Development Control – Delegated Officer Report

Application Number: AWDM/0970/24 Recommendation: Approve

Site: 179-181 Brighton Road Worthing

Proposal: **Proposed one bedroom flat within roofspace to include front and rear dormers and front and rear rooflights**

Last visited: 21.1.2025

Neighbours checked: Y

Additional neighbour notifications: Site notice posted 25.9.2024 Revised plans/description notified 15.1.25

Site and Surroundings
The site comprises of a two-storey property located on the north side of Brighton Road opposite the seafront. This is an attractive terrace consisting predominantly of dwellings with some guest houses, all designed as symmetrical pairs with matching two storey bay windows positioned each side of decorative verandas set above the entrance door to their front elevation, rendered and with stucco detailing and arched windows. The front garden area is mainly paved and enclosed with a low brick and flint wall to the street frontage, matching others in the terrace

It is understood that the premises have been licenced as an HMO from December 2020 since being subject to mandatory licencing requirements. A Lawful Development Certificate established the lawful use as it existed when the application was made in 2023 as a 19-bedroom Sui Generis House in Multiple Occupation (AWDM/0455/23 refers).

The site is located within Flood Zones 2/3.

Proposal
Permission is sought for the conversion of the roofspace to form a one bedroom flat. The existing HMO would remain. Revised plans have been received during the course of the application and, as revised, a front dormer window and two rear dormer windows are proposed to the main roofslopes. Rooflights are also proposed to the front and rear and to the sides of the rear outrigger.

The current application follows refusal of planning permission for the extension and conversion of the loft space to form a 1-bedroom flat which proposed a front dormer extension, six rear dormers, rooflight windows and sun tubes, and a new vehicular access and hardstanding (AWDM/1761/23 refers).

Relevant Planning History:

WB/113/68/FULL Alterations to premises in connection with use of accommodation as extension to adjoining hotel, 179 Brighton Road. Approved 5.3.1968

AWDM/0455/23 - Application for Certificate of Lawfulness for Existing Use as a 19-bedroom HMO (Sui Generis) with no more than 1 occupant per room
STATUS: APP 2nd November 2023.

AWDM/1761/23 - Extension and conversion of the loft space to include front dormer, 6 no. rear dormers, rooflights and sun tubes to form 1 no. one bedroom flat. New vehicle access and parking.
STATUS: REF 5th April 2024.

Consultations:

The **Environment Agency** raises no objection and has commented as follows:

Environment Agency position

We have no objection to the proposal in terms of flood risk given that the proposal is within the loft.

The Applicant should note that the Product 4 data provided is for another site and not related to this application. In future, we would like to see site-specific product data and climate change allowances provided from this data.

Advice to the Local Planning Authority

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Advice to the Local Planning Authority and Applicant

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you would like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the Planning Practice Guidance.

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

CIRIA Code of Practice for property flood resilience https://www.ciria.org/CIRIA/Resources/Free_publications/CoP_for_PFR_resource.aspx

British Standard 85500 – Flood resistant and resilient construction https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686

Flood Risk Assessment (FRA) - Sources of information

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. You can request this information by emailing SSDEnquiries@environment-agency.gov.uk. When sending a request, please include a location map for your site.

Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available.

Further advice on what to include in an FRA can be found at - https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all

The Council's **Drainage Consultant** has made the following comments:

The applicant has proposed a one-bedroom flat within roof space to include rear dormers and front and rear rooflights. This application is to Worthing Borough Council. 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 with the following informative attached:

Informative 1: We have identified the site is adjacent to a surface water flood risk, therefore the applicant should consider creating an emergency plan to ensure safe access and egress routes can be achieved.

Southern Water has commented as follows:

Thank you for your correspondence dated 16/09/2024, please see our comments below regarding the above application.

Following the review of the submitted documents, we have indicated that the applicant is proposing to use the existing foul connection. Therefore, we have no further comment regarding the wastewater.

No discharge of surface water sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul/surface water network to cope with additional sewerage flows are complete.

Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

The **Highway Authority** has commented as follows:

This proposal is for a proposed one-bedroom flat within roof space to include rear dormers and front and rear rooflights. The site is located on Brighton Road, an A-classified road subject to a speed restriction of 30 mph.

The LHA previously provided consultation advice for this site for application AWDM/0455/23, raising no highway safety concerns. This Local Planning Authority (LPA) refused the application on grounds unrelated to highway safety concerns.

There is no vehicular access or parking associated with this site and there are no proposed changes to current arrangements.

No vehicular parking is to be provided for this development. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least one car parking space. Consequently, vehicular parking would have to be accommodated on-street.

Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a detrimental highway safety impact, nor give rise to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

No details of cycle parking provision have been provided. Cycling is a viable option in the area, and the LHA would request that secure cycle parking provision be provided for the proposed flat if there is space within the site to do so.

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 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition and informative 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 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.

The Council's **Environmental Health** Officer has requested a condition limiting hours of construction and for a Construction Management Plan to be submitted and agreed. A Construction Management Plan has since been provided by the agent and the Environmental Health Officer has confirmed no objections to this being agreed.

