Development Management – Delegated Officer Report

Application Number: AWDM/1250/25 Recommendation: – REFUSE

Site: 34 Lyndhurst Road Worthing West Sussex BN11 2DF

Proposal: Change of use of part ground floor and first floor from retail (Use Class E) to house in multiple occupation (Sui Generis); roof extensions including rear dormer and front roof lights

Date of Site Visit: 09/12/2025

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The property is located on the southern side of Lyndhurst Road. It contains a two-storey mid-terrace building with a commercial unit at ground floor in use as a car parts shop.

The site is within the Lyndhurst Road small local centre.

The site is not located within a conservation area and does not contain a listed building. There are no TPO trees on site.

Proposal

The proposal is to change the use of the upper floors and rear of the ground floor to residential to form a six-bedroom HMO for seven people.

The proposal also includes a dormer roof extension to the rear and front roof lights. Materials are proposed to match the existing.

The access to the HMO will be from the rear where two parking spaces will be retained and bins provided.

Relevant Planning History:

None

Consultations

West Sussex County Council (as LHA):

This application is for the change of use of part ground floor and first floor from retail (use class E) to house in multiple occupation (Sui Generis); roof extensions including rear dormer and front roof lights. The site is located on Lyndhurst Road, a C-classified road subject to a speed limit of 30mph.

The existing retail floorspace will be reduced to 17.2sqm. The proposed retail site will be accessed via foot only, with no vehicular access or parking provision. A controlled parking zone operates to the front of the site, providing a two-hour parking limit, or permit holder

parking. The LHA would not raise any highways safety or capacity concerns to the proposed reduction in retail floorspace.

The proposed HMO will comprise of 6 bedrooms. The LHA anticipates that HMOs could generate a parking demand of one space per bedroom, a total of 6 spaces for this proposal. The proposed plans indicate that two parking spaces will be provided to the rear of the site for the HMO use, as such there could be an overspill demand of 4 spaces. Whilst onstreet car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

Weight is also given to the fact that the site is sustainably located within walking distance of the centre of Worthing, providing a number of local shops and services and transport links. The LHA would expect that secure and covered cycle storage be provided for the proposed HMO use to encourage sustainable transport methods and reduce reliance upon the private car. Details of this can be secured via condition.

Conclusion 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 116), and that there are no transport grounds to resist the proposal

Conditions for car parking and cycle spaces are recommended with an informative on parking zones.

WSP (as drainage consultant): 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.

Southern Water:
Insufficient Information provided
Construction of the development shall not commence until details of the proposed means of surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
Connection to public sewer
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: https://developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: https://www.southernwater.co.uk/developing-building/connection-charging-arrangements
We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Sussex Police:

Residential:
Historically there are cases where houses of multiple occupancy (HMO'S) have given rise to instances of antisocial behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies. This could be implemented as a condition of planning.

From a crime prevention perspective consideration should also be given to the implementation of the following security measures:
The front access door to the HMO will be subject to heavy and prolonged use so needs to be fit for purpose. It will also be very important that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Tradesperson or timed-release mechanisms are not advised as they have been proven to be the cause of antisocial behaviour and unlawful access to communal developments.

Each bedroom door to the HMO must be a fire rated (FD30 or higher) door with a minimum lock certificated to (BS8621) or (PAS 8621), fitted with a minimum of two hinge bolts or hinges with a similar integral facility to ensure protection in the event of a hinge failure following a criminal attack. The bedroom doors must be installed with a securely fixed robust planted stop, door chain and door viewer.

I recommend the postal arrangements for the HMO is through the wall, or external or lobby mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the front doors of the individual rooms. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

Due to the potential array of tenant type that may be accommodated within this property I have some concerns about the potential vulnerabilities different client groups may have.

I would therefore ask that there is a degree of recognition with regards to this concern and that it is acknowledged and reflected within management plans.

I would also ask that management teams have the ability to signpost any vulnerable tenants to access services to ensure that safe-guarding measures are maintained.

With regards to any proposed cycle parking - research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. The minimum requirements for such equipment are as follows: • Galvanised steel bar construction (minimum thickness 3mm), filled with concrete; • Minimum foundation depth of 300mm with welded 'anchor bar'.

It is also the developer or developer's agent's responsibility to inform the Responsible Person(s), Fire and Rescue Service and Building Control of any bicycle storage facilities and/or other areas that may require the charging and storage of Lithium-ion powered vehicles or devices, within buildings or the wider site footprint, to ensure that the necessary fire suppression measures for the charging and storage of lithium-ion powered vehicles have been considered and specified.

Although video surveillance systems (VSS) are not a solution to all security problems it can help deter criminals and assist with the identification of offenders after a crime has been committed.

Should the applicant decide to use CCTV it is important to read the Information Commissioners Office (ICO) advice on domestic CCTV systems – guidance for people using CCTV.

