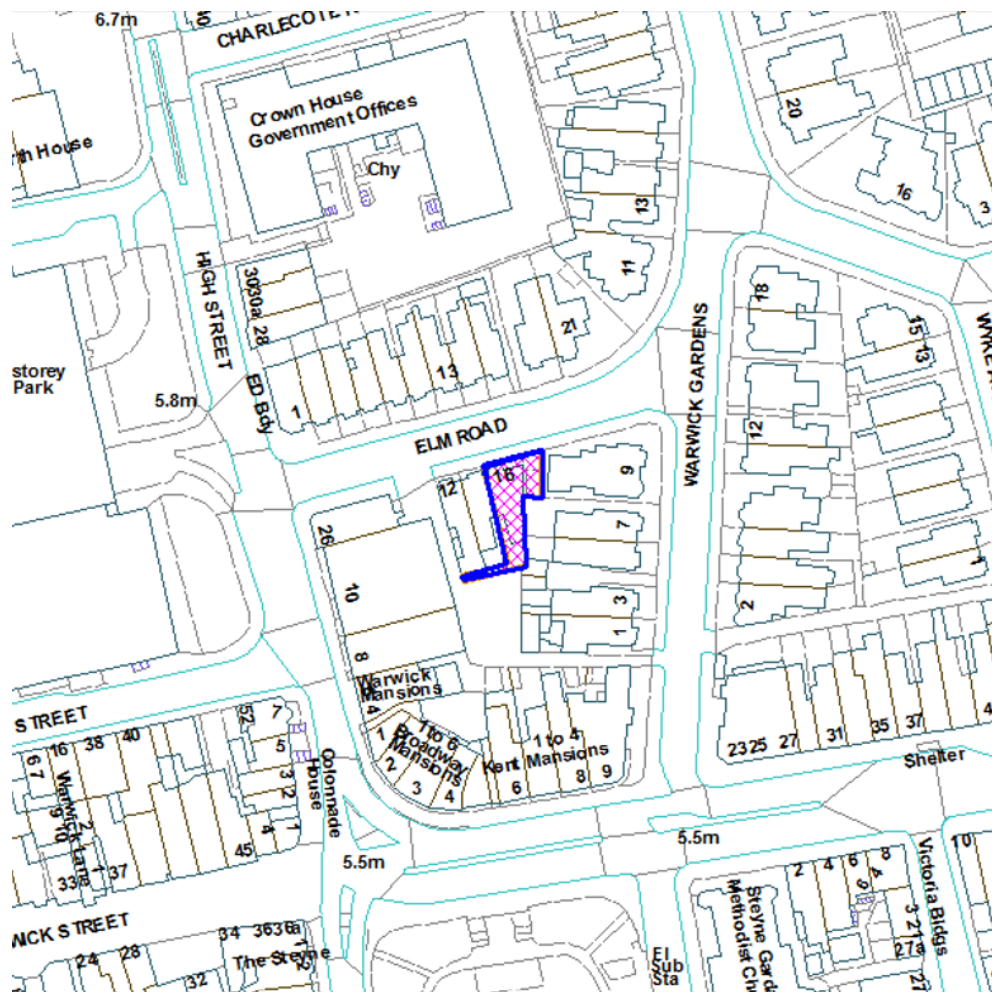


Application Number:	AWDM/0445/26	Recommendation - APPROVE
Site:	16 Elm Road, Worthing	
Proposal:	Change of use from dwellinghouse (Class C3) to large house in multiple occupation (Sui Generis); demolition of side store and construction of single storey side extension; conversion of roofspace including front rooflights	
Applicant:	Robin Bonn, Clevernest Property Group Ltd.	Ward: Central
Agent:	PMR Architecture	
Case Officer:	Rebekah Hincke	



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This application has been called in for determination by the Planning Committee at the request of Councillor Rosey Whorlow. *There is a substantial density of HMOs in this area, - I would also like it to be balanced against our local housing need which I think needs a bit more debate*

Site and Surroundings

The application site relates to a two storey end of terrace dwelling located on the south side of Elm Road. It has a two storey bay to the frontage, decorative bands and cornice details, tiled porch canopy, and flint/rendered boundary wall to the frontage. Although No.16 is wider than its neighbours and with an angled side wall to its east side where it benefits from a wider plot size, it matches the overall design of other dwellings within the terrace. However, windows have been replaced and brickwork to the frontage has been painted in a contrasting colour to neighbouring dwellings.

