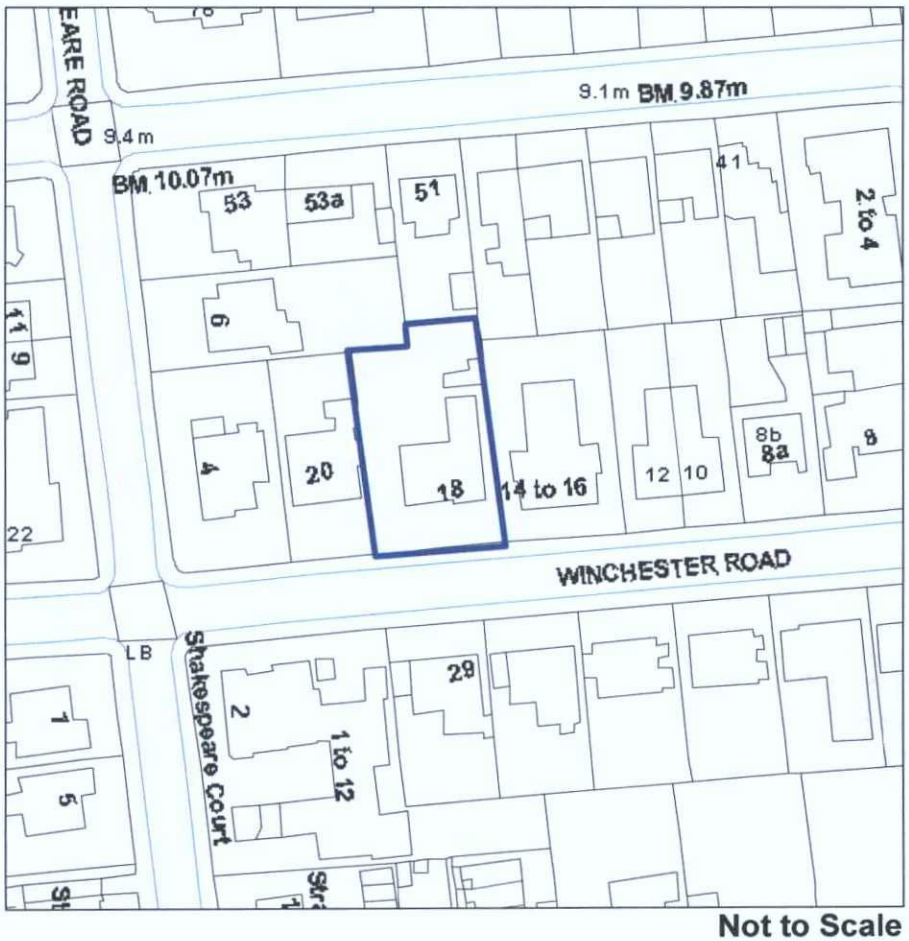
CATEGORY B

WB/10/0648/FULL
HEE
MO

Sunkist Homes Limited

Location : 18 Winchester Road

Proposal: Demolition of existing outbuilding and erection of conservatory to rear (north) elevation. (Re-submission of WB/09/0932/FULL).



Not to Scale

Reproduced from OS mapping with the permission of HMSO (c) Crown Copyright Licence No LA100024321

1. BACKGROUND

An identical proposal was approved by the Committee in December 2009 (WB/09/0392/FULL refers) but following a claim for Judicial Review and on Counsel's advice, it was agreed that a consent order be issued to quash the decision on the basis that the Council, in granting planning permission, had primarily failed to give a full summary of its reasons together with a summary of the Development Plan policies relevant to the decision. The claim for Judicial Review was also on the basis that the Council had not had regard to the Conservation Area Appraisal in reaching its decision.

2. THE PROPOSAL AND THE SITE

This application relates to a detached Victorian building on the north side of Winchester Road close to the junction with Shakespeare Road. The building is currently unoccupied and has been for two years but was last used as a 16 bed care home to provide care to adults with mental health problems.

Permission is sought to add a conservatory to the rear elevation. It would measure 5 metres in depth by 10 metres in width. It would have a pitched roof with an eaves height of 2.25 metres and a ridge height of 4.1 metres. It is proposed in white PVCU with a red brick dwarf wall to match the original building. A detached brick outbuilding would be demolished to make room for it.