Representations:
None received

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM18 (Biodiversity)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)

National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPD 'Space Standards' (WBC 2012)
SDP 'A Guide to Residential Development' (WBC 2013)
CIL Charging Schedule (Aug 2021)
Technical Housing Standards – Nationally Described Space Standard (2015)

Planning Assessment

Principle of Development

The Worthing Local Plan was adopted on 28th March 2023 (base date of Plan 2020). Policy SS1 sets out the 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 supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
a) 5% to ensure choice and competition in the market for land; or
b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or
c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of the Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

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 c) 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* '.

Local Plan policy DM1 recognises the important role well designed Houses in Multiple Occupation (HMOs) play in providing housing for people on low incomes, those on benefit payments and young professionals. They are often the only choice of housing for people who would otherwise be homeless.

Policy DM1 states that when considering proposals for the conversion of dwellings into smaller units of self-contained accommodation, the proposal must provide a high standard of accommodation that complies with internal space standards and requirement for private outdoor space and considerations include the impact on the mix of dwellings locally, the impact on the character of the area, and the impact on the amenity of adjoining dwellings.

The supporting text to the policy stresses the importance of retaining existing housing including HMO's and emphasises the need to ensure a range of dwelling types and

sizes to meet the identified housing needs, facilitate housing choice and achieve mixed and balanced communities.

The proposal is for the conversion and extension of the roofspace to form a self-contained flat and with no alterations indicated to the existing HMO accommodation layout. The site is located within a sustainable location, within walking or cycling distance to local services and amenities, and public transport links including bus services in Brighton Road. The proposed development would make a small contribution to meeting housing need in the Borough by providing one additional 1-bedroom dwelling.

The main determining issues relate to the impact on the visual amenities of the site and surrounding area, the effects on living conditions for existing and future occupiers, highways, access and parking considerations, flood risk, and sustainability and biodiversity considerations. This is considered in the context of the previous application AWDM/1761/23 which was refused on the following grounds:

01. On the basis of the limited and conflicting information available, the Local Planning Authority is not satisfied that the proposed development would provide an adequate standard of accommodation for future occupiers. Furthermore, having regard to the scale and positioning of the proposed dormer extensions, the proposed development would be unneighbourly and detrimental to the amenities of neighbouring occupiers. As such the proposed development would be contrary to policies DM1, DM2 and DM5 of the Worthing Local Plan and the relevant paragraphs of the NPPF.

02. The proposed development would, by reason of its scale, siting, and design, represent a dominant and unsympathetic overdevelopment of the site, detrimental to the visual amenities of the site and its surroundings. As such the proposed development would be contrary to policy DM5 of the Worthing Local Plan, and the relevant paragraphs of the National Planning Policy Framework.

03. The loss of the front boundary wall and proposed parking area would represent an unsympathetic form of development resulting in a lack of coherence in the streetscene which would be detrimental to the visual amenities of the site and surrounding area. As such the proposed development would be contrary to policy DM5 of the Worthing Local Plan, and the relevant paragraphs of the National Planning Policy Framework.

Visual Amenity

This revised application follows pre-application discussions and has been amended to reduce the amount of extension required to achieve a 1-bedroom flat. Three dormers to each side of the outrigger previously proposed have been deleted from the current application.

The deletion of the dormers to the rear outrigger and insertion of rooflights would help to retain the subservience of this element of the building, with the main roofslope being where the proposed dormer extensions would be sited.

The rear dormer windows would not be readily visible in the streetscene. Although the rear roof extensions would be relatively large, these have been amended during the

course of the application to delete a juliet balcony and cut out proposed originally and would now be similar to a roof extension approved at No. 193 (AWDM/1427/23 refers), and with the extent of glazing avoiding an excessively bulky appearance. The proportions of the dormer extensions set in from the edges of the roof would ensure they would not appear dominant and detailing in zinc would give a high quality finish.

As originally submitted the front roof slope included a combination of cabrio/rooflight windows. The design and number of cabrio/rooflights was considered excessive and following concerns over their appearance, the applicant has provided revised plans which propose a pitched roof dormer positioned centrally between the two front bay window projections. As was the case previously, whilst dormer windows are not a particular feature in this terrace, there are other similar examples at No.185 and 197 Brighton Road, although these do appear smaller and set lower in the roofslope. Nevertheless the proposed front dormer would be relatively well proportioned and its positioning within the roofslope would appear sympathetic against its size and in combination with the proposed rooflights would not appear particularly cluttered. Detailing has been indicated to match the existing building and subject to the use of matching materials it would not cause any significant harm to visual amenity.

No car parking or changes to the front boundary wall are proposed in the current application and so would address the third reason for refusal.

Residential Amenity – the impact on the residential amenities of existing and future occupiers

As was the case at the time of the previously refused application, the site provides 19 rooms in the existing HMO with a maximum permitted occupancy of 19 stipulated in the licence. The proposed accommodation would provide an additional one-bedroom flat. In terms of the intensity of the use, it is considered that the introduction of an additional flat is unlikely to give rise to any significant impact on residential amenity in the context of the existing use.