The site is within the Warwick Gardens Conservation and is subject to an Article 4 Direction which removed certain permitted development rights where the development would front a highway or open space. It is identified as a Local Interest Building along with the other properties within the terrace.

Proposal

The application seeks permission for a change of use from a dwellinghouse (Use Class C3) to form a large HMO, i.e. more than six residents. This is categorised as a 'sui generis' use.

It would comprise 8 bedrooms. Rooms have been indicated to be single occupancy. The use would be facilitated by a proposed single storey side extension to the east elevation, following removal of an existing lean-to structure, and through the conversion of the roofspace including insertion of rooflight windows. All bedrooms would have ensuite provision. A shared kitchen/dining room is proposed at the rear of the ground floor and a communal lounge area is also proposed. Cycle storage and bin storage has been indicated in the rear amenity space.

Amended plans have been received which alter positioning of rooflights to the rear, reduce the size and amend the design and fenestration of the proposed side extension which would include a hipped roof.

A Planning Statement has been provided in support of the application and a Management Statement has been provided in response to representations which sets out measures to manage the property including vetting, tenancy agreements, and house rules including quiet hours. It also sets out proposals for 1.8m high acoustic boundary fencing to the rear amenity space and for acoustic insulation to internal walls.

Consultations

West Sussex County Council: No objection on transport/ highways grounds, and with the following comments:

This application is for the change of use from dwellinghouse (Class C3) to large house in multiple occupation (Sui Generis); demolition of side store and construction of single storey side extension; conversion of roofspace including front rooflights. The site is located on Elm Road, an un-classified road subject to a speed limit of 30mph.

The proposed change of use will result in an 8-bedroom HMO. The existing garage/store building will be demolished and replaced with a single storey extension. It is unclear from the plans whether there will remain sufficient space to the front of the proposed extension for a vehicle to park on the existing driveway. As such, it is not clear whether the proposal would provide a nil parking provision or one parking space. The LHA accepts that parking provision for a HMO is generally expected to be 0.5 spaces per bedroom, as such this proposal has the potential to generate a parking demand of 4 spaces. However, given the sustainable location of the site within the centre of Worthing, in close proximity to a variety of public transport options, the LHA anticipate that there are sufficient alternatives to the private car. On-street parking is limited in this location, with a permit parking scheme in operation, the LHA would not raise a highway safety concern to the proposed parking arrangement, however the LPA may wish to consider the potential impact of this proposal on existing on-street and permit parking from an amenity point of view. The LHA would also encourage the provision of secure and covered cycle storage if site constraints allow.

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.

If the LPA are minded to approve the application, the following condition should be applied:

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Southern Water:

Thank you for your correspondence, please see our comments below regarding the above application.

Insufficient Information provided

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation

of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Sussex Police:

Thank you for your correspondence of the 29th of April 2026, advising me of a planning application for a change of use from dwelling house (Class C3) to large house in multiple occupation (Sui Generis); demolition of side store and construction of single storey side extension; conversion of roof space including front rooflights at the above location, for which you seek advice from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

Although the level of crime and anti-social behaviour in Adur & Worthing District is average as indicated within Police.uk additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

This planning application is seeking permission for a change of use from dwelling house (Class C3) to a 7 bed HMO.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments. Historically there are cases where houses of multiple occupancy (HMO) have given rise to instances of anti-social behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies. I would ask that this be implemented as a condition of planning.

I also recommend the following security measures to be implemented within the development.

The front access door to the HMO will be subject to heavy and prolonged use so needs to be fit for purpose.

From a crime prevention perspective, 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.

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.

Each bedroom door 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 also be installed with a door chain and door viewer.

With regards to 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.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or to assess a developing threat and if necessary, identify a route they could take to avoid a potential issue. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems. Where lighting is implemented, it should conform to the recommendations within BS5489-1:2020.