The site is within the Winchester Road Conservation Area and the building is identified as a building of local interest and a positive contributor to the conservation area.

3. APPLICANT'S DESIGN AND ACCESS STATEMENT

The applicant has submitted the following Design and Access Statement:-

"Amount
The new building will be 5.00 x 10.00m white, u.p.v.c conservatory to add to the existing, inadequate living space serving sixteen bedrooms.

Layout
The proposal is located at the rear of the property, not visible from the road and occupying existing lawn area. Some existing outbuildings will need to be demolished.

Appearance
The proposal is white, u.p.v.c frames with pitched, glass roof on face brickwork dwarf walls with gable ends which is in sympathy with the original dwelling and modern rear extension.

Scale
The proposal is single storey and is sized to provide the required living space for the existing sixteen bedroom residential home. The proposal sits within the rear lawn area with space around leaving landscaped garden to the side and front.

Access
Access to the proposal is via existing external pathways not disturbed and from within the building.

Foul Water Drainage and other services
The existing property benefits from mains drainage, gas and electricity and the proposal would simply use what is there.

Travel Plan
The existing Winchester Road is an established residential road and the neighbourhood is well established, being served by trains, buses and local shops. The proposal requires no additional infrastructure.

Heritage
The immediate area is within a conservation area with substantial period properties. This planning application follows as unsuccessful application for a conservatory to the west side which was considered too prominent and also covered part of a bay window which is an excellent feature and should be preserved intact. This proposal is at the rear of the property and cannot be seen from the front, leaving the west landscaped garden and bay window intact."

4. CONSULTATIONS

The **Executive Head of Health, Housing and Community Safety** has no objection but has requested that, in the event of permission being issued, a precautionary condition to deal with any potential site contamination be added and that the hours of construction are controlled to protect neighbours' living conditions. .

5. REPRESENTATIONS

Six letters of objection have been received, four from Nos. 47 and 51 Richmond Road, one from a Seaford address and another from an address in Muswell Hill. They make the following points:-

i) Given the number of care homes in the area enlarging one would further detract from the housing mix and deaden the town.
ii) An over supply of care homes affects local shops and businesses which need the mix of people of all ages.
iii) These houses are suitable for family occupation which would facilitate use of local schools, nurseries, play areas, parks etc.
iv) The Design and Access statement cites 'existing, inadequate living space and the previous Officer's report led to a conclusion that the extension provides 'much needed communal living space....in order that it can be reopened.' Ravenswood was never considered by the inspecting body to provide an 'inadequate' amount of accommodation.
v) In the previous report it states that the application seeks to provide for 18 residents but that the registration application will be for 17. Ravenswood was registered for 15 in 2008. This is an increase which may need to be pointed out as part of the public consultation process. The small increase in numbers (15 to 17) is planned to cause a huge increase in footprint of building which is not 'required'.
vi) Previous letter of objection from the venerable Whatley was not recorded last December. His view was that any increase in care home population in the locality would further harm its existing fragility.

vii) The Winchester Road Residents' Association describes the locality as a special needs enclave. I have enclosed a plan which illustrates the number of care homes in the area which are increasingly dominated by homes for people with mental health problems. The 'enclave' does not benefit people with mental health problems or learning difficulties. It certainly does not benefit the disturbed youngsters in the two children's homes who badly need a stable and balanced environment nor elderly residents who find local benches occupied or having been removed.

viii) Imbalance witnessed by passers by or visitors does not benefit Worthing' image. Expanding these homes prevents improvement of the town's image.

ix) The anti smoking policy at Nos. 14-16 Winchester Road means use of the space to the side of their property outside their conservatory is prolonged and constant. This is also the standard access to the home. Residents are visible to neighbours at Nos. 49 and 51 Richmond Road and cause a privacy issue. 'Screening' by plants will have no effect because of the angle from first floor windows. If the outbuilding is demolished there will be a clear view right down the path to Winchester Road from Richmond Road properties. This will result in a greater loss of privacy for residents and neighbours.

x) If effective screens were to be erected between the road and the residents in the rear of No. 18, also high enough to screen them from the side and side bay windows at Nos. 14/16, this would create a totally enclosed feel and appearance to the detriment of residents themselves and the conservation area.