Further information can be found on the Information Commissioners Office via the following link: ICO Domestic CCTV systems

If not having done so already - the applicant and their partners are also strongly advised to consult directly with the fire service with regards to these proposed changes to discuss a fire risk assessment as they may have some of their own requirements to be implemented into the premises before occupation can take place.

Commercial:
With regards to the commercial aspect of this application – from a crime prevention perspective consideration should be given to the siting of an intruder alarm to protect the premises out of hours.
Although video surveillance systems (VSS) are not a solution to all security problems it can help deter criminals and assist with the identification of offenders after a crime has been committed.

Waste Services: No response

Environmental Health Private Sector Housing: No response

Environmental Health: There are no adverse EH comments for this application.

Neighbour Representations

Five objections were received on the rounds of:

- Negative impact on the surrounding businesses and the character of the street
- Loss of Commercial Premises
- Impact on Local Character: Lyndhurst Road currently maintains a healthy balance of small shops, services, and businesses that support one another. Introducing an HMO at number 34 risks undermining that balance and altering the established commercial nature of the street.
- Additional residential parking pressure from an HMO could severely affect customer access and disrupt local trade.
- HMOs often bring higher turnover of residents and can change the sense of community cohesion.
- Overdevelopment and Inadequate Space Standards The property is a modest mid-Victorian terraced house with an internal floor area of only around 84.1 square meters. The proposal to accommodate up to seven occupants represents clear overdevelopment. Rooms appear small, with limited communal space and restricted ceiling height in some areas. This would fail to provide residents with acceptable internal living conditions as required by modern housing and space standards. Bedroom no.5 is very small with a sloping ceiling restricting usage for the occupier.
- Cumulative Impact on the Local Area Lyndhurst Road and the surrounding Selden Ward already contain several HMOs, hostels, and supported living facilities,

including those operated by Turning Tides and other care providers. The concentration of these uses has reached saturation, contributing to a decline in local amenity through noise, disturbances, and an increased feeling of insecurity among residents
- Safeguarding considerations for pupils and families regularly passing through the area.
- Crime Prevention and Management Concerns - anti-social behaviour
- Heritage and Visual Impact The property forms part of a historic Victorian terrace, formerly known as Alexandra Terrace, close to the Farncombe Road Conservation Area. The proposed dormer additions would disrupt the uniform slate roofline and appear incongruous within the established architectural rhythm of the street. The building's heritage value and contribution to local character should be preserved, not diminished, through unsympathetic alteration.
- Conflict with Local Planning Policy The proposal conflicts with key planning policies, notably DM5 (Quality of the Built Environment) and DM25 (Residential Conversions and Houses in Multiple Occupation) of the Worthing Local Plan.
- Preferred and More Sustainable Use A more proportionate and sustainable option would be the conversion of the property into one or two self-contained flats suitable for longterm occupation. This would preserve the character of the building, meet local housing demand coherently, and contribute positively to community stability.

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, DM1, DM2, DM5, DM15, DM16, DM17, DM18, DM19, DM20, DM22
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPG ‘Extending or Altering Your Home’ (WBC)
Conservation and Heritage Guide

Planning Assessment:

Loss of commercial space

The unit is located within the Lyndhurst Road local centre. The supporting text for policy DM13 explains that “Local centres are made up of ‘medium scale local centres’ and ‘small scale local centres’ that offer smaller scale convenience stores and a smaller range of facilities compared to a District Centre, but which combined, help to meet the needs of the local residents, particularly the less mobile and elderly. One of the outcomes of the Covid-19 pandemic has been a renewed appreciation for the role that local centres play within their communities. Therefore, the policy’s focus in these centres is to encourage convenient and accessible local shopping facilities to meet the day to day needs of residents and contribute to social inclusion.” In relation to changes of use of upper floors the policy indicates that these may be considered including changes to residential but the impact on the viability of the commercial unit will be considered.

The planning statement indicates that “The shop has experienced a slow decline in business for a number of years, common to many similar small independent high street businesses in this country” and that “The applicant is mindful of the long history the current business has benefitted at this address and would like to continue this commercial aspect by maintaining a smaller retail shop here (for which there is already an interested business).”

No supporting evidence has been provided of the proposed use or whether it can operate suitability from such a small commercial unit. The unit is only 17.2sqm with no storage space. Two car parking spaces have been maintained but it is not clear if these are for the use of the residential or commercial unit and no details or servicing have been provided. It is therefore not possible to assess whether the unit would adequately support a local business which could be considered to provide for the needs of local residents.

The proposed loss of the majority of the commercial unit is therefore considered to detrimentally impact on the functioning of the local centre and the application is recommended for refusal on this basis.

Principle of residential development

Policy SS1 of the Worthing Local Plan sets out the Borough's 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 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 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 '.

The site is located within a sustainable location within walking distance to local services and amenities and public transport. The proposed development would make a small contribution towards increasing the housing supply of the Borough.

