
Appeal Decision

Site visit made on 21 July 2026

by **Jane Smith MA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th August 2026

Appeal Ref: 6009240

94 Marine Crescent, Goring, Worthing, West Sussex BN12 4JH

- 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 Ms Fiona Sayers against the decision of Worthing Borough Council.
 - The application Ref is AWDM/1520/25.
 - The development proposed is new 2 bedroom chalet bungalow style detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Sequential Test has been submitted with this appeal, to supplement the Flood Risk Assessment (FRA)¹ provided with the application. The Council and interested parties have had the opportunity to review this additional flood risk evidence through the appeal process. I have taken it into account and am satisfied that no prejudice would arise to any party as a result of my having done so.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - its effect on living conditions for occupiers of neighbouring dwellings,
 - whether there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding, and
 - whether statutory biodiversity net gain requirements would be addressed.

Reasons

Character and appearance

4. The appeal site is part of a corner plot containing a two-storey dwelling fronting Marine Crescent, although the proposed dwelling and its plot would front St John's Avenue. Both streets are part of a formal residential layout radiating out from the seafront. House types vary and include some recent infill and a few small blocks of flats, including one on the opposite street corner. But broadly speaking the buildings along Marine Crescent are on two storeys whereas the other street frontages tend to comprise dwellings of more modest proportions. St John's

¹ Geoson Ltd Flood Risk Assessment dated September 2025

Avenue includes a mix of bungalows and chalet bungalows, of varied height, with either fully hipped or gabled roof forms. However, they are unified by repeated design features, notably including a consistent single storey eaves line. The building line is slightly staggered along the east side of the road, but not to a degree that any individual dwelling is visually dominant.

5. Currently, the host dwelling is on a relatively spacious plot, with open areas along the street frontages. However, the proposed plot at the rear is more enclosed, being hemmed in between the flank wall of the neighbouring dwelling and the existing garden vegetation. It would lack the depth of its neighbours along St John's Avenue, so the proposed dwelling would be in a relatively forward position. In plan, the front corner would align with the flank elevation of the host dwelling. However, that elevation is at an angle. When that is taken into account, the new dwelling would project rather abruptly forward of both its neighbours, even when considered in the context of the gently staggered building line.
6. There would be only limited space along both side boundaries, so the dwelling would be more visually hemmed in than most of its neighbours. That would contrast with the open layout of the rest of the plot and the general level of spaciousness in the wider environs. The dwelling would, in addition, have a significantly elevated eaves line, to accommodate raised internal floor levels. It would therefore depart from the consistent eaves line which is a unifying feature along St John's Avenue, while also having decidedly different proportions from the nearby two storey dwellings or flats.
7. Policy DM5 of the Worthing Local Plan 2023 (WLP) requires amongst other things that all new development should be of high architectural and design quality. Consideration is to be given to factors including the architectural form, proportion, siting, layout and height of buildings, in order to respect and enhance the prevailing character of the area. Elements of the proposal do aim to reflect features of the existing street scene, such as the staggered building line and gable features, and matching materials are intended. Nevertheless, the overall design would jar with its surroundings, due to its contrasting form and proportions, in combination with its forward siting and limited plot.
8. The other infill properties and extensions mentioned by various parties vary considerably in terms of their design and relationship with the surrounding streetscape. They include chalet bungalows, which in some cases more successfully provide a visual transition between larger and smaller neighbours. However, there are material differences between those existing examples and the design proposed in this case. For example, the new dwelling near the corner of Alinora Crescent has a fully hipped roof and the neighbouring plot layout is quite different, such that a greater sense of space is maintained.
9. For the reasons given above, I conclude that the proposal would be harmful to the character and appearance of the area. It would conflict with Policy DM5 of the WLP, and with the guidance in the Council's 2013 Guide to Residential Development SPD that infilling that will negatively impact on an area's character will be resisted. It would also conflict with the approach to achieving well-designed places in the National Planning Policy Framework (the Framework), notably paragraph 135 which requires that development is sympathetic to local character, including the surrounding built environment, while not preventing appropriate innovation or change.