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.

As there is no planning or Design & Access statement which accompanies this planning application, I am unable to ascertain a defined end user. Should this planning application be approved I would therefore ask that should tenants with vulnerabilities be housed within this property - that management teams have the ability to signpost tenants to access services to ensure that safe-guarding measures are maintained.

Thank you for giving me an opportunity to offer comments in response.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear

duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Worthing Society: Objection to the original plans. Comments on the amended plans are awaited and will be reported at the meeting.

Thank you for requesting our comments in respect of the above Planning Application which concerns an Edwardian house within the Warwick Gardens Conservation Area, (CA). The property is included on the Council's Local Interest list together with neighbouring properties which form a distinctive Edwardian development. This property has 'group value' together with the proximate buildings in the CA.

The Conservation Area Appraisal Document (CAAD) states:

Architectural and Historic Qualities - Warwick Gardens Conservation Area is a small area of Edwardian dwellings which are of good quality and largely unspoilt. The buildings are not grand, but they exhibit numerous features of Edwardian house design in a consistent group. Edwardian domestic architecture evolved from a more formal Victorian style. Typically, the Edwardian buildings are characterised by ornamental brickwork and tiling, ornate gables, finials, turrets, balconies and bays, and a use of stained and etched glazing.

The CAAD also states that an important feature of the houses is the natural pitched slate roofs.

I have now had the opportunity to consider the proposed plans with our Heritage Team and we do have concerns. A change of use to a relatively large HMO should not be encouraged and, in our view, represents an overdevelopment of the property. Also, the proposed extension is of a very poor and basic design and will not complement the CA. In addition, the roof conversion will need rooflights to be installed which will change the character and appearance of the slate roof. In summary and for the reasons stated, the Society objects to this Planning Application.

Adur & Worthing Councils:

The Council's **Private Sector Housing** team raises no objection and has made the following comments:

We have no objection to this application but would like to confirm that the resultant HMO will need to be licensed and it will only be considered licensable if the property complies with our Compliance Guide for Houses in Multiple Occupation (published on the Councils' website). I would draw the applicant's specific attention to Section 4 on Kitchen Facilities because there is a slight concern that the plans do not make it clear that these will be sufficient.

Further clarification has been sought from the PSH officer as to whether the proposed accommodation would be licensable as submitted and they have responded by stating that whilst the basic layout is okay, it is not clear from the plans whether details such

as sufficient food storage and prep area are available and would be checked as part of the licensing process.

The Council's **Environmental Health** officer has confirmed no adverse comments.

The Council's **Drainage Consultant** has raised no objection and with the following comments:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for a change of use from dwellinghouse (Class C3) to large house in multiple occupation (Sui Generis); demolition of side store and construction of single storey side extension; conversion of roofspace including front rooflights. The application is to Worthing Borough Council.

Following a review of the submitted information, we have no objection on surface water grounds. Due to the size, site, location and type of development, we would recommend the approval of the application with the following informative:

Informative 1: The applicant should consider the use of SuDS (such as rain gardens or water butts), where possible, within their drainage strategy to provide runoff betterment.

The Council's **Heritage Consultant** has commented on the original proposals as follows:

Initial comment

Objection - less than substantial harm

16 Elm Road is located within the Warwick Gardens Conservation Area, a small and tightly defined Edwardian residential enclave situated on level ground to the east of Worthing town centre and approximately 300 metres north of the seafront. The conservation area includes Elm Road, Warwick Gardens, Ash Grove and Wyke Avenue, and was developed in the late 1890s as part of the residential development of the former Warwick House grounds.

The surrounding townscape is principally residential and has a dense, enclosed character, contrasting with the busier routes nearby including Brighton Road and High Street. The area is characterised by a coherent group of late Victorian and Edwardian dwellings of modest scale but good architectural quality, generally comprising two-storey terraced or semi-detached houses set to a strong and consistent building line.

The prevailing architectural character is defined by brick elevations, pitched roofs, ornamental brickwork and tiling, gables, bays and surviving traditional detailing, including timber windows and decorative glazing where retained. Brick and boulder flint boundary walls are also an important feature of the area's character and appearance, while the evenly distributed street trees help soften the compact urban form.

