Planning Inspectorate

Appeal Decision

Site visit made on 10 June 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2025

Appeal Ref: APP/M3835/W/24/3351194
Gospel Hall, Bedford Row, Worthing Central, West Sussex BN11 3DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Kelmend Murataj of PLK Investments Ltd against the decision of Worthing Borough Council.
- The application Ref is AWDM/0098/24.
- The development proposed is demolition of existing buildings and erection of a part four and part five-storey building comprising commercial and community units (E class and F1) at ground floor and 9x flats (C3) above.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Daylight, Sunlight and Overshadowing report was provided at the outset of the appeal. Therefore, there was opportunity for the Council and other parties to comment on it. As such, and as the additional information was not a fundamental change, parties would not be prejudice by my taking them into account**.**

Main Issues

3. The main issues are:

- Whether there are reasonably available sites appropriate for the proposal in areas at lower risk of flooding,
- The effect of the proposal on the character and appearance of the area, including heritage assets,
- The effect of the proposal on the provision of community facilities,
- The effect of the proposal on the living conditions of nearby occupiers with regard to privacy, daylight and sunlight; and
- Whether the proposal makes appropriate provision in respect of accessibility for future occupiers and users.

Reasons

Flooding

4. Although residential development would not be at ground floor level, the other floors would be, and this is defined as more vulnerable development. The appeal

site is located in flood zone 3 for Rivers and Sea. As a result, a sequential approach, and test, is required as set out in Policy DM20 of the Worthing Local Plan (Local Plan), the National Planning Policy Framework (Framework) and Planning Policy Guidance (PPG).

5. Whether or not the town centre or seafront should be the extent of the search area, no detailed search of that or the wider area has been provided, other than one based on the appellant's ownership. PPG states that lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'. A lack of objection from consultees does not alter the sequential approach as it is decision makers that need to consider whether the test is passed. Moreover, the absence of a 5-year land supply is not a relevant consideration for the sequential test for individual proposals. Therefore, the evidence before me has failed to demonstrate that it is not possible to locate the proposed development in lower risk areas.

6. The site is hard surfaced previously developed land and residential development in the town centre is encouraged in the Local Plan and includes allocations in flood zones. Despite this, even if the development was safe for its lifetime, and would not increase flood risk elsewhere, the Sequential Test must be passed first. As such, there is no need to consider the scheme against the Exception Test.

7. Consequently, the proposal fails to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. It would be contrary to Policy DM20 of the Worthing Local Plan and the Framework.

Character and Appearance

8. The significance of Gospel Hall (the Hall) as a non-designated heritage asset lies in part, in its distinct architectural features such as the classical style columns and porch. Its appearance is rare for the area and clearly different from most of the surrounding built form having been designed by Charles Hyde. It also has historical significance being linked to the social development of the area and the historical uses of the building. Although requiring works to bring it back into use and not being in use at present, there is limited evidence it is beyond repair. The proposal would result in the demolition of the Hall which is of moderate significance and its significance would be lost.

9. While of a more simplistic design which does not fully replicate it and of a more modest scale, 2 Bedford Row (No 2) compliments the adjacent terrace design with similar materials and features to it such as the curved bay windows and detailing. This is part of its significance as a non-designated heritage asset. Moreover, its form allows views over it of the adjacent terrace, revealing the detailing of the side elevation of 3 Bedford Row. It also bookends the terrace with No 15 Bedford Row. No 2, which is of small significance would be demolished, and its significance would be lost.

10. No 3-6 Bedford Row and 8-14 Bedford Row (the terrace) relate to the same terrace of properties. Listed separately, their significance, in part comes from the historical link to the development and expansion of Worthing as a seaside resort having been lodging houses. Their significance also includes the traditional Regency architecture of the row with the uniformity in their scale, regular pattern of windows and curved bays. Their prominence in the streetscene reflects their

important links to the history of the area. No 2 and 15 Bedford Row bookend the terrace being lower and less complex in their design. No 2's more simple appearance does not compete with that of the terrace in terms of scale or detailing. This allows an appreciation of the terrace, emphasising the grandeur and importance of it, as does the scale of the Hall. They therefore form part of the setting of the terrace and contribute positively to their significance. Each of their listings refers to them forming a group with the Hall.

11. The Dome Cinema (the Cinema) has its significance, in part from it being one of the few surviving early cinemas and its retention of many original features. It is also linked to the tourism growth of Worthing in providing entertainment venues. Its scale and design give the Cinema a prominence along the seafront but also makes it visible in certain views within the town centre, again emphasising its importance as a landmark building. As such, its setting, which includes views from along Bedford Road and Marine Place contribute positively to its significance.

12. Bedford Cottage (the Cottage) has its significance, in part from its unique and quirky design, located among buildings of different appearance and scale. Its setting includes buildings of a variety of size and design. It is seen against a backdrop of larger buildings along Bedford Row and Marine Parade in many views. However, there are views of the Cottage over and with the appeal site. As such, the small scale of the Hall allows an appreciation of the Cottage. This makes a small but positive contribution to its significance and setting.