xi) Future residents of No. 18 will be affected by having a reduced garden. This will push them to the east garden adjoining Nos. 14/16 where they can be overlooked or seen from the road. Is there not a standard for care home garden sizes? Only 70 square metres of rear garden will remain.

xii) An Inspector commenting on an extension almost to the rear boundary wall at No. 16 concluded it would not matter as 'substantial surrounds to the front and sides would be retained. However, the site at Nos. 14-16 is filled in on the east side by a replacement laundry and shed further undermining the garden space. What's to stop this happening at No. 18?

xiii) Development will affect human rights. I do not mind being surrounded by care homes, providing there is no further expansion.

xiv) We have constant problems with intrusive, highly objectionable noise and conversations from Nos. 14-16 and 18 when it was still open. The Committee paid no attention to this. This is not an issue for Health as it cannot be remedied by phone calls to them when it occurs. Nor is it a simple management issue, Managers can do nothing about people who are by nature very loud and not inclined to consider their neighbours.

xv) Valuation has taken nuisance etc. seriously and rebanded No. 51 Richmond Road. This is a very serious matter to us and hardly in line with the Officer's report that 'it is not considered that the conservatory would be harmful to neighbours' living conditions'.

xvi) Noise will increase and the extension will be very obvious from the rear of Richmond Road properties.

xvii) The Human Rights Act states that everyone has the right to the peaceful enjoyment of his possessions. I am told human rights were indeed referred to in the refusal to the three previous applications for a conservatory on the west side. It seems I was not afforded the same consideration. Nor were future residents' human rights considered when the committee accepted the Winchester Road Resident's Association proposal to confine residents to the rear of the garden. This could lead to conflict between future residents, which had not occurred before, to the detriment of neighbours.

xviii) Back gardens on Richmond Road are 1 metre higher than on Winchester Road with the terrace and ground floor higher again. We will be overlooking the residents and staff from the entire rear of our house. Residents will be able to see up to our windows irrespective of screening as will residents at Nos. 14/16.

xix) Gardens are identified in the South East Plan and draft Conservation Area Appraisal document as important for biodiversity in towns compensating for lost countryside.

xx) The Council's own policy documents state a preference for living accommodation for care homes to be on the south side. Here the conservatory will be in the shadow of a very large building, not desirable for a main living area. By contrast the existing rooms with French windows to the south and the striking bay window to the west would provide a stunning living area.

xxi) The extension will intrude and destroy the amenity value of the gardens at No. 20 Winchester Road and Nos. 4 and 6 Shakespeare Road. The earlier report which says these will not suffer is nonsense. The conservatory will extend in its entirety past the addition at No. 20, causing a loss of amenity for all three. Flat 1 at 6 Shakespeare Road has the nearest corner to 18 and a structure of this size only two metres away in an area which should have the protection of conservation area status is not acceptable.

xxii) PPS5 states that when considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve or enhance those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this local planning authorities should weigh any such harm against the wider benefits of the application. The wider benefits to the community are to reject the application.

xxi) I have read the draft appraisal document for Winchester Road and am pleased that the Council is now equally concerned with regards to side and rear detail and not just frontage of properties that stand in the conservation area.

xxii) The outbuilding to be demolished adds to the historical character of the area, and the proposed monstrosity in uPVC does not. In fact the use of this material is clearly discouraged. This outbuilding is not 'insignificant' as stated in the earlier report.

xxiii) This document provides the foundation for development control decisions. There are no aspects of the application which adhere in any way to the recommended approach to preserving the overall feel of this corner of the Conservation Area. We are all aware of the recent

disastrous 'filling in of the green parts' in our towns and cities. This application will only serve to do more damage in a fragile environment.

xxiv) In 1995 an application to change the use of No. 51 Richmond Road from a care home to a single residence was actively encouraged. In the past 15 years there has not been a co-ordinated attempt to continue to address this problem. In fact in the light of recent developments this has proved to be quite the opposite. This application is in direct conflict with the local area plan. Development of this nature will not actively encourage individuals to set up their homes in the location.

xxv) The draft Winchester Road Conservation Area Appraisal document states in S.6 para 3 'incremental change poses one of the greatest threats to the special interest of the conservation area.' In respect of rear extensions it states 'size and bulk should be considered to avoid visual dominance/competing with the host building in visual terms.'