Living conditions

10. The reasons for refusal did not specify which neighbouring properties would be affected, but the Council's Officer Report described concerns about the effect on living conditions within 92 Marine Crescent and 8 St John's Avenue, and within the host dwelling. I have likewise focussed on the relationship with those most directly adjacent dwellings.
11. The rear garden of 92 Marine Crescent, which includes a swimming pool, is currently well-screened by a close boarded fence and boundary vegetation. Much of the vegetation is within the appeal site. It is taller than the fence but, although the plans suggest that some would be retained, its extent and effectiveness as a screen is likely to be significantly compromised during construction. It would also be lost or eroded if, as may be expected, future occupiers wish to maintain a light and open outlook at the rear.
12. The development would include a raised deck in the small back garden, very close to the boundary. That would introduce an elevated view over the fence, which would significantly intrude on the privacy of the adjacent back garden and swimming pool. Rooflights are also proposed at the rear. On the elevation drawings those are at a similar height above floor level to the other bedroom windows, implying that they would be low enough to introduce an intrusive view at close quarters over the adjacent garden.
13. The appellant states that the rooflights would be at a higher level, as is implied on the roof plan. If so, that would reduce the risk of overlooking. However, the discrepancy between the drawings raises considerable uncertainty about what is actually proposed. Even if high level windows were adequately secured, there would be a palpable sense of being overlooked at close quarters, compounding the intrusive effect of the raised deck.
14. Since the proposed roof slope would be angled away from the garden of no. 92, the additional sense of enclosure would be relatively limited. There may be some increased overshadowing of the adjacent garden, particularly in the evening, at times of year when the sun is low. But the existing boundary vegetation is in a similar position, so any additional adverse effect would be limited. Nevertheless, by reason primarily of the loss of privacy, there would be an unacceptable impact on living conditions for occupiers of this adjacent property.
15. The frontage at 8 St John's Avenue would be more enclosed than it is currently, as would the outlook from its front room – particularly the secondary windows at the side. However, the other side-facing rooms and rear garden would be less affected, being further back. Therefore, the additional sense of enclosure would only affect a limited proportion of the property. Even though the proposed dwelling would be on the south side, any additional overshadowing would be similarly limited, taking into account the layout of both dwellings. As such, while there would be some loss of outlook, the proposal would not unacceptably impact living conditions within this adjacent property as a whole.
16. The rear garden of the host dwelling would be considerably smaller than it is at present, but there would still be spacious front and side garden areas. The roof of the proposed dwelling would slope away from the new boundary, which would mitigate its bulk, as viewed from the host dwelling. It would be on the north side, so would not obstruct sunlight. While the new dwelling would be highly conspicuous

from the rear windows and garden of the host dwelling, it would not introduce an unacceptably high degree of visual enclosure.

17. Nevertheless, I conclude that there would be an unacceptably harmful effect on living conditions for occupiers of the neighbouring dwelling at 92 Marine Crescent, due primarily to loss of privacy. That would conflict with Policy DM5 of the WLP which requires, amongst other things, that new development should not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy. It would also conflict with paragraph 135 of the Framework, which requires that new development provides a high standard of amenity for existing and future users.

Flood risk

18. The appeal site is largely within Flood Zone 2, with only a small area outside the footprint of the proposed dwelling being within Flood Zone 3. That indicates a medium risk of tidal flooding, derived from its proximity to the coast. While the FRA finds no historical record of this property having flooded, that does not mean that there is no risk of flooding in future.
19. National planning policy includes an over-arching principle in the Framework that development should be directed away from areas at highest risk of flooding. To that end, a sequential, risk-based approach is to be taken to individual applications in areas known to be at risk now or in the future from flooding. Planning Practice Guidance (PPG) confirms that this means avoiding, so far as possible, development in current and future medium and high flood risk areas. The PPG furthermore confirms that the underlying purpose includes placing the least reliance on measures like flood defences, flood warnings and property level resilience features. A sequential test is defined, which requires examination of whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
20. There are exceptions to the sequential approach. But in general, and in the circumstances of this case, even where the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied.
21. In the WLP, Policy DM20 sets out the general principle that development should be directed away from areas of highest risk of flooding from any source. Site-specific flood risk assessments should be proportionate to the degree of flood risk and appropriate to the scale, nature and location of development. They should also demonstrate, amongst other things, that the proposal has passed the sequential test.
22. The FRA considers the sources and extent of flood risk relevant to the proposed development, drawing on Environment Agency flood maps and other relevant data. It takes into account climate change and the presence of flood defences and recommends a suite of mitigation measures in response to the risk of tidal flooding. That would include the elevated floor level which influences the design and proportions of the proposed dwelling, and siting of the bedrooms on the first floor, so as to be above the modelled internal flood depth. However, while the FRA acknowledges and outlines the sequential approach to addressing flood risk, it does not include a sequential test and there was none before the Council when the application was considered.