In this context, 16 Elm Road forms part of the wider planned Edwardian residential composition of the Warwick Gardens Conservation Area. Its significance is derived less from individual landmark status and more from its contribution to the consistent rhythm, scale, materials, roofscape and sense of enclosure experienced along Elm Road and within the wider conservation area.

Within the grounds of 16 Elm Road there is also a dilapidated garage of late twentieth-century origin, which is considered to be detrimental to the character and appearance of the Warwick Gardens Conservation Area.

Accordingly, any external alteration, extension, roof alteration or change affecting the frontage, roofscape, boundary treatment or surviving traditional detailing has the potential to affect the character and appearance of the Warwick Gardens Conservation Area.

The application proposes the change of use of the existing dwellinghouse from Class C3 residential use to a large house in multiple occupation, falling within a sui generis use.

Physical works would include the demolition of an existing garage, the construction of a single-storey side extension, and the conversion of the roofspace, including the insertion of rooflights to the front roof slope.

The insertion of two rooflights within the front roof slope would be visible from the public realm and is considered to have a negative impact on the composition and cohesion of the terrace. Such an intervention would disrupt the established roofscape and would not preserve the character and appearance of the Warwick Gardens Conservation Area. The installation is not considered necessary where the rear roof slope could be utilised through revisions to the proposal, thereby avoiding harm to the conservation area's character. As such, the harm arising from the proposed front rooflights is considered avoidable and is not supported.

The demolition of the existing late twentieth-century garage is accepted, given its dilapidated condition and detrimental contribution to the character and appearance of the Warwick Gardens Conservation Area. Its removal would therefore provide a degree of enhancement by removing an unsympathetic and visually poor-quality structure from the site.

However, while the proposed replacement/addition would represent an improvement over the existing garage to an extent, it is not considered to sufficiently reflect the established character of the conservation area. The Warwick Gardens Conservation Area is defined by a coherent Edwardian residential townscape, consistent building lines, pitched roof forms, brick elevations, traditional detailing and a strong sense of architectural rhythm. The proposed addition does not appear to draw sufficiently from these prevailing characteristics and would not therefore sit comfortably within the established local context.

This concern is reinforced when assessed against the National Design Guide's ten characteristics of well-designed places. In particular, the proposal is not considered to respond positively to Context, which requires development to understand and relate well to the site and its wider setting, including local heritage and character. Nor does

it adequately respond to Identity, which requires new development to reflect existing local character, including the composition of street scenes, roofscapes, scale, proportions, materials and detailing. The proposal also raises concerns in relation to Built Form, insofar as the form and appearance of the addition do not sufficiently contribute to the coherent pattern of development which underpins the character and appearance of the conservation area.

Policy DM24 of the Worthing Local Plan requires development in conservation areas to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of the area, with conservation area character appraisals used to assess proposals. In this instance, although the removal of the existing garage is accepted, the proposed addition would not adequately respond to the character identified within the Warwick Gardens Conservation Area Appraisal and would therefore fall short of the standard expected by Policy DM24.

This is also consistent with Section 12 of the National Planning Policy Framework, which identifies the creation of high quality, beautiful and sustainable buildings and places as fundamental to the planning process. Paragraph 135 requires development to function well, be visually attractive, and be sympathetic to local character and history, while paragraph 139 states that development which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

The proposed addition would not sufficiently preserve or enhance the character and appearance of the Warwick Gardens Conservation Area and is therefore not supported in its current form.

Following the receipt of revised plans the **Heritage Consultant** has confirmed no objection subject to conditions and with the following comments:

Further comment

No objection - no harm

The amended plans have satisfactorily addressed the conservation concerns previously raised. In particular, the relocation of rooflights away from the principal/front roof slope reduces their visibility within the public realm and avoids harm to the established roofscape of Elm Road. The revised single-storey extension, including its hipped roof form, reduced width, increased separation from the eastern boundary and amended fenestration/materials, is more sympathetic to the scale, rhythm and character of the host building and the Warwick Gardens Conservation Area. Subject to conditions securing matching materials, detailed joinery/fenestration, flush conservation rooflights and appropriate boundary treatment, the proposal is considered to preserve the character and appearance of the conservation area.