xxvi) This proposed 'conservatory' is greater in size than two double decker buses standing side by side and only 28 cms shorter than the height and replaces an original outbuilding. The extension is completely out of proportion, scale and relationship with the existing building and neighbouring properties. Would the committee wish two double deckers to be parked six feet away from their garden wall?

xxvii) It will occupy 50 square metres of garden. Page 14, para 2 of the draft appraisal states 'it is unfortunate that a significant loss of historic features has already taken place within certain parts of the Winchester Road Conservation Area. In particular, loss of boundary treatment and gardens is a concern.'

xxviii) The conservatory will cause light pollution.

xxix) There will be comings and goings from it of 20 plus residents and staff.

xxx) This extension is not a requirement to accommodate the proposed number of residents in order to re-open.

xxxi) Worthing planning Committee did not give consent for the application to extend to the rear of 'Sunkist' Winchester Road. (Approved on appeal).

xxxii) The proposal does not include off road parking.

xxxiii) The application is not in line with Policy BE1, It's 'siting, orientation and prospect' are at odds; the form and character including height, massing, scale and proportions (should be) compatible with its surroundings or enhance the appearance of the locality; the relationship between built forms and open spaces surrounding them (should be) compatible with the character and appearance of the area.

xxxiv) Neighbouring properties, other than Nos. 14-16, do not extend up to the rear garden boundary. Development elsewhere does not crowd into gardens. Where it does, Nos. 2-4 Winchester Road, No. 45 Richmond Road (care homes) has here spoilt the overall character and integrity of the area as well as displaying an institutionalised appearance at Nos. 41-43 Richmond Road and Nos. 14-16 Winchester Road. As such the extension is out of keeping.

xxxv) The draft appraisal states that 'existing extensions which pre-date this advice should not be used as justification for further unsympathetic alterations. The unsympathetic extensions at Nos. 14-16 (refused by Committee, allowed on appeal) should not be considered precedent.

xxxvi) The conservatory may appear in scale with the main building, simply because this is large, but it is out of character with the setting and does not enhance the locality, being awkwardly grafted onto the rear of a previous very bulky extension. It does not compensate for this earlier extension as it barely fits into what should remain an attractive setting for a locally listed building.

xxxvii) Policy H16 states the scale, design, materials and site coverage (should) be satisfactory in relation to both the existing property and any predominant characteristics of adjoining properties or the area as a whole.

xxxviii) All the points above would result in unacceptable loss of visual amenity (Policy H18). This does nothing to attract people to living in the area.

xxxix) With regard to historic assets and public interest, conservation area and locally listed buildings should have their settings as well as the buildings themselves preserved or enhanced. Demolishing the outbuilding will do neither. It is of significance because it affords something close to an original view between the houses as seen from the road, whereas several other views between buildings have been blocked off by unappealing or ugly links/extensions/garages/sheds. These create a harsh, blank, uncharacteristic or cluttered view, far from a positive effect.

xl) It is pleasant to see a brick built building with character at the rear of the house, as opposed to the proliferation of conservatory roofs at the eastern end of this block, reminiscent of a sea of plastic umbrellas. The proposed conservatory is higher than even the bottom of the first floor windows. If the outbuilding goes and another conservatory roof appears, the top of which will be visible from Richmond and Shakespeare Roads in the general sea of plastic, this will neither preserve or enhance an area which is acknowledged to be suffering from incremental loss of features and details.

xli) Loss of a traditional building and large amount of garden to be replaced with a uPVC structure is not desirable in itself, nor when considering sustainability. The development will extend a business in a 'residential' area which already has been recognised in Local Plan policies as not having a sufficient mix of use. Loss of embedded energy, as well as all the other considerations above, will not be outweighed by benefit to the area.

The **Conservation Area Advisory Committee** objects to the proposal on the following basis:-

"The proposed conservatory on the north elevation is regarded as poorly designed for a building within the Conservation Area. The apex roof gives the impression of a separation from the main house and it is suggested that an extension with sloping roof attached to the living room and not extending beyond the width of the room would be more acceptable."

6. RELEVANT PLANNING HISTORY

The most recent and relevant planning history relates to the approval of an identical proposal in December 2009. This decision was subsequently quashed. Prior to this, permission was refused on three occasions between September 2005 and November 2006 for a conservatory to the side of the building due to the harmful impact on the local interest building and conservation area.