Policy DM1 of the Local Plan recognises the contribution that high quality flats or well-designed HMOs can make in providing housing choice. It is important that a high standard of accommodation is provided and that they promote and retain housing choice. When considering proposals for conversion the Council will consider the impact on the mix of dwellings locally, the character of the area and on the amenity of adjoining dwellings. These are discussed further in the relevant sections below.

Visual amenity and conservation

The proposal includes a rear dormer and front rooflights. The roof extensions would be the first alterations to the roofs of this terrace. The Council's residential extensions

guidance suggests that “Dormers should never be allowed to dominate the roof by being overly large”. The proposed dormer would be a bulky and dominant addition which does not appear subordinate to the roof form of the existing building. The dormer should be set in from all sides of the roof to ensure subordinance.

The comments related to the extensions being within permitted development guidelines are noted however there is no fall back as permitted development does not apply here.

The application is recommended for refusal on this basis as the extension would be visible from the rear and detract from the character of the area.

Residential Amenity

The change of use would introduce residential to this unit. The neighbouring units both appear to be in residential use at first floor level. The change of use to residential is not considered to have a detrimental impact in terms of noise and disturbance as it would have as similar impact as neighbouring uses.

The use as an HMO is not considered to adversely affect community cohesion as the policy notes that well designed HMOs have a part to play in providing housing choice.

The rear dormer would have windows facing south. There appears to be about 18 metres between the proposed windows and side facing windows at first floor in 38 Selden Road. This property appears to be in use as three flats. The use of these windows is not known but it is considered that the distance means there would be no undue overlooking of these residents.

Standard of accommodation

The Governments Nationally Described Space Standards would apply for the development. The Council’s local standards also continue to apply under Policy DM2 of the Worthing Local Plan 2023 for the provision of external space.

Policy DM2 sets out that “Applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use should also demonstrate that the communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants”. It is recognised that any HMOs of this size will be subject to mandatory licensing, and the private sector housing team will make an assessment on the suitability of the proposals as part of the licensing process

In planning terms, the proposals present issues with the standard of accommodation. These include:

- Rooms 4 and 5 do not provide at least 7.5 square metres of floorspace
- Poor privacy and security for the ground floor bedrooms 1. The bedroom has a sole window adjacent to the main door to the HMO and bin store resulting in noise, disturbance and loss of privacy.
- The proposed kitchen does not provide any living space for occupiers. A dining table has been shown on the plans but is unlikely to be able to be accommodated due to the size of the kitchen.
- Bedroom 5 is served by rooflights only resulting in poor light and outlook and has restricted head height resulting in cramped accommodation
- The double bedroom does not provide the required 11.5sqm of floorspace and would be considered a single bedroom.

- There is no external amenity space which could compensate for the limited internal space.

The proposed HMO is considered to be an overdevelopment of the site providing small bedrooms with limited internal or external amenity space. The proposals would result in a poor standard of accommodation for future residents and is recommended for refusal on this basis as it would be contrary to the requirements of policies DM1 and DM2 of the Worthing Local Plan.

Transport and servicing

The plans show two car parking spaces, but it is not clear how these are allocated There does not have been any consideration given to the current or future servicing of the commercial unit with no access to the rear of the site retained for the commercial use. It is not clear whether the rear bin store would be used by both the commercial and residential uses. It is recognised that the LHA did not raise an objection, but more details would have been sought if the application was otherwise considered acceptable.

Details of cycle parking would have been required had the application otherwise been considered acceptable and relevant conditions attached regarding car parking and the informative for

Flooding

The site is not in an area at current or future risk of flooding. The development has been reviewed by the Council's drainage consultant who raised no objection to the proposals.

Sustainability

No details of sustainable construction were provided with the application. Had the development been recommended for approval conditions would have been attached to ensure compliance with policies DM16 and DM17 including that EPC certificates of a minimum C rating are required.

Recommendation:

REFUSE for the reasons:-

1. Owing to its small size, the Local Planning Authority is not satisfied that the proposed commercial unit (Class E) would be commercially viable, therefore potentially resulting in a dead frontage that would detract from the vitality and viability of this small scale local centre and set a harmful precedent to the detriment of the successful functioning of the centre and its ability to meet local needs, contrary to policy DM13 of the Worthing Local Plan and the relevant paragraphs of the NPPF

2. The proposed rear dormer would, by reason of its scale, form, and detailed design, be detrimental to the visual amenities of the site and would detract from the character and appearance of the 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.

3. The proposed HMO by reason of undersized bedrooms, undersized communal facilities, lack of privacy, head height, outdoor amenity space and noise and disturbance would provide substandard accommodation to the detriment of the residential amenity of future occupiers contrary to policies DM2 and DM5 of the Worthing Local Plan (2023) and the NPPF.

Informative

Refused without discussion

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

Case Officer:	Louise Prew	Date: 09/12/2025
Authorised by:	Jo Morin	Date: 09.12.2025