Development Control – Delegated Officer Report

Application Number: ADC/0584/08 **Recommendation – Refuse**

Site: **1 Adur Drive, Shoreham-by-Sea BN43 6PN**

Proposal: **Conversion of three-bedroom house into 2 one-bedroom flats with external stairs and entrance doors on south side**

The Application

The application property is a southern end-of-terrace two-storey house on the east side of Adur Drive. The house has been extended to the rear at ground floor level with a small 1.5m deep conservatory and has a detached garage at the end of its 19m long rear garden. To the south is an access track serving rear garages, linking to Eastern Avenue. Beyond a fence, there is a parking area on the south side of the track serving terraced houses in Eastern Close.

The application seeks permission to convert the three-bedroom house into 2 one-bedroom flats, both with living rooms to the rear and bedrooms to the front. The ground floor (including rear conservatory) is shown converted into a 46 square metre one-bedroom flat, whilst the first floor and is shown converted into a smaller 40 square metre one-bedroom flat. Externally, the existing front door is to be altered into a window to serve the bathroom to the ground floor flat. New entrance doors to both flats are shown in the southern side elevation, including an external staircase addition to access the first-floor flat. To the rear, the garden is to be divided into two halves, with a fenced pathway providing access from the firstfloor flat to its associated rear-most garden and garage. To the front, the existing hardstanding is to be retained and is shown to accommodate two cars.

Consultations and Representations

Environmental Health Officer: No objections.

West Sussex County Council: No objection subject to the securing (by condition) secure, covered cycle parking. No Transport contribution is required.

Third Parties:

The resident of No.3 Adur Drive (attached to the north) objects on grounds that this proposal will involve the removal of a budget family dwelling and would consequently set a precedent for further such conversions in the road. It would also have an impact on their property as the first floor lounge would be sited next to main bedrooms. A condition is requested requiring sound insulation of the party wall as it is not currently a Building Regulations requirement.

The resident of No.2 Adur Drive (opposite) has no objection but points out that their property has not been sub-divided into flats (as incorrectly stated by the applicant).

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005) (saved policies): NE1, ERA1, DEV1, DEV4-5
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH5, AH9, and Appendix 11 'Supplementary Planning Guidance' comprising: - Development Control Standard No. 4 'Flat Conversions'
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 and ADC 2004)
Planning Policy Statement PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

Structure Plan policies seek to protect and, where possible, enhance the character and distinctiveness of areas, requiring high standards of design, layout and construction (DEV1). The provision of more dwelling units would help meet the housing requirements of the Structure Plan (NE1) and for small households (AH5).

Policy AH9 of the Local Plan states that the conversion of dwellinghouses into smaller self-contained units will normally be permitted providing that access and car parking provision is acceptable; the proposal would not have an unacceptable adverse effect on neighbouring properties in terms of overlooking or noise transmission through party walls and the type of property concerned and the standard of accommodation to be provided accord to the adopted standards. However, it states that the conversion of small family houses to flats will not be permitted in order to retain an adequate stock of such purpose-built dwellings for families.

Development Control Standard No.4 'Flat Conversions' states that conversion of small family houses (less than 100sqm internal floor area or 3 or less bedrooms) will not normally be permitted and that the effect on the character of the area (eg. through loss of front garden to forecourt parking) will be an important consideration. It states that conversion of semi-detached or terraced dwellings to flats is not favoured because of potential noise disturbance (eg. from a proposed kitchen or living room adjoining a neighbouring bedroom). If this cannot be minimised by appropriate 'stacking' and 'side-by-side' layouts, the onus will be on the applicant to prove that adequate sound insulation measures can be provided. It also states that where conversions include a material change to the exterior of the building, the effect of this on the property itself, on adjoining premises and on the local

environment generally must be considered, and that conversions should result in an acceptable amount of amenity space for each flat.

PPS3 contains no specific guidance on flat conversions except for the general statement that "Conversions of existing housing can provide an important source of new housing" (para 31). It advises LPAs to "take account of the need to deliver low cost market housing as part of the housing mix" (para 26). This is against the background of the overall objectives of delivering high quality well-designed housing; a mix of housing, including tenure and price, to support a wide variety of households; sufficient quantity and improved choice; and locations close to jobs and facilities.

Character and principle

There are no other examples of conversion of houses to flats in Adur Drive and it could be viewed as being out of character with the road.
The existing house currently has three bedrooms (two doubles and a single) and an internal floor area of 86 square metres (78sqm excluding the conservatory). This clearly falls well within the definition of a small family house (as defined above in the Council's DC Standard No.4) and thus, in principle, the proposed conversion is contrary to policy AH9 (which seeks to retain small family houses). The loss of a small family dwelling in such a manner would also serve to act as a precedent for further such conversions of similar properties in the area, all contrary in principle to the above policy. This proposal should therefore be resisted on these grounds.
The applicants have stated that the end-of-terrace house opposite, No.2 Adur Drive, has previously been converted into flats and that this sets a precedent in this instance. The Council's records (both in the Planning and Council Tax departments) do not indicate that this property has been converted into flats; likewise there is no external evidence on No.2 of there being flats at this address. A letter has been received from the owner of No.2 stating that the applicant's claim is incorrect. Therefore, there is no existing precedent.

