WORTHING BOROUGH COUNCIL

Mr Anthony Phebey
ADCS Ltd
30 FOXLEY LANE
Worthing
BN13 3AD

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/0999/23

Details of Development
PROPOSED GARAGE EXTENSION TO FRONT ELEVATION.

Location of Development
130 WARREN ROAD WORTHING WEST SUSSEX BN14 9RB

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 19th July 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
13/09/2023

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. The proposed garage, due to its position forwards of the defined building line would disrupt the rhythm and layout of the area and appear dominant and obtrusive in the street scene. The development fails to respect the prevailing character of the area or to enhance the local environment. The garage in this position would be an intrusive addition to the street scene that would be significantly out of keeping with the predominant characteristics of the area having a significant and harmful impact on the visual amenities of the locality. The proposal is therefore contrary to Policy DM5 of the Worthing Local Plan, Supplementary Planning Guidance 'Extending or altering your home' and the policies of the revised National Planning Policy Framework.

02. No information has been provided with the application to consider the impact of the development on the Sycamore trees adjacent to the west boundary of the site, subject to Worthing Tree Preservation Order 00/00015/TPO. Due to the close proximity of the proposed garage to the protected trees and the encroachment of the garage within the tree protection area, the proposal is likely to damage the root system and lead to future pressure for additional tree works. The future longevity and health of these protected trees cannot be ensured and their potential loss would have a significant and harmful impact on the visual amenities of the locality. The proposal is therefore contrary to Policy DM5 of the Worthing Local Plan and the policies of the revised National Planning Policy Framework.

03. The proposed garage due to its depth and position adjacent to the boundary, is likely to have a detrimental impact on the living conditions of the adjacent occupiers at No.132 Warren Road, diminishing light to their front living room window and appearing overbearing. The proposal is therefore contrary to Policy DM5 of the Worthing Local Plan, Supplementary Planning Guidance 'Extending or altering your home' and the policies of the revised 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
EXISTING GROUND FLOOR PLAN & ELEVATIONS	1522/P020	19.07.2023
PROPOSED GROUND FLOOR PLAN & ELEVATIONS	1522/P021 A	19.07.2023

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 Agent. 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.

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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 the decision relates to a householder application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals can be made online at: https://www.gov.uk/appeal-householder-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.

Purchase Notices

6. 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. 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.

7. 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 on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).