Expiry Date - 14/12/2023

Development Control – Delegated Officer Report

Application Number: AWDM/1457/23 **Recommendation – REFUSE**

Site: **Kings Manor 140 Heene Road Worthing West Sussex**

Proposal: **Conversion and alteration of existing care home to create 8no residential units (including alterations to original coach house to create a detached two storey 3no. bedroom dwelling) with provision of 7no car parking spaces. Application to vary condition 1 (approved plans) of AWDM/0601/21 (to retain the existing conservatory)**

Date of site visit: 01.11.2023

Neighbours checked: Y

Additional neighbour notifications: N

Background, Site and Surroundings

The application relates to a grand Edwardian villa occupying a corner plot on the south east side of the junction of Heene Road with Manor Road. The building consists of 3 floors of accommodation and exhibits a wealth of character features, constructed in red/orange brick with tile-hung and part-timbered feature panels, a plain clay-tiled roof with finials, chimneys and open-rafter feet and a mix of bay, oriel and 'jettied' windows on the roadside elevations. It represents a fine example of grand Edwardian domestic architecture and is identified as a 'Local Interest Building', making a positive contribution to the character and appearance of the Heene Conservation Area in which it is located.

The property was previously in use as a residential care home, and prior to that, a hotel. It has been enlarged in the past by a 2-storey rear (east) extension and large UPVC conservatory on the south side.

Planning permission was granted in 2021 (AWDM/0601/21) for the conversion and alteration of the main building to create 7no residential units together with alterations (including demolitions and extensions) to the former coach house in the south-east corner of the site to create a detached two storey 3no bedroom dwelling.

The approved layout consists of 3no flats on the ground-floor involving the removal of the existing conservatory on the south side. The conversion works to form 3 flats have been implemented, but the conservatory has been retained as part of the floor area of the front flat (Unit 1 under AWDM/0601/21).

The first-floor consists of a further 3no flats, plus 1no flat formed on the second-floor within the roof space. That latter involves the formation of a new dormer window on the southern roof slope, which has been implemented.

The demolitions and adaptations associated with the conversion of the former coach house to form the detached 3-bedroom dwelling house have commenced, but are not complete.

The approved site layout involved enlarging the existing hard-surfaced areas in front of, and north of, the main building to provide 4 car parking spaces fronting Heene Road with a further 3 tandem car parking spaces alongside the north boundary wall. The grounds to the south and southwest of the main building are shown as communal gardens.

A fresh tarmac surface has been laid but does not reflect the layout shown on the details of hard and soft landscaping approved under AWDM/2104/21.

A number of the converted flats within the main building are apparently occupied. Works to adapt the former coach house appear to have halted.

Adjoining the site to the south, No.138 Heene Road comprises a detached, 2-storey early/mid C20 house with garaging at the rear. The garage building was previously attached to an outbuilding in the south-east corner of the grounds of No.140 which has since been demolished as part of the approved works under AWDM/0601/21.

Adjoining to the east side, 60 Manor Road consists of a detached Edwardian villa of a similar grand scale and architectural style as the application property, currently in use as Holiday Flat-lets (Torrington Residential Houses & Flats).

Proposal

Permission is sought to vary Condition 1 of AWDM/0601/21 (Approved Plans) to retain the ground-floor layout as built with the pre-existing conservatory incorporated as part of the floor area of the front flat (Unit 1).

The only external change would be to insert frosted glazing within the existing window panes on the east side of the conservatory.

The current application does not seek to address or regularise the unauthorised tarmac surfacing. This matter is been raised with the Applicant’s Agent, but no response received.

Relevant Planning History:

AWDM/1241/14 Replacement porch and associated access ramp to north elevation and conservatory to south elevation Permitted 31.10.2014.

AWDM/0601/21 Conversion and alteration of existing care home to create 8no residential units (including alterations to original coach house create a

detached two storey 3no. bedroom dwelling) with provision of 7no car parking spaces. Permitted and part implemented.

