PLAN	AT-049-P02	16.06.2023
EXISTING GROUND FLOOR PLAN	AT-049-P03	16.06.2023
EXISTING FIRST FLOOR PLAN	AT-049-P04	16.06.2023
EXISTING SECOND FLOOR PLAN	AT-049-P05	16.06.2023
EXISTING ROOF PLAN	AT-049-P06	16.06.2023
EXISTING ELEVATIONS (E&W)	AT-049-P07	16.06.2023
EXISTING ELEVATIONS (N&S)	AT-049-P08	16.06.2023
EXISTING SECTIONS	AT-049-P09	16.06.2023

Reference/Drawing Number	Version	Date Rec
PROPOSED SITE PLAN	AT-049-P10	16.06.2023
PROPOSED GROUND FLOOR PLAN	AT-049-P11	16.06.2023
PROPOSE FIRST FLOOR PLAN	AT-049-P12	16.06.2023
PROPOSED SECOND FLOOR PLAN	AT-049-P13	16.06.2023
PROPOSED THIRD FLOOR PLAN	AT-049-P14	16.06.2023
PROPOSED ROOF PLAN	AT-049-P15	16.06.2023
PROPOSED ELEVATIONS (E&W)	AT-049-P16	16.06.2023
PROPOSED ELEVATIONS (N&S)	AT-049-P17	16.06.2023
PROPOSED SECTIONS	AT-049-P18	16.06.2023
EXISTING & PROPOSED STREET SCENE	AT-049-P19	16.06.2023

02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals can be made online at: https://www.gov.uk/appeal-planning-decision If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

6. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

7. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

8. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

9. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

10. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).