The current application has resolved issues of separation from the communal areas by providing a separate access into the new flat and the drawings indicate that the proposed flat would have an overall floorspace of 82 square metres exceeding the standard for a 1 bedroom 2 person flat (50sqm) and with adequate built in storage areas indicated.

Floor to ceiling heights have been indicated on the revised drawings and despite this not amounting to 2.3m for at least 75 % of the GIA, given that the overall floor space exceeds standard for a 1 bedroom 2 person dwelling, the benefit of providing a larger flat overall is recognised and on balance this can be accepted in this instance.

The layout has been amended to place the bedroom and kitchen/dining area within the main roofspace. Outlook has been improved from the previous scheme with these areas served by dormer windows that would provide adequate light and outlook to these spaces. The living room would be within the rear outrigger served by rooflights only, but would include two rooflights to both east and west sides. Although the arrangement with rooflights is not ideal to serve the living space, this would improve the impact on neighbour amenity in response to the previous reasons for refusal and

given the standard of the open plan kitchen/dining area which would provide an alternative living space, in these circumstances it is considered that the proposed layout would provide a satisfactory standard of accommodation.

No private amenity space would be provided for the new flat and there is little scope to provide this as was the case with the previous scheme. There is a small enclosed yard area at the rear which is a shared amenity space for HMO residents. Although the external space would fall below the local standards under Policy DM2, it is acknowledged that the limited rear amenity space is a feature of this terrace. The current application deletes the previous parking provision proposed under application AWDM/1761/23 and would instead retain the front garden area which is welcomed. This area includes existing bin storage for the HMO units which has been indicated on the drawings. The unit will be able to make use of these existing facilities. The difficulties in providing private amenity space in the circumstances of the site are acknowledged and it is recognised that the seafront positioning provides public open space in close proximity to the site and so the shortfall is considered acceptable in this instance.

In terms of the impact of the extensions and alterations to the building, it is considered that the scale and positioning of the proposed dormer windows would not give rise to any significant impact to neighbouring occupiers in terms of loss of light or outlook.

The positioning of the proposed roof extensions within the main roofspace where outlook would be to the front and rear would not cause any significant loss of privacy.

Those new windows positioned in the side roofslope have now been limited to rooflight windows with a cill height of approximately 1.4 metres. Those towards the rear would be required to be clear glazed to serve the living space to provide outlook. Balanced against this need and having regard to the relationship with neighbouring buildings including where the is some closer inter-visibility between first floor windows at present, it is considered there would not be any significant impact to the amenities of neighbouring occupiers resulting from those windows. However given the number of side rooflights proposed and in the interests of reducing the perception of overlooking, a condition requiring those windows serving the bathroom and storage area to be obscure glazed is recommended.

Access and Highways

No car parking is proposed in the current application and whilst the proposal would generate a parking demand of at least one car parking space, the Highway Authority has raised no objection to a zero parking provision on highway safety or capacity grounds. The site can be considered sustainable being within walking distance of Worthing town centre with access to shops, services and public transport links, reducing the reliance upon the private car.

Cycle storage has now been indicated on the block plan, details of which can be secured by condition to promote sustainable travel and is a viable option in this location.

Sustainability and Biodiversity

The constraints imposed by the scale of development and the existing building with no additional footprint proposed limit the opportunities for incorporating sustainable construction or renewable energies. However further details outlining sustainable design and energy can be secured by condition.

There would be no increase in impermeable area and the Council's Drainage Consultant has raised no objection.

The development would fall below the de minimis exemption threshold for BNG.

Flood risk

The application has been supported by a Flood Risk Assessment with recommendations for flood risk management. The Environment Agency has raised no objections to the proposals given that the proposal is within the loft.

In terms of safe access and egress, the FRA states that the existing ground level, estimated to be 5.52m AOD provides 270mm of freeboard above design flood level and Brighton Road is 20mm above the design flood level, so dry access and egress would be possible during the design flood on this basis.

The FRA recommends that residents are advised to register with the free flood warning service provided by the Environment Agency and that an emergency flood response action plan is prepared and displayed at the property.

The Council's drainage consultant has also recommended that the applicant considers creating an emergency plan to ensure safe access and egress route.

CIL

The application if permitted would be subject to a contribution towards the CIL.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Construction Management Plan to be implemented
4. Hours of construction limited
5. FRA to be implemented including the implementation of a flood warning and evacuation plan to ensure safe access and egress
6. Sustainable design measures to be agreed
7. Materials to match existing/ as indicated
8. Level 3 obscure glazing to rooflights serving the bathroom and storage areas (east and west elevations)
9. Cycle parking details to be agreed

Informative

- The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- EA – use of flood resistance and resilience measures
- SW – surface water discharge/ network capacity works
- CIL
- New/amended property address

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

Case Officer: Rebekah Hincke Date: 11.2.2025

Authorised by: Louise Prew Date: 12/02/2025