In order to accommodate the flats in the most efficient manner the applicants have chosen to place both entrance doors in the south side wall. The first floor door will be accessed via a proposed new external staircase with the ground floor door sited directly below. The existing front door is sited at the front underneath a pitched canopy that continues along the length of the terrace. This door will be replaced by a small window serving a bathroom.
The removal of the main front entrance door and the addition of the external staircase at the side will detract from the appearance of the house and disrupt the consistent elevations of the terrace as well as emphasising that the property has been subdivided into flats.

Amenity space

Policy AH9 also requires flat conversions to meet adopted standards set out in DC Standard No.4 'Flat Conversions'. The proposed groundfloor flat, at 46sqm, meets the minimum requirements for internal floor space for a one-bedroom flat (45sqm) whilst its lounge/kitchen (but only if the conservatory is

included) and bedroom also meet the respective minimum standards. Excluding the conservatory, the lounge/kitchen area is 17sqm which falls short of the required minimum of 19.5sqm. This flat is therefore on the margins of acceptability in terms of providing an adequate standard of living accommodation.

The proposed firstfloor flat is unacceptable in that its gross internal floorspace (40sqm) and living room fall short of the minimum requirements (45sqm and 14sqm respectively) set out in the above DC Standard. The bedroom is marginally above the 11sqm minimum. Although the rooms are 'stacked' appropriately above those of the groundfloor flat, it is considered that the combination of two small one-bedroom flats (one of which falls well below the Council's minimum space standards), would create unsatisfactory living conditions and a poor residential environment, contrary to Local Plan policy AH9.

The usable rear garden area is 84sqm, divided approximately in half to serve both flats. The first floor flat will have direct private access to its rear garden and garage via a side pathway running along the southern boundary. This is clearly more than enough garden space to meet the minimum 20sqm required for each flat as defined in the above DC Standard.

Residential amenity- privacy

No alterations are proposed on the rear elevation and this proposal would not impact on the amenity of neighbouring properties through unacceptable overlooking. There are no properties directly to the south affected by the new entrance staircase.

Residential amenity – noise transmission

The DC standard for flat conversions requires that the room 'stacking' between the two floors is consistent in that rooms of the same type are above each other. Although the submitted proposal meets this requirement vertically, the firstfloor lounge would be adjacent to the bedroom of the attached house (No.3) which could result in noise disturbance. Annex 7 of PPG24 states that the Government considers that the Building Regulations are the most appropriate means of control for sound insulation in conversions and that planning conditions should not be used to control sound insulation in such cases. It refers to Approved Document E - Resistance to the passage of sound which was updated in June 2004 and a sound test is now required to be carried out to justify the adequacy of sound insulation between new dwellings (including conversions). In practice however the sound test is only carried out between the flats, not any attached house, the existing party wall being usually deemed to be adequate. It is therefore questionable whether the requirements of the Building Regulations are sufficient to safeguard against noise disturbance to the bedroom of the attached house, the occupants of which have a reasonable expectation to continue to be able to sleep free from disturbance.

Parking and access

County Transport Planning Services have not raised an objection to the proposed change of use, subject to the provision of secure, covered cycle parking. Under the adopted maximum parking standard, the proposals require 2.4 car parking spaces as compared to 2 for the existing house. There is current space for up to 3 cars in total on-site, comprising 2 on the existing front hardstanding and one in the rear garage. The site is in a relatively sustainable location and with good access to public transport links. No section 106 Obligation for a sustainable transport contribution is required.

Other Issues

Provision for refuse storage is shown underneath and adjacent to the south side staircase. This would be out of sight from the street, protected by a new side gate and fence, and is considered acceptable.

Recommendation

REFUSE on the ground:-

1. The proposal would be contrary to policy AH9 of the Adur District Local Plan which states that, in order to retain an adequate stock of small purpose-built family houses, the conversion of small houses into flats will not be permitted. Having regard to the limited size and type of house involved, its conversion into flats as proposed would give rise to an over-intensive use of the site and an unsatisfactory standard of residential amenity. The external staircase would be out of keeping with the character and appearance of the houses. The proposal would therefore be detrimental to the residential environment of the locality, contrary to the policies of the West Sussex Structure Plan (DEV1) and the Adur District Local Plan (AG1, AH9).

Case Officer:.....

Date:27/1/09

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