Development Control – Delegated Officer Report

Application Number: AWDM/1207/24 Recommendation – APPROVE

Site: Victoria Lodge 48 - 50 Shakespeare Road Worthing West Sussex

Proposal: Retention of attached garden room to rear to be used as staff room/ therapy room

Date of site visit: 17.12.24

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site comprises an older style property used as a dementia care home on the east side of Shakespeare Road. Converted from flats in the early 1990s

There is a good frontage to the property with a side access to the southern side.

At the rear the property has been extended to the rear with a sun lounge/extension also approved in the early 1990s.

There is a detached brick built building at the rear of the garden with pitched roof.

The rear garden is enclosed by wall and fencing with mature shrubs and trees to the eastern boundary in particular with the park.

Proposal

The application is retrospective for a single storey extension projecting from the southern side rear of the building. The building projects approx. 7.484m with a maximum width of 3.5m. The building would be used for staff facilities or a therapy room.

The building is constructed with timber cladding and has a flat roof. It sits above the ground with timber supports to allow for the change in ground level. It sits approx. 2.8m above ground level with varying heights.

Relevant Planning History:

90/05565/FULL- CHANGE OF USE FROM TWO FLATS TO A REST HOME- APPROVED

90/05566/FULL- ERECTION OF A SUN LOUNGE TO THE REAR OF PROPERTY- APPROVED

91/05729/FULL-ERECTION OF A CONSERVATORY AT REAR OF PROPERTY- APPROVED

93/05655/FULL- ROPOSED SINGLE STOREY HOBBIES/GARDENING/DAY ROOM AT REAR- REFUSED

96/05696/FULL-ALTERATIONS TO VALLEY ROOF AREA IN CONNECTION WITH ROOF LIGHTS- APPROVED

96/05699/FULL- DORMER ROOF EXTENSIONS AND ALTERATIONS WITHIN ROOF SPACE IN CONNECTION WITH PROPOSED INCREASE IN BEDSPACES FROM 20 TO TOTAL OF 23- REFUSED

96/05700/FULL-DORMER ROOF EXTENSIONS AND ALTERATIONS WITHIN ROOF SPACE IN CONNECTION WITH PROPOSED INCREASE IN BED SPACES FROM 20 TO A TOTAL OF 23- REFUSED

96/05701/FULL- DORMER ROOF EXTENSIONS AND ALTERATIONS WITHIN ROOF SPACE TO FORM THREE BEDROOMS, BATHROOM, OFFICE AND DISPENSARY- REFUSED

99/00361/FULL- Application to retain front sliding door to No. 50 Shakespeare Road with further design modifications- APPROVED

AWDM/1129/13-Section 211 Notice under the Town and Country Planning Act 1990 to reduce west side of crown to a height of 6 metres on one Eucalyptus tree in the Shakespeare Road Conservation Area.- APPROVED

AWDM/1415/23- Section 211 Notice under the Town and Country Planning Act 1990 to reduce crown height and radial spread by up to 2.5 metres one Magnolia tree, and to fell and replace four Cordyline (Palm trees) in the Shakespeare Road Conservation Area.- APPROVED

Consultations:

WSCC Highways

No alterations are proposed to the existing vehicular access and parking arrangements. The proposed development appears small in scale and would not be anticipated to give

rise to a material intensification of movements to or from the site, nor increase car parking demand.

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

Adur and Worthing Councils

Environmental health PSH- No Objection

Drainage Consultant

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

Tree Officer

Thank you for your email - sorry for the late reply. I consider that the tree may have been damaged by the building, but that the proximity of the new build, particularly the Window will put future pressure on the tree, with requests to fell or regularly prune. If the building had been applied for in the normal way the tree would have been an issue. I agree that a replacement tree should be required, and that the existing tree remains subject to CA / S211 i.e. an application would be needed to fell and replace.

I would suggest the tree is 12 - 14cm girth Container grown min 50ltr or equivalent. I would leave the choice of species to them but have the Species type size and planting location given in writing for pre approval.

Following submission of replacement tree details for a pear tree

I consider the species, planting position and size of tree to be appropriate.

Representations:

Flat 2, 44A Shakespeare Road

Design, Appearance, Materials, Character:

The development's plastic, felt, and timber materials used in the development clash greatly with the wider property and the original Edwardian garden dividing wall. Worthing's Local Plan sets out that "all new development ... should be of a high architectural and design quality" (DM5 (a) (i)). It continues to say that "extensions and

alterations to residential properties or ancillary development such as new freestanding buildings and garages should have regard to scale, design and materials in relation not only to the property concerned, but also any predominant characteristics in the area" (5.66).
I argue that this development's materials (timber, plastic and felt) contradict both of these visions.

Roofs of a different height:

The development's design is not in keeping with the wider property. I draw attention in particular to the crudely differing roof heights and angles.
I therefore feel that this development works against the vision for good design laid out in Worthing's Local Plan DM5 5.59.
The development also contradicts multiple aspects of best practice outlined in A&WC's adopted Extending or altering your home SPG (1998), namely: "in order to ensure that your extension relates well to your house, its design should be consistent with your existing property's style and shape."

Lighting:

I am deeply concerned by the applicant's submission that all lighting relating to this project is "to be determined".
I refer the case officer to 5.64 of Worthing's Local Plan regarding lighting - "it is important to ensure that light shines on its 'target' and does not waste energy or contribute to 'skyglow', which detracts from the night sky's natural state and is a form of visual pollution." And DM5 (a) (x) which sets out that developments must "ensure that lighting incorporated into developments provides the minimum for public safety, is energy efficient and avoids light pollution".
Please ensure that the applicant specifies all lighting that will relate to this development before approval, so that it may be properly assessed against this criteria.

Effect on trees:

The application document claims that the tree on the development site "hasn't been touched". This isn't exactly true. The magnolia tree in question was reduced in size by 50% last year following an application for consent under the Tree Preservation Order relating to the Shakespeare Road Conservation Area. With this in mind, the Root Protection Area of the tree is larger than the present extent of the crown. I encourage Adur & Worthing Council to investigate the likelihood to which this development is built over the true Root Protection Area to prevent further compaction of the root system and subsequent damage to the tree.

Effect on conservation area:

The development is not in keeping with the Shakespeare Road Conservation Area. The Shakespeare Road Conservation Area character appraisal describes it as an area

where "brick predominates" and roofs are constructed with "red clay tile and grey slate". The timber, plastic and felt materials used in this project degrade the special qualities of the conservation area.

To summarise, I am not against a care home expanding the area that they may need to deliver a quality service to their residents. However, this development is poorly executed, with little consideration given to its impact on local character and A&WC's vision for the town as set out in their Local Plan.

I encourage the applicant to visit their colleagues at Avon House Care Home 40-42 Shakespeare Road to see a well-executed example of a rear extension, in-keeping with local character appraisal as inspiration.

I urge A&WC to not permit this development's retrospective planning permission.

Flat 1 46A Shakespeare Road

I object to the present state of these works based on the following reasons:

1. The style of the two new extensions are out of keeping with the existing roofline of the old extension. the pitch and height of the roofs of both new buildings are different from the old extension and each other.

2. The larger extension towards the end of the garden does not have guttering attached on the side that borders my garden. As such I am concerned that run-off rain water will undermine the foundations of the wall and cause damage to its foundations. So I would want the new extensions to have guttering appropriate to their size.

3. The new buildings have not been painted and therefore are out of keeping with the old extension (which is painted white). I feel the new buildings should also be painted the same colour as the old extension.

4. The magnolia tree in the garden of the property has, in my opinion, been heavily compromised and the side of the tree that is adjacent to the new building appears to be damaged.

5. I fear there may be noise that emanates from the staff / therapy room from TVs and / or music systems. I would hope that we could be reassured that this will not be that case should the building remain in place. The new buildings have been set very close to the property boundary wall and I am concerned that any noise from the staff / therapy room may cause disturbance when I
am in my garden. There is a history of noise disturbance from 48-50 Shakespeare road due to the installation and running of a commercial extractor fan on the side of the building. I would not want similar noise disturbance to come from the new extensions.

