Planning Inspectorate

Appeal Decision

Site visit made on 14 January 2026

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2026

Appeal Ref: 6001242
1 Phrosso Road, Marine, Worthing, West Sussex BN11 5SJ

- 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 Nigel Crawley against the decision of Worthing Borough Council.
- The application Ref is AWDM/0060/25.
- The development proposed is described as Removal of existing garage, proposed 2 storey one bedroom dwelling accessed from Phrosso Road.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. While it is not the same as the development originally described in the application form, the description used in the appellant's Appeal Form and Council's decision notice accurately reflects the proposed development in the plans and details before me, so I have used this in the banner heading above.

3. The Government has commenced consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The changes to the Framework are in draft form and therefore may be subject to change before the document is published. Consequently, while I have had regard to the consultation and the draft Framework, they carry limited weight, and it has therefore not been necessary to consult the parties on these.

Main Issues

4. The main issues are:

   - the effect of the proposed development upon the character and appearance of the area; and,

   - whether or not the proposed development would be compliant with requirements in respect of Biodiversity Net Gain (BNG).

Reasons

Character and appearance

5. The visual context of the appeal site is characterised by primarily dwellings within typically what appear externally as one and two storey residential semi-detached and detached buildings. Though there are variations to attributes of their appearance, and there are greater variations in development in the wider area, for

the most part, there is a good degree of consistency in respect of scale, plot sizes and layout within the visual context of the appeal site.

6. Buildings nearby typically include combinations of projections, bay windows, hipped and gable roof forms with some rooflights, dormers and roof extensions. I saw differing gaps between single and two storey elements, including driveways and side returns. The dwellings generally appeared on generous plots and often include subservient ancillary buildings. As part of the garden areas, refuse storage, a driveway and a gable roof garage on a good-sized corner plot, the appeal site is in keeping with the character and appearance of the area and appeared reflective of the layout of other corner plots nearby.

7. The garage building would be replaced by a significantly larger and higher mansard-type roof building integrating first floor accommodation within the roof. The proximity to, particularly its rear boundary, and its limited plot size and shallow depth, would result in a rather cramped appearance on what would appear an uncharacteristically small plot compared to those in its vicinity, which would be out of keeping with the surrounding pattern of development.

8. The appeal scheme would be clearly viewed as a separate dwelling. Though the materials may be regarded as reflective of those nearby, its comparatively small scale, proportions, its detailed design and its forms, particularly the proposed mansard-type roof, would not reflect or complement the characteristics of nearby dwellings. Instead, it would appear strident, particularly in the visual context of the closest dwellings which are of significantly greater scale, taller and of a visually very different composition and appearance. Though the supporting text to Policy DM5 of the Worthing Local Plan (2023) (the WLP) refers to not necessarily replicating what is there, this proposal would appear highly incongruous in and not relate well to, its visual context having regard to its scale, forms and design.

9. In reaching this view, I have considered the appellant's character analysis. I saw Nos 2 – 10, 3 – 9, 13 – 25 Phrosso Road, and 10 – 26 Aglaia Road, are two full-storey height under hipped and gable roof forms in seemingly generous plots. Nos 12 – 20 Phrosso Road are a discrete set of dwellings that differ from most nearby, but their scale and plot size reflects the prevailing character and appearance. Though Nos 3 – 19 Aglaia Road include bungalows, their designs and roof forms reflect the prevailing character. There is more variance in the wider area. However, no dwellings I could see have the combination of the same immediate visual context, limited stature, mansard roof form and design of the appeal scheme. The variance I saw does not justify approving this scheme.

10. I see no reason why the permission[1] that exists for a single storey side/rear extension to No. 1/1A may not be implemented were the appeal to fail. The resulting juxtaposition may not necessarily relate well to the garage or be reflective of the prevailing pattern of development. However, its height would be less than this proposed new dwelling, and its ancillary scale, and its appearance, would be perceived as such and would be very different. Therefore, on-balance, it would be less prominent, and less incongruent with the nearby character and appearance.

11. I am not satisfied the harm could be fully or adequately mitigated by suitably worded conditions in respect of matters such as materials, design detail and landscaping within the scope of this appeal scheme. The harm would be visible

[1] Ref. AWDM/0685/24.

from Phrosso Road around the appeal site, part of Aglaia Road due south and a number of neighbouring properties.

12. Therefore, for the reasons set out above, the proposed development would be out of keeping with and harmful to the character and appearance of the area. It would conflict with Policy DM5 WLP, which expects development respects and enhances the character of the area, including in respect of proportions, forms, design, context, layout, scale, and detailed design. It would also conflict with paragraph 135b), c) and d) of the National Planning Policy Framework (2024) (the Framework) which require decisions should ensure schemes are visually attractive as a result of their layout, sympathetic to local character and history including the surrounding built environment, and maintain a strong sense of place.

BNG

13. In providing guidance on how BNG should operate the Planning Practice Guidance (PPG) explains[2] the minimum national information requirements include the pre-development value of the site. This allows consideration of the existing habitat[3] baselines so there is a common understanding about the pre-development value. It confirms BNG will often be a material consideration, and authorities will want to consider, if the biodiversity gain condition is capable of being discharged successfully including through the imposition of conditions.

