

Development Management – Delegated Officer Report

Application Number: AWD/0103/26

Recommendation: APPROVE

Site: 39 Brighton Road Worthing West Sussex BN11 3EF

Proposal: Shopfront alterations; change of use of part of ground floor from retail and first floor residential unit to small house in multiple occupation (Use Class C4); replacement windows, new rear door and other associated alterations including refuse stores and cycle spaces (Nos 39, 39A and 39B)

Date of Site Visit: 14/11/2025

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The property is located on the northern side of Brighton Road. It contains a three-storey mid-terrace building with a commercial unit at ground floor, previously in use as a hairdressers. The first and second floors each contain one one-bedroom residential unit.

The site is located within Steyne Gardens Conservation Area. The building is not statutorily listed but it is identified as a local interest building.

The site is within the Warwick St/Brighton Road character area of Worthing town centre.

Proposal

The proposal is to change the use at the rear of the ground floor from retail to provide residential accommodation. The first floor one-bedroom unit would be converted to a four-bedroom HMO (Use Class C4) incorporating the residential accommodation at ground floor.

Alterations are proposed to the shopfront and rear access with new doors to provide access to the HMO from the rear and second floor flat from the front. Window alterations are proposed at second floor on the front elevation. The scheme has been amended to retain the shopfront as existing

Cycle and bin storage are to be provided in the rear yard.

The changes follow the refusal of a previous application. The second-floor unit will be largely left as existing except for internal changes which don't require planning permission and a minor alteration to the placement of the front door.

The scheme has been revised to remove the replacement of the roof with manmade slate tiles.

Relevant Planning History:

AWDM/1119/25: Change of use of rear ground floor to residential and conversion of two flats to form two small houses in multiple occupation (Use Class C4) facilitated by rear dormer roof extension, front rooflights, solar PV panels, shopfront alteration and other associated alterations (39 and 39A Brighton Road).

Refused 17 Nov 2025 for the following reasons:

01. The proposed development including rear dormer, PV panels, internal dividing wall and replacement windows would, by reason of their scale, form, and detailed design, be detrimental to the visual amenities of the site and would detract from the character and appearance of the conservation area. As such the proposed development would be contrary to policies DM5 and DM24 of the Worthing Local Plan, and the relevant paragraphs of the National Planning Policy Framework.

02. The provision of 10 single bedrooms within two HMOs is considered to be an overdevelopment of the site which by reason of lack of outlook, privacy, head height, outdoor amenity space and noise and disturbance would have an adverse impact on the residential amenity of future occupiers contrary to policies DM2 and DM5 of the Worthing Local Plan (2023) and the NPPF.

AWDM/1762/23 - Partial demolition of the front balcony terrace structure and first floor balcony, following partial collapse of the structure. Remedial works involve re-forming the balcony terrace structure and first floor bay balcony, and reinstating all finishes and detailing to match original.

STATUS: Application Permitted 9th April 2024.

AWDM/1490/17 - Change of use of Shop (A1) to Tattoo Studio (Sui Generis).

STATUS: Application Permitted 4th December 2017.

NOTICE/0009/25 - Application for Prior Approval for Proposed partial change of ground floor commercial unit from Use Class E to Use Class C3 (residential). **STATUS:** Prior Approval Required and Granted 25th July 2025.

AWDM/1094/25 - Approval of Details Reserved by Condition 3 (bay window details) of application AWDM/1762/23. **STATUS:** Permitted 13/03/2026

Consultations

External

Worthing Society:

This building is recorded on the Local Interest List and is within the newly extended Steyne Gardens Conservation Area. It is late Victorian in character and forms part of a terrace. We welcome the fact that timber materials will be used for the renovation works and consider the new shopfront would be an improvement. In summary we have no objection to this Planning Application.

West Sussex County Council (as LHA):

History

The Local Highway Authority has been consulted on a similar proposal at this location under AWDM/1119/25 for Change of use of rear ground floor to residential and conversion of two flats to form two small houses in multiple occupation (Use Class C4) facilitated by rear dormer roof extension, front rooflights, solar PV panels, shopfront alteration and other associated alterations (39 and 39A Brighton Road). No highway safety concerns were raised to this proposal from a highways perspective however the application refused by the LPA on matters unrelated to highways safety.

Comments

This application seeks change of use of rear ground floor to residential to provide a 4-bedroom HMO and a one bed flat. The site is located on Brighton Road, an A-classified road subject to a speed restriction of 30 mph.

The property has a single associated vehicle parking space to the rear, this is accessed via Warwick Gardens to Whyke Avenue, an E classified route. The planning statement outlines that this space may be used by residents of the HMO, it is unclear whether this would be assigned to a single resident or would be a communal parking space. Pedestrian access for members of the public to the commercial unit will remain as existing. Pedestrian access for the ground and first floor units will be via an access from the rear of the property, whilst access for the second and third floor will be via a pedestrian access from Brighton Road.

There are comprehensive parking restrictions in place on the nearby roads prohibiting vehicles from parking in places that would be detrimental to highway safety. The site is situated in a sustainable location in Worthing that is well accessible on foot, by cycle and public transport.

For a HMO WSCC cycle parking standards outline that 1 space per unit should be provided therefore 4 cycle parking spaces would be sufficient to serve the HMO. It does not appear that the flat has been awarded a cycle parking provision, the applicant should incorporate a provision to serve all proposed residents. The applicant has demonstrated that two Sheffield stands will be provided, this results in 4 cycle parking spaces being achievable.

The cycle parking should take the form of a secure and covered arrangement to ensure the provisions are desirable for any future residents. The cycle parking details can however be secured via a condition as advised below.

The LHA does not anticipate that the proposed change of use would generate a severe material increase in vehicular movements to or from the site. Alternatives to the use of a car are proposed and are available by means of public transport in the nearby area. The site is situated in close proximity to local shops and amenities which reduces the reliance on the use of a car for some journeys.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied:

Cycle parking No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with WSCC guidance and plans and details to be submitted to and approved by the Local Planning Authority. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

WSP (as drainage consultant): Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development we would recommend the approval of the application.

Southern Water: Please see the attached extract from Southern Water records showing the approximate position of our existing sewer and water main assets crossing/in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. To get in contact to confirm the exact position of the asset please visit; https://www.southernwater.co.uk/media/ph4fk3pe/ds-location-of-rising-mains_pb.pdf. For information on required stand-off distances from public sewers please refer to: <https://www.southernwater.co.uk/media/st5orjvm/stand-off-distances.pdf>

Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue. Please note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website. Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water.

Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that some previously private sewers, now deemed public, could be crossing the above property and may not be shown on Southern Water records. Therefore, if any additional sewers are discovered during construction, an investigation will be required to determine their condition, the number of properties served, and potential access methods before any further work can proceed on site.

Conservation officer

The scheme was discussed with the conservation officer at their surgery who advised that the second floor windows were acceptable but that the recessed shopfront should be retained as existing but using the same proposed glazing pattern with the subdivided shopfront as the original proposal.

Internal

Waste Services: No response

Environmental Health Private Sector Housing: No Objections The HMO will of course need Licensing as such

Environmental Health:

There are no EH objections in principle. The sound insulation scheme outlined in the Acoustic South East Report between the commercial and residential is satisfactory.

Obviously this still needss to be installed and tested. should be conditioned. So I would include a condition for this purpose see below.

An overheating assessment is still needed, but either of the two ventilation schemes referred to in the Acoustic South East report are acceptable so long as they are sufficient to manage overheating. We just need to know which option they choose. I would include a condition for this purpose, see below.

- Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the ProPG: Planning & Noise – New Residential Development, 2017 and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should be of good acoustic design, include full details of glazing, ventilation and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Neighbour Representations

None received

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, DM1, DM2, DM5, DM15, DM16, DM17, DM18, DM19, DM20, DM22, DM24
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)
Steine Gardens Conservation Area Appraisal

Planning Assessment:

Principle of development

Policy SS1 of the Worthing Local Plan sets out the Borough's housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 78 of the NPPF (2024) requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

The most recent 5 Year Housing Land Supply (5YRHLS) position for Worthing (as at 01/04/2023) demonstrates a 6.3 years supply applying a 20% buffer as at that time

Worthing had failed the then current Housing Delivery Test (HDT) (2022 published December 2023).

However, the most recent HDT 2023 (published December 2024) shows that Worthing scored 107% and therefore faces no consequences from the HDT.

Having a 5YRHLS position and having passed the HDT with no consequences means that for Worthing Paragraph 11 of the NPPF applies which states: 'For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay '.

The site is located within a sustainable location within walking distance to local services and amenities and public transport. The proposed development would make efficient use of land in a sustainable location and would make a small contribution towards increasing the housing supply of the Borough.

Policy DM1 of the Local Plan recognises the contribution that high quality flats or well-designed HMOs can make in providing housing choice. It is important that a high standard of accommodation is provided and that they promote and retain housing choice. When considering proposals for conversion the Council will consider the impact on the mix of dwellings locally, the character of the area and on the amenity of adjoining dwellings. These are discussed further in the relevant sections below.

A key consideration is the loss of some of the commercial floorspace. The site is within Worthing town centre within the Warwick St / Brighton Road character area and the secondary shopping frontage.

The proposed unit would be 37.2sqm. While it does not provide any private storage space it retains rear access to bins and is likely to provide adequate floorspace for a small business.

The principle of the change of use is therefore acceptable subject to assessment of other material considerations as set out below.

Visual amenity and conservation

The proposed changes in this application are a replacement shopfront and replacement front second floor windows, new door to the rear and new rear windows. The impact of these on the visual amenity on Steyne Gardens Conservation Area will be considered as proposals are required to preserve or enhance the character of the conservation area.