23. The sequential test undertaken for this appeal focusses on the availability of alternative sites for a single self-build dwelling of the scale and typology proposed. The proposed dwelling was described as self-build housing on the planning application form, although no legal mechanism has been proposed to secure it as such. On the basis that the applicant has an existing connection to the land, the search area is defined as the administrative boundary of Worthing Borough. The Council has not disputed those aspects of the methodology.
24. However, while the sequential test reports a lack of advertised self-build plots in lower risk areas of flooding, it offers very little detail about the site search process. The brief reference to local and online estate agent listings is not backed up by details of the search criteria used, or the outcome of such searches, beyond stating they were not successful. Nor has the conclusion that no comparable garden or backland plots are available been justified by any clearly explained site search methodology or search results.
25. Even if individual plots are not currently available for self-build on larger housing sites, the sequential test does not convincingly demonstrate a lack of reasonably available smaller plots, which may be capable of accommodating a self-build project of the modest scale proposed. Such plots would not necessarily be advertised exclusively for self-build housing. Local planning authorities are legally obliged to maintain a self-build register to monitor demand, so the existence of that register does not, of itself, amount to evidence of a recognised shortage.
26. From the mapping evidence provided, the level of flood risk appears to diminish quite rapidly just beyond the appeal site, as might be expected given that the most relevant source of flooding is tidal and likely to be focussed along the coastal edge. The Council disputes the appellant's assertion that extensive areas of the Borough are within Flood Zone 2 or 3, and I have no clear reason to doubt their knowledge of the flood risk environment. I further note that the Bernard Road² appeal decision provided with the Council's statement refers to the 'confined extent' of Flood Zones 2 and 3 in the Borough.
27. The FRA includes measures to demonstrate how the development could be made safe for its lifetime and the Environment Agency did not raise an objection, having reviewed that technical evidence. Those are somewhat favourable considerations in the overall balance. Nevertheless, the sequential approach is still applicable.
28. Based on the evidence before me, it has not been established that there are no reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. The Sequential Test has not been met. Consequently, the development would conflict with relevant requirements in Policy DM20 of the WLP. It would also be contrary to the approach in the Framework and PPG to addressing flood risk, as summarised above.

Biodiversity net gain

29. Biodiversity Net Gain (BNG) is a mandatory requirement of Schedule 7A of the Town and Country Planning Act 1990 (TCPA). However, certain planning permissions including for self-build and custom build development are exempt.

² Appeal Ref: APP/M3835/W/24/3352190

30. The application form specifies that the proposed dwelling would be self-build and that the applicant has led the design and will live in the proposed dwelling once built. On that basis, an exemption from BNG has been claimed. However, no legal mechanism has been proposed which would ensure the delivery of a dwelling meeting the definition of self-build or custom housebuilding in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (SBCHA). In order to provide that level of assurance, a suitable unilateral undertaking or legal agreement would be required under s106 of the Town and Country Planning Act 1990.
31. The requirement for a unilateral undertaking was articulated in the Officer Report and is a procedural matter which could have been addressed through the appeal process. In fact, the appellant has expressed an intention to provide a unilateral undertaking in advance of determination of this appeal. However, an executed and certified copy of any planning obligation should be provided at the time of making an appeal by written representations³ and no such obligation has been provided.
32. Even if, as the appellant suggests, the Council has not required a similar mechanism on other self-build proposals, that does not remedy its absence from this particular proposal. It is less clear that a planning condition could provide an effective mechanism to secure provision of self-build housing, since the definition in the SBCHA is tied to the identity of the occupier, rather than the use of land. In any case, there is no such condition before me, so I am unable to give proper consideration to whether the tests for planning conditions would or could be met.
33. Since a BNG exemption was claimed, the minimum information listed in Article 7(1A)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been submitted with the application. Therefore, even though the details of any required Biodiversity Gain Plan would be determined by condition, there is a deficit in the required baseline information to conclude whether the required level of net gain could or would be achieved. A condition to secure less clearly measurable biodiversity enhancements would not be an adequate substitute.
34. I therefore conclude that, based on the evidence available with the application, it has not been adequately demonstrated that statutory biodiversity net gain requirements would be addressed.

Other Matters

35. The proposal would make a very modest contribution to the supply of housing, making slightly more efficient use of land, in a location with access to all the services and facilities in the urban area. It would be on a small site, where development could probably be delivered quickly. In the context of the national focus on boosting housing delivery and support in the Framework for the efficient use of land and directing development to sustainable locations, those are points in its favour. Evidence that the development could be made safe for its lifetime, and the absence of any technical objection from the Environment Agency, also weighs somewhat in favour.
36. However, according to the Council's evidence there is no relevant shortfall in housing land supply or delivery, and that has not been disputed. Nor has any substantive evidence been submitted of a shortage of small homes in Worthing. In

³ Procedural Guide: Planning appeals England

the absence of a legal mechanism to secure it, no positive weight can be given to the provision of self-build housing.

37. Off-street parking would be provided, and no shortfall has been alleged in the quality of the proposed accommodation for future occupiers. But those are neutral factors and do not weigh in favour of the proposal. The absence of objection from Highways or Environmental Health consultees is of little relevance to the issues on which this appeal turns.
38. Some support has been expressed, by residents of Worthing who find the proposal visually and otherwise acceptable, drawing on comparison with other recent infill development. However, while such support carries some weight in favour, there were also objections from several other interested parties, some of whom would be directly affected, for the reasons previously explained.
39. The appeal decision at Lustrells Crescent⁴ also related to subdivision of a corner plot, but it was in an entirely different location. Even if there were some similarities in the surrounding coastal suburban context, the site-specific design considerations are rarely identical. I recognise that the Inspector found that proposal to be acceptable, but I have reached a different conclusion in the circumstances of this particular site and design approach.
40. Overall, the factors in favour of the proposal are minor, even when considered collectively. They do not outweigh the harm arising from the proposed dwelling, including the associated conflict with the development plan.

Conclusion

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

Jane Smith

INSPECTOR

⁴ Appeal Ref: APP/Q1445/W/22/3291040