14. The Council is concerned that degradation has taken place between 30 January 2020 and the survey date with reference to Google Streetview imagery. Though the Council's substantive evidence to support this view and an explanation of the previous habitat and timing of its removal has not been provided, the appellant does not appear to subsequently dispute this, and I note the photographs indicating trimmed vegetation[4]. Clarification of any degradation is an important matter in determining the pre-development habitat value[5].

15. A Council concern is some of the extent of vacant/derelict land and developed land/sealed surface indicated on plans might be more appropriately considered as vegetated garden. The appellant's photographs indicate a significant proportion of land to the side and rear of the garage was well-vegetated[6]. While my visit is only a brief snapshot in time, a significant proportion of that land was highly vegetated over soil. From the evidence before me and what I saw much of this would appear to be more likely to fall within a garden land category and not those mapped. It appears the area of habitat to be lost would be likely to be over the minimum exemption thresholds, and though it may be quite low distinctiveness, I am not satisfied the scheme is exempt, and the statutory BNG condition would apply.

16. The appellant's Biodiversity Gain Plan concludes that from the base survey date, the site comprised 0.0111 area habitat biodiversity units and the proposals create 0.0184 units, resulting in an approximately 65.35% gain. The scheme indicates a frontage garden and a courtyard garden, and on the assumption they are almost entirely given over to habitat it would appear could deliver the approximately 30.61sqm of new habitat. However, due to the doubts over the correct baseline for the pre-development habitat values set out above, I cannot be certain the scheme

[2] Paragraph: 011 Reference ID: 74-011-20240214.
[3] Paragraph: 002 Reference ID: 74-002-20240214.
[4] Drawing Nos. PL25, PL29 and Sheet 4 of the Small Sites Metric.
[5] Paragraph: 036 Reference ID: 74-036-20240214,
[6] Drawing Nos. PL25, PL29 and Sheet 4 of the Small Sites Metric.

could secure the required BNG. That landscaping includes tree planting over one or more driveways with competing parking, access and storage requirements, gives concerns over the longer-term sustainability of the feature.

17. In-light of the absence of clarity of any degradation that may have occurred, doubts in respect of the classification and value of pre-development habitats, and absence of certainty as to whether a BNG could be achieved, I am not persuaded that imposing conditions would meet the PPG and Framework tests of being reasonable. Therefore, they do not overcome the need to address fundamental principles of BNG in respect of establishing pre-development habitats and values.

18. Therefore, for the reasons set out above, the appeal scheme does not comply with the Biodiversity Net Gain (Exemptions) Regulations 2024, and I am not satisfied it could be ensured the proposed development would be compliant with requirements in respect of BNG, and could provide appropriate net gains as required under Schedule 7A of the Town & Country Planning Act 1990. I also cannot be certain it could comply with the aims of Framework paragraph 187d) which expects decisions to provide net gains for biodiversity.

Planning Balance

19. The proposed development would result in limited temporary economic benefits during construction, and minor benefits from on-going spend in the local economy and support to local services and facilities upon completion. Though not a ceiling the Council considered at the time of determining the application it could demonstrate a deliverable housing land supply (HLS) of 6.3-years and had a housing delivery test result (HDT) of 107%. This does not appear to be directly disputed and even were this to have reduced, and noting future pressures for housing delivery, the benefits of a single dwelling attract limited weight in favour of the proposal.

20. There is no substantive demonstration that living conditions of occupiers of the existing flats are unsatisfactory, and the provision of dedicated outdoor space as suggested attracts limited weight. There would be increased surveillance, and it would seem there could be benefits to run-off and drainage, however, these would appear to be small overall benefits. Even were the combination of sustainability measures and an Air Source Heat Pump, to result in a net benefit in terms of renewable energy generation, it would appear the measures possible within the scope of the appeal scheme, would be likely to be a very minor net benefit at best. Overall, the benefits of the appeal scheme attract limited weight in its favour.

21. Were I to agree the appeal scheme is, or subject to the imposition of suitably worded planning conditions, could be made compliant with policies and standards in respect of matters such as parking, the site access, accessibility, the living conditions of future and neighbouring occupiers, construction management, and wastewater infrastructure, these would be neutral matters in the balance.

22. However, the proposal would conflict with development plan and Framework policies in respect of the character and appearance of the area. Having regard to all factors, including the fall-back position available to the appellant, this would be of a magnitude that attracts moderate weight against the scheme, and the harm alone is sufficient to outweigh the benefits of the appeal scheme. The conflict with policies and requirements in respect of BNG is an important matter that attracts due weight against the scheme. Overall, the policy conflicts and resulting harm

are such that the adverse impacts clearly outweigh the benefits of the proposed development. Therefore, the appeal should not succeed.

Conclusion

23. The proposed development is contrary to the development plan read as a whole, and the Framework read as a whole. There are no considerations advanced, including the policies of the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR