Development Control – Delegated Officer Report

Application Number: 10/1115/FULL **Recommendation – APPROVE**

Site: **43 Warwick Street Worthing West Sussex BN11 3DQ**

Proposal: **Retention of re-built two storey building fronting Ann Street to provide 1-bedroom flat. Retention of rendering on rear of building fronting Warwick Street.**

Date of site visit: 15 Aug 2011 and 19 Sept 2012

Neighbours checked: Y

Additional neighbour notifications: N

Site History and Proposal

The application property comprises a mid-terrace Victorian building on 3 floors (plus roof accommodation) fronting Warwick Street linked attached to a 2-storey building fronting Ann Street. The ground-floor of the building is currently in use as a restaurant with 5 flats on the upper floors above.

The site is located within the South Street Conservation Area and the entire building (including that fronting Ann Street) is identified as a local interest building. The attached building to the east, No.45, is Listed Grade II.

Planning permission was granted in February 2008 (WB/07/1451/FULL refers) for change of use of ground-floor from Class A1 (retail) to Classes A3-A5 including proposed extraction flue to the rear, demolition of middle section of building and rebuilding and associated conversion of upper floors to provide 5 x 1-bedroom self-contained flats.

The development subsequently carried out comprising change of use of the ground-floor to a restaurant and demolition and rebuilding of a 3-storey flat-roofed rear element of the frontage building, demolition and re-building of 2-storey outrigger linking the frontage building to the 2-storey building fronting Ann Street and demolition and re-building of east side wall and first-floor of the building fronting Ann Street link to provide 5 x 1-bedroom flats was not in accordance with the approved drawings and as none of the pre-commencement conditions were approved it was concluded that the permission WB/07/1451/FULL had not been implemented.

An Enforcement Notice was served on 19 February 2009.

A subsequent appeal against the Enforcement Notice was withdrawn following an abandoned appeal hearing in Aug 2009.

A retrospective application for approval of the conditions of WB/07/1451/FULL was agreed in December 2010 (including payment of a financial contribution towards sustainable transport measures) and regularised certain aspects of

the development that had taken place, including the use of the ground-floor as a restaurant.

Discussions subsequently took place between Council Officers, the developer and his agents to identify areas of the unauthorised work which were considered likely to be acceptable, and those considered unacceptable. Of those elements considered unacceptable, discussions identified where the developer was willing to make amendments to address the perceived harm and those elements which the developer was not prepared to alter. As a result of these discussions, the following retrospective applications were made:-

- WB/10/1100/FULL: Retention of oak-framed concertina opening shop front.
- WB/10/1114/FULL: Retention and modification of 2 rooflights on rear roof slope together with removal of 1 existing unauthorised rooflight and making good of roof – undetermined to date.
- WB/10/1115/FULL: Retention and completion of re-built 2-storey building fronting Ann Street. Retention of rendering of rear elevation of building fronting Warwick Street – undetermined to date.
- WB/10/1116/FULL: Retention of re-built 2-storey addition to first-and second-floor flats – undetermined to date.

This report covers the applications made under WB/1115/FULL. Other reports accompanying this one deal with WB/10/1114/FULL and WB/10/1116/FULL.

[The fourth application relating to the retention of the shop front WB/10/1100/FULL was refused in August 2011 and a subsequent appeal dismissed in August 2012.]

Other Planning History

A retrospective application for the installation of internally illuminated projecting box sign was refused in May 2009 and a subsequent appeal dismissed in Nov 2009 (WB/09/0190/ADV refers).

A retrospective application for the installation of internally illuminated fascia sign was refused in May 2009 and a subsequent appeal dismissed in Nov 2009 (WB/09/0191/ADV refers).

Installation of externally illuminated fascia sign WB/10/1117/ADV Approved 23.08.2011.

Consultations:

Adur and Worthing Councils: The Environmental Health Officer has no objection.

CAAC: Object. The extension is too wide with clumsy roof detail and poor abutment to existing windows.

Representations: The Worthing Society commented that the windows on the north elevation [fronting Ann Street] were of historic interest and it was hoped they had been saved. The client and builder have shown a cynical disregard for planning matters – do the work and argue about it afterwards. It is argued that as the historic north side of Ann Street was demolished over 40 years ago, little of interest is left. Current Government Guidance gives higher status and recognises the importance of Conservation Areas. The Society is confident that a firm stance will be taken on the major issues.

Relevant Planning Policies

Saved Local Plan policies (WBC 2003): RES7, H16, H18, TR9
Worthing Core Strategy (WBC 2011): 7, 8, 16
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The principle of converting the original 2-storey building fronting Ann Street into a self-contained 1-bedroom flat was established under WB/07/1451/FULL. However, a substantial proportion of the building was subsequently demolished (as a requirement under Building Regulations having been identified as 'dangerous') and has been re-built having a different layout to the approved scheme. The key considerations in assessing the acceptability of the re-built building are the implications for the character and appearance of the Conservation Area, the standard of living accommodation provided and the effects on the amenities of neighbouring occupiers.

Visual amenity and the effect on the character and appearance of the Conservation Area

The original 2-storey building fronting Ann Street was probably a coach house or stable associated with the main frontage building, which over time had become absorbed into the primary retail use on the ground-floor of the latter. The L-shaped building was full 2-storey height fronting Ann Street with a first-floor ('flying freehold) extending over the rear of No.41 and cat-slide roof sloping down to single-storey height where it attached to the rear outrigger of the main frontage building of No.43. Its key features of interest were the exposed east side wall constructed in coursed flint cobbles with a relic of a brick chimney breast, slate roof, timber sash windows at ground-floor and small-paned timber Georgian-style windows at first-floor fronting Ann Street. At ground-floor 3 sets of timber doors opened into the ground-floor retail shop at No.43, and narrow open yards at the rear of both No.41 and 43.

As part of the scheme approved under WB/071451/FULL it was proposed to retain and convert the existing buildings and refurbish the existing timber windows and doors. The central set of doors would provide access into a courtyard from which all the proposed self-contained flats would be accessed; the 4 no. flats contained within the frontage building being accessed by one external stairs and the 1-bedroom flat above Ann Street by another.

The form and appearance of the re-built building closely resembles the original including a flint cobbled wall on the east side, slate roof, rendered elevation fronting Ann Street and replacement timber windows and doors.

Concern had been expressed by the Worthing Society over the historic importance of the original windows. There was some discussion at the time whether they may have been (rare) side-sliding sashes, but this could not be verified from photographs of the originals in situ or the windows themselves (at the time being stored elsewhere on the site). It was clear that the windows were in very poor condition and, it was argued by the developer, could not be refurbished. The replacement windows are top-hung casements, and following input from the Council's Conservation Architect, closely replicate the proportions, profile and sub-division of the original windows and are considered satisfactory.

The application also seeks retrospective consent for the render applied to the brick north elevation of the frontage building. This was not approved under WB/07/1451/FULL (or any condition of that permission) and was considered to be a material alteration to the appearance of the building. Although disappointing, it is accepted that the render could not now realistically be removed without damaging the original brickwork underneath.

Residential amenity – living condition of future occupiers

The main change to the layout of the building fronting Ann Street as built compared to the approved drawing is that the flat unit is no longer fully self-contained, having shared access from a lobby which also provides rear access from the restaurant kitchen on the ground-floor onto Ann Street. This arrangement is considered acceptable subject to a condition which restricts occupancy of this flat unit to staff working in the restaurant. This has been agreed by the applicant.

Residential amenity – impact on amenities of neighbouring occupiers

The south elevation of the 'flying' first-floor element of the original building extending across the rear of No.41 Warwick Street included a door opening and narrow side light. [It is not clear how this door may have originally been accessed; the remains of steel beams in situ point to the possible existence of a former external landing - but this was no longer in existence in 2007.] The approved flat layout (WB/07/1451/FULL) included one window serving a landing in this elevation.

As built, there are 2 windows in the 'flying' first-floor south elevation, comprising the sole source of natural daylight and outlook for the lounge/dining room. No.41 Warwick Street comprises a shop on the ground-floor with some ancillary storage on the upper floors and (part vacant) offices. Since the consent granted under WB/07/1451/FULL planning permission has been granted under WB/09/0704/FULL and renewed under AWDM/0913/12, for the conversion of the first, second and third floors at 41 Warwick Street to 4 no. self-contained flats. The most recent permission has not been implemented but the approved layout shows the proposed flats having a similar arrangement to that existing at No.43, accessed from the rear courtyard via external stairs leading to a first-floor landing serving a communal

entrance. The 2 south-facing windows in the 'flying' element of No.43 overlook the communal access stairs at No.41 towards windows in the first-floor rear (north) elevation of that building. A condition of the permission granted under AWDM/0913/13 requires the lower sash of the new first-floor windows in the east side and north rear wall of No.41 to be obscurely glazed which would adequately safeguard the future occupiers of these flats from unacceptable overlooking (both from the above-mentioned windows and 'comings and goings' via the communal landing).

Recommendation

APPROVE for the reason:-

The development that has taken place has not detracted from the character or appearance of the South Street Conservation. The flat that has been created is not self-contained from the restaurant on the ground-floor of the building, but provides a satisfactory standard of accommodation for live-in staff. It has not resulted in unacceptable detriment to the amenities of neighbouring properties. It does not therefore conflict with the 'saved' policies of the Worthing Local Plan (RES7, H16, H18, TR9) or the policies of the Worthing Core Strategy (Policy 7, 8, 16).

Subject to Conditions:-

1. Approved Plans:
   Drawing No: 1497.8/01 REV A Received 14.04.2011
   West Elevation of Rear Buildings to 43 Warwick Street Received 14.04.2011
   Drawing No: 2007/13/300 REV A Received 22.08.2011

2. The flat hereby permitted shall be occupied solely by staff (and any dependent thereof) employed at the restaurant on the ground-floor of 43 Warwick Street.

Informative:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern prior to submission of the application and negotiating, with the Applicant, acceptable amendments to the development 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.

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

Case Officer: Jo Morin Date: 15 Nov 2013

Authorised by: Gary Peck Date: 22 November 2013