WB/09/0932 – Demolition of existing outbuilding and erection of conservatory to rear (north) elevation. Granted 8.12.09. Quashed 27.4.10.

WB/06/1139 – Proposed conservatory to side (west) elevation. Refused 27th November 2006.

WB/05/1395 – Erection of conservatory to side elevation. Refused 27th February 2006.

WB/05/0828 – Erection of white PVCU conservatory to side of property. Refused 26th September 2005.

7. PLANNING ASSESSMENT

The principal issues to consider are the loss of the outbuilding, the impact of the proposed development upon the character and appearance of the local interest building and on the Conservation Area having regard to the Winchester Road Conservation Area Appraisals and proposed Article 4 (1) Direction as well as the amenities of neighbouring residents and occupiers of the care home. The application should be considered against saved Local Plan Policies RES7, RES9, BE1, H16 and H18, Submission Core Strategy Policy 16, Planning Policy Statement 5: Planning and the Historic Environment, PPS3: Housing, the Winchester Road Conservation Area Appraisal, and draft Winchester Road Conservation Area Appraisal and the draft Article 4 (1) Direction for Winchester Road Conservation Area.

Impact on neighbours

This property has a two storey extension at the rear. It is proposed to add a conservatory to this extension. There is a detached garden building on the boundary within the application site which is to be demolished to make way for the extension. To the east of the application property is another residential home, Nos. 14-16, also run by the applicant. This property is at a lower ground level, by approximately a metre. It has two bedroom windows in a rear addition facing towards the application site but some 10 metres away from the boundary. These bedrooms would not be adversely affected by the proposed conservatory. The rear part of the existing side conservatory at No. 16 contains an office, but, again, there would be no adverse impact.

No. 20 to the west has a high sided rear extension on the boundary at a similar depth to the rear of No. 18. The conservatory would not be closer to

the boundary with No. 20 than the existing building. A 6 metre gap would be maintained, and it is not considered, therefore, that the conservatory would have any impact on No. 20. No objection has been received from No. 20

However, the proposed conservatory would extend the property closer to the rear garden boundary with properties in Shakespeare Road and Richmond Road. There would be a 2 metre gap to the shared boundary with No. 6 Shakespeare Road (which has not objected) and a 6 metre gap to the rear boundary of No. 51 Richmond Road but both gardens are at least 15 metres deep and have mature planting inside their boundaries which provides adequate screening and, once again, it is not considered that any significant impact would result upon the amenities of these properties. Objections have been raised from two residents in Richmond Road (in particular lengthy representations from the Claimant for the Judicial Review at No. 51) regarding the impact of noise, activity and light pollution, there is no reason why the conservatory should cause any additional noise or nuisance compared to the current use of the garden by residents. Any excessive noise would be a matter for Environmental Health to consider.

However, in regard to the previous Committee decision in relation to the quashed application WB/09/0392/FULL, Members did express some sympathy with the occupier of No. 51 Richmond Road and imposed a condition requiring screen planting to be carried out along the rear boundary of the application site and this is recommended once again.

The Executive Head of Health, Housing and Community Safety has also suggested a condition to control hours of construction but this is not normally imposed on smaller projects such as this and, therefore, is not recommended.

Loss of the outbuilding

Whilst the outbuilding appears to be at a similar age to the main building it has been retiled with modern pantiles and painted and is quite unremarkable in appearance. It sits alongside the rear elevation of the local interest building which itself has been extended in an unsympathetic manner. There is only a glimpsed view of the outbuilding through the gap between Nos. 18 and 14-16 and is considered to contribute very little to the conservation area for these reasons and, therefore, its demolition is accepted. Conservation Area Consent is not required for its demolition because it is below the size requirement and therefore the applicant is able to demolish the building without any formal planning approval from the Local Planning Authority.

Impact on the Local Interest Building and Conservation Area

The conservatory would be added to a rather bland two storey rear addition. Very little, if anything, of the extension would be visible from the street. The conservatory is proposed in white PVCU. White painted timber would normally be the preferred material in the Conservation Area but as the conservatory is well designed, would not be visible from the road and does not appear to be a simple basic plastic structure, it is not considered that PVCU in itself would be harmful to the Conservation Area's appearance in this case. Nevertheless,

precise details of the conservatory should be submitted for approval by condition in order to achieve a design in sympathy with its historic context.