13. The site is located within the South Street Conservation Area (CA). The significance of the CA comes, in part, from its role in the historic development of Worthing as a seaside town and the buildings that enabled that, many of which have distinct features and design. No 3-6 and 8-14 Bedford are examples of this with many of the buildings being originally lodging houses and reflecting the importance of these to the expansion of the town. There is some variety in the scale and appearance of buildings in the CA, however, there are architectural features that provide some general consistency such as slate roofs, vertical sash windows and bay windows. These also contribute to the significance of the CA. The existing buildings at the appeal site contribute positively to this significance in terms of materials and features and their social links to the history of the CA.

14. There is some variation in the scale of buildings nearby and some older buildings have been replaced. The proposal would be graduated at the rear elevation including inset at roof level. This would reduce the feel of the scale of the building from the rear of Bedford Row. However, the proposed building would considerably increase the bulk of the built form on the site. While of a similar height to the existing terrace, the proposed eaves would be higher. The lower scale and space behind the tall seafront buildings before the terrace, and found in many side streets, would be largely filled by the appeal scheme. Thereby losing the hierarchy of how side street development relates to the seafront.

15. The prominence, and dominance of the terrace in the street and in views from Marine Parade would be eroded. The proposed building would compete with the terrace in many views and prevent the appreciation of the side elevation detailing at No 3 that is currently exposed.

16. The design attempts to avoid pastiche. Nonetheless, rather than keeping the rhythm of the historic bays, the proposed pattern of box bay windows would be

bulky features. Along with the large areas of glazing and horizontal bars these would jar with the curved bays on the terrace. Their protrusion would again compete with and distract from the terrace in views to the front.

17. Although not obvious from immediately to the front given the mansard slope, the roof shape would be discordant with the pitched ones at the terrace and most of the other nearby buildings, including from views at the rear and nearby properties. The presence of balconies being a further distracting factor from the terrace. Dark zinc and brick contrast unfavourably with the render and lighter brickwork of the terrace and many other nearby buildings.

18. Solar panels are proposed at roof level. While these may not be visible in views from ground level, there is a lack of clarity of the scale and appearance of these. The panels could affect the setting and significance of the surrounding designated heritage assets. Therefore, it would not be appropriate to impose a condition requiring the details of these to be provided after the decision.

19. The scheme would bring the Hall part of the site back into use and the increased vibrancy this would result in for the town centre would also be a benefit for the character of the CA. However, despite the provision of the new community facility and commercial space, there is little compelling evidence of anti-social behaviour at the site now or that the appeal scheme is the only way of addressing it.

20. Other than from the seafront, views of the Cinema are more limited along side streets. Although seen with the car park and building opposite the site on Bedford Row, the bulk and contrasting design of the proposal would be experienced with the Cinema. The existing views from Marine Place of the Cinema would be largely, if not completely obscured given the scale of the proposal. The existing view allows an appreciation of the scale and design of the Cinema. The scheme would result in the street presence of the Cinema being diminished.

21. The historical links the Hall and No 2 have to the development of Worthing and the CA would be lost with their removal. The role that No 2 plays in revealing and being subordinate to 3 Bedford Row and the remaining terrace, would be lost. It would be replaced by a building of scale and design that jars with the traditional features of the CA and weakens the importance of the existing terrace.

22. The Hall roof can be seen from Marine Place with the Cottage. Although a similar age, they do not share any particular close association in terms of design or use. The Cottage is already viewed with a backdrop of similar sized buildings to that proposed. Nevertheless, the street arrangement, that the low scale of the Cottage and the Hall are part of, would be considerably altered, and this would fail to preserve the setting and significance of the Cottage.

23. As such, the proposal would lead to less than substantial harm to the significance of the CA, and to the setting and significance of the Cottage, No 3-6 and No 8-14 as well as the Cinema. This harm would be at the lower end of the spectrum for the Cottage, with it being moderate for the others.

24. Therefore, it would harm the character and appearance of the area, including the CA and would fail to preserve the special historic interest and significance of listed buildings. It would also lead to the loss of the non-designated heritage assets of moderate significance. The proposal would be contrary to the design and heritage

protection aims of Policies DM5 and DM24 of the Local Plan, the Framework and the Act[1].

Community Facilities

25. The Hall is currently not in use as a community facility, and this has been the case for some time. Nevertheless, there is no compelling evidence before me, such as a marketing exercise, to demonstrate that the lack of use of the building is due to a lack of need from the local community for a building of this use and of this size. The walk-through inspection of the structural condition of the building states that the building is in a very poor condition. Nonetheless, although it says it may be beyond economical repair, there is no financial breakdown of the costs involved to show repair works would be unviable.