Having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the amended proposal is considered to preserve the character and appearance of the Warwick Gardens Conservation Area. The relocation of rooflights, reduced and hipped single-storey extension, improved boundary separation and use of sympathetic materials and detailing address the previous conservation concerns. Subject to conditions securing these details, the proposal is considered to accord with

Section 16 of the NPPF, paragraph 135 of the NPPF, and Policy DM24 of the Worthing Local Plan.

Representations

Twelve representations have been received from residents in Elm Road, which includes two from the occupiers of the ground floor flat at No.14, two from the occupiers of the first floor flat at No.14, and two from the occupiers of No.17, and one unknown address, objecting to the application on the following grounds as summarised:

- Overdevelopment of the site
- Over concentration of HMO's in the area and loss of family housing - impact on the character of the area, cumulative impacts of HMO's, loss of community balance/cohesion, potential increase in vulnerable adults and/or transient occupants, anti-social behaviour, impact on safety and sustainability
- Residential amenity - concern over potential number of occupants and could be dual occupancy rooms, intensity of use, potential noise and disturbance, late night activity, increased comings and goings, noise/vibration transmission through walls to neighbouring bedrooms and living spaces, loss of privacy to neighbouring private gardens and windows, fumes from smoking/vape fumes, issues of bin storage and collection and odours from waste and potential vermin, overcrowding of shared facilities and congregation in shared areas, lack of security for rear alleyway
- Cramped and poor standard of accommodation in roof
- Parking and highway safety impacts - lack of parking, increase in congestion, obstruction to emergency vehicles
- Visual impact and impact on the character and appearance of the conservation area - proposals would be out of keeping, unsympathetic and visually intrusive rooflights to front elevation, side extension would be excessive and unsympathetic
- Increased pressure on local services and infrastructure including drainage
- Lack of fire risk assessment
- Impact of construction work - noise, vibration, dust. Concern over impact of construction work on structural integrity of the building

Following re-notification of neighbours on 16th July, no further representations have been received by 30th July. Any comments received after this will be reported at the meeting. The final date for comments is 6th August.

Relevant Planning Policies and Guidance

National Planning Policy Framework (NPPF) (2024)
Planning Practice Guidance

Worthing Local Plan 2020-2036:

SP1 Presumption in Favour of Sustainable Development

SS1 Spatial Strategy

DM1 Housing Mix

DM2 Density

DM5 Quality of the Built Environment
DM15 Sustainable Transport & Active Travel
DM16 Sustainable Design
DM17 Energy
DM20 Flood Risk and Sustainable Drainage
DM22 Pollution
DM24 The Historic Environment

Warwick Gardens Conservation Area Appraisal
Worthing Space Standards SPD 2012

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The presumption in favour of sustainable development is at the heart of NPPF. For decision making this means approving proposals that accord with an up-to-date development plan without delay. Paragraph 8 of the NPPF sets out the overarching objectives of economic, social and environmental. It indicates that a social objective is to support strong, vibrant and healthy communities, by ensuring that sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing.

The Worthing Local Plan was adopted on 28th March 2023. Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3,672 (an annual target of 230 dwellings per annum). This housing target is a 'capacity-based' figure based on the level of housing that can be delivered within the Plan period having

regard to identified constraints and development capacity. It is recognised, however, that this target delivery rate for housing will fall significantly below the level of housing need of 14,160 dwellings identified over the Plan period.

Policy DM1 e) seeks to resist the loss of dwellings but simultaneously DM1 f) supports the provision of smaller units of accommodation, including HMOs, subject to consideration of:

- i) the impact on the mix of dwellings locally*
- ii) the impact on the character of the area*
- iii) the impact on the amenity of adjoining dwellings*
- iv) the quality of the accommodation.*

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

The supporting text to policy DM1 states that shared accommodation, including well-designed HMOs, play an important role in providing housing for people on low incomes, those on benefit payments and young professionals. They are often the choice of housing for people who would otherwise be homeless (paragraph 5.5). Paragraph 5.21 states that conversions of houses to high quality HMOs can provide a useful addition of smaller dwellings to the housing stock and that 'it is important that conversions provide a high standard of accommodation and promote and retain housing choice.