The conservatory would provide 50 square metres of additional internal communal living accommodation. The applicant had at one time suggested that this together with the living room to be created from two bedrooms at the rear of the property, is the minimum communal floorspace required for a care home of this size. If the application was successful the applicant had advised that an application would be made to the relevant registration body to reopen the home. The applicant had also stated that the home was previously registered for 18 people but now says that the new application will be for 17, including one double room. The remaining outdoor garden space, if the conservatory was to be built, and excluding the front garden, would exceed 200 square metres. This would have been sufficient for the number of residents under the previous Local Plan Policy H15 which has not been saved but required 10 square metres of private garden space per resident.

The Winchester Road Conservation Area Appraisal

A report to the Planning Committee dated 1st June 2010 informed Members of the latest position with the review of the Conservation Areas. A Conservation Area Appraisal was prepared for Winchester Road in 1997 and there is a duty on Local Planning Authorities to regularly review and update conservation areas in the light of changes, including the designation of new conservation areas.

In February 2010 a temporary Conservation Assistant appointment was made to carry out the review and a number of appraisals have now been prepared to final draft stage, including Winchester Road. However, none of these appraisals have been finally agreed at Officer level and, consequently, none have been published, deposited for consultation purposes or presented to a Committee or Cabinet Member for confirmation. The draft appraisal for Winchester Road, therefore, has very little weight indeed. In any event, the existing appraisal and draft appraisal contain no direct references or commentary which would influence the normal considerations of the current application or indeed the previous application which was quashed. An objector refers to the section of the draft appraisal which states that rear extensions should respect the form, design, materials and construction of the host building. This committee report (as did the previous committee report) addresses this issue.

Article 4(1) Direction

On 22nd June 2010 The Planning Committee agreed the content of a proposed Article 4(1) Direction for Winchester Road which recommended a number of controls over the demolition of boundary walls, the creation of hardstandings, the painting of buildings, the formation of means of enclosure, alterations to front elevations and the installation of microwave antennae. The next stage of the process is for the Cabinet Member for Regeneration to formally agree to the public consultation exercise which would take a minimum of 6 weeks.

Therefore, this resolution to progress the Article 4(1) Direction carries some weight in that it has been published and agreed in principle by the Planning Committee with no changes. However, none of the proposed controls over development in Winchester Road relate to any elements of the current proposal contained in this application and, therefore, the proposed Article 4 (1) Direction cannot, in itself, influence the recommendation in this report.

PPS5 Planning for the Historic Environment

This guidance was published in March 2010 after the determination of the previous application. Whilst it updates the previous PPG15 Planning and the Historic Environment published in 1994 little of relevance to the current application has changed (apart from the use of the term "heritage asset") sufficient for the Local Planning Authority to take a different view in relation to the proposal.

Submission Core Strategy

This has now been submitted to the Secretary of State for Examination in November this year. Policy 16 on built environment and design is relevant to this proposal. It requires the historic character of the town to be preserved and enhanced with new development displaying a good quality of architectural composition and detailing. These matters have been given careful consideration in the determination of the previous application and also in reaching the recommendation on this current application in this report.

8. CONCLUSION

Having regard to the quashed decision in relation to the previous application WB/09/0932/FULL, changes to polices and guidance, the existing and emerging Winchester Road Appraisals and the draft Article 4(1) Direction the application is supported. It is not considered that the conservatory would be harmful to neighbours' living conditions or to the character of the Conservation Area and the proposal satisfactorily overcomes the reasons for refusal in relation to the three previous applications for conservatories on the side of the building. On this basis, and subject to conditions, the application is recommended for approval.

9. RECOMMENDATION

Planning permission be granted subject to the following conditions:-

1. C1AREV Revised Standard Full Condition
2. The brickwork of the conservatory hereby permitted shall match that on the existing building.
3. Precise details of the conservatory to be submitted for approval.
4. Gate to be provided within the side fence on the west side of the building which separates the front and rear gardens.

5. Screen planting along northern boundary
6. Precautionary contamination condition.

10. BACKGROUND PAPERS

Observations of the Executive Head of Health, Housing and Community Safety
Observation of the Conservation Area Advisory Panel
Letters of Representation from Members of the Public