26. Some provision would be made in the proposal for Class F use. With the Class E, the scheme would add to the vibrancy of the area and create a more active frontage. However, despite being on the ground floor, as the community space would be far smaller and the other element a different use, the replacement is not of a similar nature. Moreover, although the open layout would assist in allowing different users, there is little evidence to demonstrate that the replacement facility meets the needs of the local community or that there is a lack of smaller spaces.

27. Therefore, the proposal would harmfully reduce the provision of community facilities. It would be contrary to Policy DM8 of the Local Plan where it states the loss of community facilities will only be permitted where accessible replacement is provided meeting the needs of intended users and the local community or, it's no longer viable or viable and been appropriately marketed.

Living Conditions

28. There would be a far greater number of windows and at a closer distance oriented towards 26 and 27 Marine Parade than at present. These would be over several floors and serve the main accommodation for the flats. While there are examples of similar separation distances, these rooms currently have a relatively good level of privacy with existing views from street level being angled and mainly of only the upper parts of the rooms. There would also be views from balconies and a roof terrace. As such, the scheme would result in close range direct views into the existing rooms these windows serve at the same or similar height. This would severely reduce the privacy occupiers currently have in those rooms and outdoor areas.

29. The rear windows of 2 and 4 Marine Place (No 2 and 4) and their rear outdoor space are overlooked from some distance by Marine Parade and there are angled views from the Cottage and the terrace. Nevertheless, despite the close built form and presence of eaves or outriggers, the rear of No 2 and 4 are relatively enclosed and private. The rear windows and upper floor outdoor areas of the proposal would significantly increase the overlooking into No 2 and 4 at a close range and with direct views. This would harm the privacy currently experienced by the occupiers of these properties.

30. The windows at 3 Bedford Row facing the appeal site and the rear yard currently receive a reasonable amount of light as the Hall is single storey. Even considering

[1] e Planning (Listed Buildings and Conservation Areas) Act 1990

a 'mirror image' building, the proposed building would result in a noticeable impact, resulting in the Vertical Sky Component (VSC) falling below the threshold recommended in the BRE[2]. While the BRE is guidance and the shortfall is not significant, this would lead to the 3 lower rooms being gloomy and oppressive. This would be the same for the rear yard that would also fall noticeably below the Area Receiving Direct Sunlight threshold. While relating to a door on to the fire escape and not a significant below the threshold, there would also be a shortfall for VSC at a window to the rear of 26 Marine Parade. That some existing properties do not achieve these thresholds, is not a reason in itself to allow the noticeable reductions.

31. Therefore, the proposal would harm the living conditions of nearby occupiers with regard to privacy, daylight and sunlight. It would be contrary to Policy DM5 of the Local Plan where it states schemes should not have an unacceptable impact on the occupiers of adjacent properties.

Accessibility

32. There would be steps to the main front entrance. However, there would be a ramp off the side alley, which appears to already serve several properties, linking to all elements of the proposed building. This would have sufficient width to allow users to access all elements of the building. Although not as open and overlooked as the front of the site, the route is not long. Subject to the appropriate bin and bike storage areas being in place, which could be secured by condition, the route would not be obstructed by overflow storage. Given the scale and nature of the uses there would only be occasional times when movements associated with the storage would be taking place and any conflicts brief.

33. As such, the proposal would make appropriate provision in respect of accessibility for future occupiers and users. It would accord with Policies DM5 and DM8 of the Local Plan where they seek facilities to be accessible and be a design which takes account of potential users of the site.

Heritage and Planning Balance

34. There would be public benefits from the scheme. The proposal would make a moderate but important contribution to housing supply and mix in an area where delivery has been below that required. This would align with the Frameworks aim to significantly boost the supply of housing.

35. The scheme would provide economic and social benefits from the construction and occupation of the development and the site is in an accessible location being a more efficient use of previously developed land. Due to the scale of the scheme these would each be small benefits as it would for energy efficiency, low carbon technology and biodiversity. For the same reason, this would also be the case for the benefits to the wider area and town centre from provision of new community and commercial facilities.

36. The same level of benefit would come from bringing the current, partly vacant site back into use as it has not been shown that this scheme is the only way of achieving that or that restoration of the Hall is unviable. There is a similar lack of evidence that the appeal scheme is the only method for addressing anti-social

[2] BRE Guidance document "BR 209: Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice, 2022"

behaviour at or near the site. Nevertheless, despite the limited evidence in this regard it would lead to a benefit to the vibrancy of the CA, albeit limited.

37. These factors do not represent clear and convincing justification. The benefits do not outweigh the considerable importance and weight in the planning balance to the harm to the designated heritage assets.

38. The application of policies in the Framework that protect areas or assets of particular importance, in this instance designated heritage assets, and areas at risk of flooding, provide a strong reason for refusing the development proposed. Therefore, paragraph 11d)ii of the Framework does not apply.

Conclusion

39. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

40. For the reasons given above the appeal should be dismissed.

Stuart Willis

INSPECTOR