The Steyne Gardens Conservation Area Appraisal describes the building as follows "The further terrace beyond this of eight bays was likely always intended as a retail unit, and is detailed with a parapet roof, canted bays and a veranda at first floor level. While the shopfronts appear to be later, most respect a traditional configuration incorporating stall risers and fascia boards." The appraisal notes that "It is however the shopfronts along much of Brighton Road that cumulatively result in the most harm to the character of the conservation area."

The previous application noted that no details of windows or the shopfront were provided; both have been included in this application.

The existing second floor windows are not original but are timber and sliding sash. This application proposes new windows. This application follows the approval of details for the change of the bay windows on the front elevation at first floor. That application sought to enhance the conservation area by providing a replacement window of a better quality than the one it replaced. The replacement window at second floor has been designed to provide vacuum double-glazing with similar detailing to the first-floor replacement window. While the existing second floor window was of a better quality than the existing first floor windows, the proposal will retain a sliding sash timber window and will result in some consistency between floors. The window alteration is therefore acceptable.

Following comments from the conservation architect, alterations have been made to the scheme to retain the recessed shopfront which is an important feature of the conservation area, providing relief for pedestrians. The shopfront glazing will be divided into smaller panes which is considered more characteristic of the conservation area and is considered an improvement over the existing shopfront which has a large single pane of glass.

The windows to the rear are proposed to be a sliding sash UPVC. There will be limited visibility to these windows as they are located to the rear and in this instance UPVC windows are considered acceptable.

Residential Amenity

The change of use would result in a six-bedroom HMO compared to an existing use as a one-bedroom unit. This is likely to increase the number of residents on site. There are existing residential uses to the sides. Nearby residents would be used to some level of noise given the location within the town centre. It is not anticipated the HMO would result in an intensification of use which would have an impact on neighbouring residents.

The shopfront changes and window alterations are in place of existing openings. They will not adversely affect amenity.

Hours of works will be conditioned to protect neighbouring residents during construction work.

Standard of accommodation

The Governments Nationally Described Space Standards apply for the development as set out in policy DM2. The Council's local standards also continue to apply under Policy DM2 for the provision of external space.

Policy DM2 sets out that "Applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use should also demonstrate that the communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants". It is recognised that any HMOs of this size will be subject to mandatory licensing, and the private sector housing team will make an assessment on the suitability of the proposals as part of the licensing process

The previous application was refused due to the poor standard of accommodation provided for the occupants. The revised scheme seeks to address these issues by providing one four-bedroom HMO over ground and first floors and retaining the one-bedroom flat at second floor. The revised HMO provides three single bedrooms (all over

7.5sqm) and one double bedroom. The residents would share two bathrooms located at first floor. The ground floor communal living space provides a kitchen and space for dining and living room furniture. The bedrooms are all at first floor removing the issues relating to conflict with the ground floor use. No open space is provided but the site is in proximity to a number of open spaces including Steyne Gardens, Denton Gardens and Beach House Park

A sound insulation scheme to protect residents from road noise and noise from the commercial unit is required by condition.

The second-floor unit has been rearranged but is not part of the application. It does however result in two bedrooms at first floor level being located below the kitchen and bathroom of the unit above. Unfortunately, due to the nature of the units it is not possible to stack the rooms so these bedrooms are under quieter rooms. It is therefore considered appropriate to require the higher level of insulation required for new build dwellings under building regs to protect the first-floor residents from noise. This will be conditioned with a post installation test to ensure the noise protection has been provided.

Transport

The site is within the town centre, in a sustainable location with access to local services. Cycle parking has been shown indicating that 4 spaces will be provided for the new HMO. These will need to be secure and undercover and this will be secured by condition. No parking is provided but this is not uncommon in a town centre and the surrounding streets are subject to controlled parking.

Flooding

The site shows some surface water flooding in the 1 in 1,000 year event. However, the application has been reviewed by the Council's drainage consultant and Southern Water who raised no issues with the proposals.

Sustainability

Policies DM16 and DM17 require developments to incorporate sustainable design measures.

It is recognised that as a conversion at ground and first floor only there are limited opportunities to incorporate sustainable design. However, the new windows are to be double glazed which will provide better insulation. An overheating assessment is also required by the EHO due to the possibility of south facing windows being closed due to road noise.

PV panels were considered under the previous application but removed due to the heritage impact. Given the site faces south there isn't an alternative location to provide these.

An EPC certificate of a minimum C rating will be conditioned as set out in policy. This will ensure the units are retrofitted to provide a more sustainable design.

Recommendation:

APPROVE subject to the following conditions:

1. Approved plans
2. Standard time limit
3. Materials as specified
4. Cycle parking to be installed
5. Scheme for protecting HMO from noise - external
6. EPC C
7. Hours of work
8. Insulation between first and second floor levels

Informative

1. NPPF Approved following discussion
2. Licensing

Is recommendation contrary to letter(s) of representation? N

Case Officer: Louise Prew Date: 08/07/2026

Authorised by: Peter Barnett Date: 8 July 2026