6. My freeholder has been treating Japanese knotweed on our side of the property line for almost 10 years. The knotweed had been present in my garden and that of 48-50 Shakespeare Road. Over that last couple of years the treatment of the knotweed had been successful and there had been no re-growth. I had written to the manager of 48-50 Shakespeare Road asking them to ensure the ground was not disturbed until the environmental specialists
contracted to treat the knotweed gave the all clear. Unfortunately, due to digging work to create these buildings the knotweed returned on the 48-50 Shakespeare Road side of the garden wall. Our contractor treated the small shoot of knotweed that had re-grown but I am concerned that the ground works undertaken by the builders of the extension have caused the knotweed to re-grow. We won't know if this is an issue until Spring 2025 but I am
concerned that the owners of 48-50 Shakespeare Road now take responsibility for any re-growth and pay for any further treatment work that is required to remove the Knotweed. I have reports from the contractor and photos should you wish to see them.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5,
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Shakespeare Road Conservation Area

Planning Assessment

There is no objection in principle to buildings and alterations within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality.

Visual Amenity

The materials of the extension are timber cladding with a felt roof although not attractive the building would have a similar look to a shed/outhouse. The building is within the rear garden and is not visible from the street, there are limited glimpses of it from the park to the east although with existing fencing, shrubs and the existing detached brick built building at the rear of the garden it is not really visible. The building with its flat roof and timber construction sits below the existing pitched roof sun room/extension to the rear and the outbuilding and provides a graduated roof due to the slope of the land.

The property lies within the Shakespeare Road Conservation Area which notes that brick predominates, although the materials for the extension are not brick to match the property the timber construction provides a lighter material not uncommon in a garden setting and with its location in a garden not visible from the road it is considered on

balance that the design and materials would be acceptable and would preserve the character of the conservation area.

There are also other examples of timber constructions within the rear of properties within the vicinity. The property to the south No 46 has an outhouse/shed of a non-brick construction.

The extension would still allow for a good size garden to be retained for the property and would not be an overdevelopment of the site.

Residential Amenity

The building would be situated to the southern side adjacent to the boundary with flats associated with 46 Shakespeare Road. There is a part wall and part timber fence between the properties. The rear of No 46 is on a similar line to the original rear of No 48-50. There is a shed close to the boundary and due to a metal staircase to the first floor flat windows are set in from the boundary. There are no windows within the southern boundary of the extension and although the building would be to a significant depth along the boundary, due to the location of windows within No 46 and being north it would not cause any overlooking of loss of light to these properties.

The occupant of Flat 1 at No 46 has raised concerns about potential noise from the property. The proposed building is for staff facilities or occasional therapy room. There are no windows facing No 46 and although there is potential for some noise it is not considered that the use in this residential area would cause any detrimental additional noise.

The occupants of flat 2 44A Shakespeare Road have raised concerns about light pollution. The extension does not have any windows to the southern side and there are no roof light windows shown, all light would come from the windows facing into the existing garden of the application property, as such it is not considered that the extension would cause light pollution.

The neighbour at No 46 has raised the lack of gutting to the building, and whether this will be provided. The building is still under construction, the drawings are not conclusive on guttering. An informative to ensure that appropriate guttering be provided would be appropriate.

Trees and Shrubs

The extension is close to a magnolia tree which is in the centre of the garden and there has been some removal of branches, the tree is not subject to a tree preservation order and work was granted in 2023 under Sec 211 to reduce the crown height and radial spread by up to 2.5 metres. The building has been constructed on pile foundations.

The tree officer considered that the tree may have been damaged by the building and the proximity of the new build, particularly the Window will put future pressure on the tree, with requests to fell or regularly prune. They suggest that if the building had been applied for in the normal way the tree would have been an issue.

The applicants were requested to provide a replacement tree scheme. This involved a pear tree to be located in the corner of the site away from the proposed extension. The tree officer agreed with the species and size suggested. This can be conditioned to be provided in the next planting season. Recent photos from the applicant show that the current tree a magnolia is blossoming.

The neighbour at No 46 has raised Japanese knotweed and responsibility and an informative to ensure that the applicant is aware and vigilante to the knot weed is considered appropriate.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Replacement tree to be provided within the next planting season and retained.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Japanese knotweed
Guttering

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

Case Officer: Jackie Fox Date: 02.04.25

Authorised by: Louise Prew Date: 02/04/2025