Paragraph 5.22 refers to the standard of accommodation expected. It states:

To ensure the quality of any new accommodation is high and that it supports a good quality of life it is important that proposals are consistent with the space standards set out in Policy DM2 (Density) for both internal and external space. For HMOs, applications will need to demonstrate compliance with minimum bedroom sizes and that the communal living space and cooking and bathroom facilities provided are of an appropriate size to meet the needs of the expected number of occupants.

Therefore, consideration needs to be given to the standard of accommodation provided which will be discussed further in the sections below.

Mix of dwellings

The supporting text to Policy DM1 (paragraph 5.23) states that the Council will continue to monitor the provision of HMO accommodation throughout the period of the Plan, but does not establish a methodology or seek to impose any numerical limits or thresholds regarding the provision of HMO accommodation or other similar forms of shared accommodation.

Policy DM2 states that proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area. DM2(c)(i)

and (iv) requires consideration of the site context, character of the surrounding area and impacts on adjoining owners when establishing the optimum density of development.

In consideration of this, the property is a 4-bedroom house and forms part of a small terrace with No's 12-16, where the neighbouring two properties in the terrace have each been subdivided into flats. With the exception of ground floor commercial premises which front onto High Street to the west, other neighbouring properties in Elm Road are in residential use with a mix of flats and single dwellings. No's 1, 3 15, 19 and 21 on the opposite side of Elm Road appear to be in use as flats, and with the other six properties remaining as C3 dwelling houses on the north side of Elm Road. To the immediate east of the site, there are flats at No.9 and at No.5-7 Warwick Gardens. Further to the north east of the site it is noted that No.11-17 Warwick Gardens is a care home.

In terms of the impact on the mix of dwellings locally, the Private Sector Housing team has confirmed that there are no other licenced HMOs in Elm Road and the public register indicates the following registered HMOs in the near vicinity (100m radius) and their maximum permitted occupancy.

Town and edge of centre wards typically have higher numbers of HMOs owing to the age and nature of the building stock, and their location where denser forms of residential use also have the advantage of being close to amenities. Whilst the proposed HMO would increase the amount of HMOs in Central ward this is not considered to represent an unacceptably high concentration compared to other forms of residential accommodation.

Address	Maximum permitted occupancy
1 Warwick Gardens	6
3 Warwick Gardens	8
26 Warwick Gardens	6
33A Brighton Road	6
43A Brighton Road	6

It is also noted that a change of use of the existing C3 dwelling house to a small HMO (use class C4) for between 3 and 6 residents could be carried out as permitted development.

There remains a good mix of housing types in the immediate vicinity despite perceptions to the contrary outlined in the third party comments. In the absence of any set numerical limit or specified threshold specified within policy DM1 regarding the provision of HMO accommodation it is difficult to argue that HMOs represent an over-

dominant type of accommodation in this area, or that the current proposal would lead to an overconcentration of such uses in the immediate vicinity.

The cost of accessing home ownership; the shortage of social housing to rent, economic hardship, together with changes to the housing benefit system have all contributed to increased demand for this type of lower quality accommodation. It is recognised that HMOs meet a rising market demand for low cost, basic residential accommodation and to this extent, is consistent with policy DM1 which commits to delivering sustainable, mixed and balanced communities.

Visual amenity and impact on the character of the conservation area

The Council has a statutory duty to have regard to the desirability of enhancing or preserving the character or appearance of its conservation areas. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy DM5 requires all development including changes of use to (amongst other things) (iii) make a positive contribution to the sense of place, local character and distinctiveness of an area; (iv) respect, preserve and where appropriate enhance, heritage assets and their settings; and (viii) make a positive contribution to creating safe and secure environment by integrating measures for security and designing out opportunities for crime.