AWDM/1875/21 Conversion of existing care home to provide 7no. residential apartments involving demolition of attached conservatory; development of a detached 2-bedroom bungalow to south side and adaptation and enlargement of original coach house to provide a 3-bedroom dwelling (9no. dwellings in total) plus 7no. parking spaces (resubmission of planning application AWDM/0601/21). Refused and Appeal Dismissed.

AWDM/2104/21 Approval of Details Reserved by Conditions: Cond 3 (Schedule of Materials and Finishes); Cond 4 (Architectural Details); Cond 5 (Car Parking Details); Cond 6 (Signage); Cond 7 (Cycle Store); Cond 9 (Site Set-up and Dust Suppression Details); Cond 11 (Surface Water Drainage Details); and Cond 12 (Hard and Soft Landscaping Details); Cond 15 (Making Good); Cond 16 (Refuse Store); Cond 17 (Coach House Enclosure) of approved application AWDM/0601/21. Approved 28.03.2023

Consultations:

WSCC: The Local Highway Authority has raised no objection, commenting that the retention of the conservatory is not anticipated to give rise to a detrimental highway safety impact. Access and parking arrangements will remain as previously approved.

Southern Water:

No objection, comments made previously in relation to AWDM/0601/21 remain valid.

The Worthing Society: No objection.

Adur and Worthing Councils

The EHO (Public Health) has no adverse EH comments.

Drainage Consultant: No objection.

Private Sector Housing: No comment.

Representations:

The occupiers of No.138 Heene Road commented that as the immediate neighbours we commented on the original application and have no objection to the amended plan to retain the existing conservatory.

The original plans, however, are not completed, specifically the southern area of the property which includes the partially demolished Coach House, this appears neglected and an eyesore with little evidence of work progressing. We have concerns about the quality and standard of ongoing work to our

garage wall in context of the original plans on our northern boundary of which officers are aware.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SS1, SP1, DM1, DM2, DM5, DM15, DM16, DM17, DM18, DM23 and DM24
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPD 'A Guide to Residential Development' (WBC 2013)
SPD (WBC 2012) Space Standards
WSCC Guidance on Parking in Residential Development (WSCC 2019)
WBC CIL Schedule

Planning Assessment

Since the previous decision under AWDM/0601/21 the Worthing Local Plan has been adopted and comprises the planning policy framework for decision-making in conjunction with national planning policy contained within the NPPF.

The key issues raised by this application are the effects of the development on the character and appearance of the building and the surrounding conservation area, and on the amenities of neighbouring and future residential occupiers.

On the basis that the application proposes no change to the access and parking arrangements approved under AWDM/0601/21, the proposal raises no highway safety concerns.

Effects on Historic Character and Appearance

There is a statutory duty on the Council to have regard to the desirability of enhancing or preserving the character or appearance of its conservation areas.

National planning policy within the NPPF recognises that heritage assets, including buildings of local historic value, as in this case, are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

It requires that any harm or loss of significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification (paragraph 200).

Policy DM24 requires that development affecting any designated or undesignated heritage asset must be of a high quality, respecting its context and demonstrating a strong sense of place. Development within Conservation Areas will be required to be of a high standard of design and materials so as

to respect, preserve and enhance the character and appearance of that area, and preserve important features.

It states that the importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application of their demolition or development.

The grand scale and architectural features of this Edwardian villa set in generous grounds makes a highly positive contribution to the character and appearance of the Heene Conservation Area.

Permission was granted for the conservatory when the property was in use as a residential care home, and whilst its modern design, proportions and UPVC framing is not sympathetic to the traditional character of the villa, its single-storey scale, massing of its roof and glazed upper parts mean that it is at least subordinate in appearance, seen in this context as an incidental structure despite its large footprint.

As part of the application submission to convert the villa into 7 flats (AWDM/0601/21) considerable emphasis was given to improving the existing building through sensitive repair and restoration; "*recognising where the building had been poorly extended and altered, and taking the opportunity to reverse the erosion to its unique character by removing non original building fabric and forms"*. [Extract from Planning Statement.]