Policy DM24 states that development in conservation areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of the area. Local Interest Buildings have been identified for their contribution to the character of the area in which they are located. Development proposals should respect, support, and where possible, positively contribute to the essential character of these heritage asset

The house is located within the Warwick Gardens Conservation Area and is subject to an Article 4 Direction that restricts development including 'any enlargement, improvement or other alteration of a dwellinghouse, including window or door replacement where it fronts a highway or open space'. The Article 4 Direction was made to preserve the special architectural and historical qualities of these houses. The character of the conservation area is largely unspoilt and maintains much of the original character of the Edwardian period.

The Warwick Gardens Conservation Appraisal notes that the buildings are not grand but exhibit numerous features of Edwardian house design in a consistent group, with Edwardian buildings typically characterised by ornamental brickwork and tiling, ornate gables, finials, turrets, balconies and bays, a use of stained and etched glazing. Important characteristics are noted such as a rigid building line, two storey dwellings either semi detached or terraced, pitched natural slate roofs, brick elevations, brick and boulder flint boundary walls.

The change of use itself would not result in any significant impact on the character of the conservation area with the building retaining its overall external appearance as a dwelling and would be in keeping with the surrounding residential character. Bin

storage and cycle storage has been indicated within the rear courtyard as well as 1.8m high boundary fencing, and these elements would not be readily visible or cause harm to the character of the conservation area.

As originally submitted the proposed side extension was designed to the full width of the site with a flat roof and its own separate entrance door. There is no objection in principle to the removal of the existing dilapidated garage structure it would replace and, as noted by the Council's Heritage Consultant, its removal would provide a degree of enhancement by removing an unsympathetic structure from the site, or to the principle of a side extension. However, as originally submitted the proposed extension would not reflect the established character and prevailing characteristics of the conservation area.

The applicant has responded to these concerns by setting the extension in from the side boundary, the roof form has been altered to a hipped roof, and the entrance door has been deleted with two windows now proposed to the front elevation with similar proportions to the existing windows and matching cill detailing to the existing windows. The extension is set back from the frontage and its scale would appear as a subservient addition to the building. The revised proposals would represent an improvement to the original scheme and have taken some design cues from the existing building.

The applicant's agent has indicated that plain tiles can be used and if approved this could be secured by condition as well as brickwork and detailing to match the existing building. The siting of the extension set back from the frontage would be similar to the existing garage but this does not allow sufficient space for a standard parking space to be retained at the frontage. This presents an opportunity for reinstatement of a front boundary treatment to improve coherence, and with an appropriate boundary treatment to match the existing brick and flint wall. This has been requested and agreed. The Council's Heritage Consultant has raised no objection to the revised proposals, noting that the extension would be more sympathetic to the scale, rhythm and character of the host building and the conservation area.

As originally proposed, the application also included two rooflight windows to the front roofslope, in order to facilitate the conversion of the roofspace to habitable accommodation, which would be highly visible. Rooflight windows are not a particular feature of the conservation area, but it is acknowledged that there are some other limited examples visible. At No. 12, one front rooflight window has been installed but it is relevant to note that there is no relevant planning history relating to this. There is also a rooflight at No.7 Warwick Gardens to the east of the site but also has no relevant planning history. At No.9 Warwick Gardens rooflights appear to have been installed following a 2007 permission for a roof conversion in connection with the conversion for form 9 flats (07/0666/FULL refers). These are limited examples and where rooflight windows are present elsewhere in the conservation area, these appear to be located at the rear or where they are not readily visible in the streetscene. Those proposed would introduce an uncharacteristic feature and add visual clutter which would have a negative impact on the roofscape.

The revised proposals have responded to these concerns and rooflights have been deleted from the front roofslope. Instead, two rooflights would be installed to the rear roofslope and these would be less prominent and not readily visible in the streetscene.

The applicant's agent has indicated that these would be flush fitting conservation rooflights, although no specifications have been provided but can be secured by condition to ensure that a genuine flush conservation rooflight specification is used. The Council's Heritage Consultant has agreed that relocation of the rooflights away from the front roofslope reduces their visibility and would avoid harm to the established roofscape. Subject to detailing this is considered acceptable.

There would be no materially harmful impacts to the visual amenity of the area, or to the important historic and architectural character of this Local Interest Building and the surrounding Conservation Area as a result of the proposed development, as such it is considered to meet the heritage requirements of the NPPF and heritage and design Policies DM5 and DM24.