Whilst this lost opportunity to remove the conservatory is highly regrettable, it would be difficult to argue that its retention introduces any further harm to the character or appearance of the now converted building, or to the conservation area.

Residential Amenity – future occupiers

The most affected property is the adjoining flat on the ground-floor (Unit 3 within AWDM/0601/21).

Unit 3 comprises a 1-bedroom flat consisting of a living/kitchen/dining area with a separate bedroom and shower room all leading off a lobby/hall. The layout incorporates an original squared bay window feature on the south side of the building, attached to the UPVC conservatory. The timber framed bay window is 1.5m deep, with decorative timber glazed panels above a rendered plinth wall and a clay-tiled lean-to roof. As approved, following removal of the conservatory, the glazed panelling was to be restored on the west-facing side return, and a new glazed door inserted into the east-facing side return, providing direct access from this unit into the communal garden.

Now retained in situ, the conservatory extends 4.8m from the south face of the bay window of unit 3. The gutter line of the conservatory is roughly the same height as the eaves height of the bay window. Despite its lightweight construction, owing to its proximity and depth, the retention of the conservatory will have a distinct enclosing and overshadowing effect on the

primary aspect from the main habitable room of this dwelling unit. The submitted plans show that glazing on the east side of the conservatory as frosted in order to avoid inter-visibility between units 1 and 3. However, even with frosted glass in place, the occupiers of unit 3 would be distinctly aware of the conservatory when in use, particularly in the Summer when windows are likely to be opened, or in the evening and Winter when the lights are on in the conservatory. The overall effect would be intrusive and overbearing providing unit 3 with a notably poorer standard of living accommodation than the initially approved layout.

The retention of the conservatory reduces the amount of communal outdoor garden space, but this would continue still exceed the Council minimum external area required for flats set out in the above SPD. However, windows in the south and west-facing elevations of the conservatory will overlook the adjacent areas of the communal garden, meaning that users of this space would be less likely to relax as they would be directly overlooked from the conservatory windows, as users of the communal garden too would have clear views at close-range into the conservatory. The quality of the communal outdoor amenity space would be worsened as a result to the detriment of all the converted flats 1-7.

The conservatory has an internal floor area of 30sqm and would provide unit 1 with a 47.6% larger GIA than as initially approved (at 63sqm). The relatively large floor area is a relic of the former use of the property as a residential care home but is out of scale with the GIA of the flat within which is has been subsumed. Indeed, its floor area is larger than the living/kitchen/dining area and either of the 2 bedrooms of unit 1. It is likely that if approved, in order to overcome the above-mentioned harmful effects on residential amenity, there would be significant pressure in the future to replace the existing light weight conservatory structure with a more permanent, solid construction which would have a materially greater impact on the appearance of the building and the surrounding conservation area.

Residential Amenity – Neighbour Impact

The nearest neighbour is No.138 Heene Road to the south. The conservatory is well separated from the common boundary and its retention raises no adverse impacts for this neighbour.

Recommendation

REFUSE for the reason:-

1. The retained conservatory structure would harmfully detract from the residential amenity of the adjoining flat unit to the east (unit 3 of AWDM/0601/21) by reason of its size and glazing in close proximity to the bay window forming the main aspect to the living/dining area of this unit, the consequence of which would be oppressively intrusive. Furthermore, direct overlooking to and from the conservatory will detract from the quality of the outdoor communal amenity space for all

of the flat units (1-7) which would be unacceptably harmful to the living conditions of the occupiers thereof. The development is therefore contrary to policies DM2 and DM5 of the Worthing Local Plan and the relevant policies of the NPPF.

Informative:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal. This concern has been raised with the Applicant's Agent but is considered so fundamental that the resulting harm could not reasonably be remedied by amendment of the application.

Enforcement:

1. It is recommended that enforcement action is taken to remove (i) the conservatory, and (ii) amend the unauthorised tarmac surfacing, in order to adhere to the plans approved under AWDM/0601/21.

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

Case Officer: Jo Morin Date: 13.12.2023

Authorised by: Gary Peck Date: 14 December 2023