Residential amenity - future occupiers

Policy DM1 f) iii and supporting text Paragraph 5.22 require that the quality of any new accommodation is high and that it supports a good quality of life. Therefore proposals should be consistent with the space standards set out in Policy DM2. For HMOs, applications will need to demonstrate compliance with minimum bedroom sizes and that the communal living space and cooking and bathroom facilities and external space provided are of an appropriate size to meet the needs of the expected number of occupants.

The Government's Technical Housing Standards (NDSS) specify a single bedroom as having a minimum floor area of 7.5sqm, and a double room as having a minimum floor area of 11.5sqm.

In this case the building would be altered through conversion and extension in the form of a single storey side extension and conversion of the roofspace which would provide 8 bedrooms with ensuite shower facilities that would meet internal space standards. All rooms would have a floor area over 7.5 sqm and three of the rooms would have a floor area in excess of 11.5sqm. However the details indicate that these would all nevertheless be single occupancy and the applicant's agent has indicated agreement to a condition limiting the number of occupants to 8 people in total.

A communal kitchen/dining room of 18sqm would be provided as well as a small living room of 5sqm at ground floor level. The Private Sector Housing team has confirmed that in principle the overall layout provided would be acceptable but is subject to details of the specific kitchen facilities to ensure that this is sufficient to serve the needs of 8 occupants. This would be dealt with under the licensing process (under the provisions of the Housing Act 2004 and The Management of Houses in Multiple Occupation (England) Regulations 2006).

It will also need to meet the relevant minimum floor space requirements for sleeping areas set out in that legislation as well as other requirements relating to the adequate provision of communal facilities (including cooking, food preparation and storage, washing and toilet facilities, waste storage and disposal, and fire safety measures). For information, the above legislation sets the minimum floor area of any room in a HMO used as sleeping accommodation for one person at 6.51sqm, and 10.22sqm for two people. These bedroom sizes are close to those of the Government's Technical Housing Standards mentioned above, which are met by the proposal.

Whilst the proposed living room would be particularly small in size (approximately 5 sqm), it is acknowledged that this makes use of an existing room that would provide a limited communal area in addition to the kitchen/dining area.

During the course of the application concerns were raised with the applicant over the standard of accommodation within the converted roofspace. A section drawing has since been provided and whilst the reliance on rooflight windows for light, outlook and ventilation is not ideal, the overall floorspace and ceiling heights would appear adequate.

To the rear is a courtyard garden of approximately 25sqm. This is currently fairly overgrown and will need to be brought into a usable and manageable condition. The Council's Space Standards SPD does not set a specific space standard for HMOs, the nearest equivalent is 20sqm per flat for apartment developments. In this case the courtyard, while small and containing bin and cycle stores, is reasonably private and accessible to future residents.

Bin storage can be accommodated in this rear amenity space and it has been confirmed that the rear twitten is within ownership of No.16 and will be managed to allow for safe access. A cycle rack is also proposed here.

Residential amenity - existing occupiers

Policy DM5 requires all new development to make a positive contribution to creating a safe and secure environment by integrating measures for security and designing out opportunities for crime and to not have an unacceptable impact on the amenities of adjacent properties, including an unacceptable increase in noise.

In terms of the impact on the amenities of neighbouring occupiers, the points raised in the representations relate primarily to the nature of the proposed use and intended occupiers, its intensity and cumulative impact of other similar uses, and potential impact in terms of noise, disturbance and anti social behaviour/fear of crime, bin storage and additional traffic and parking problems.

The change of use to a large HMO should be considered in the context of the existing dwelling which has two double bedrooms and two single bedrooms and so would be capable of occupation by up to 6 occupiers. Permitted development rights would allow the use as a small HMO for 3 to 6 unrelated individuals without requiring a planning application.

It is recognised that an HMO would be occupied differently to a single dwelling, in terms of individuals with differing routines and needs which could generate a different level of comings and goings. However in the context of the existing dwelling house and its potential use for up to 6 occupants, it could be argued that by comparison, the intensity of activity would be unlikely to increase to a significant extent with two additional occupants or be significantly different to that generated by nearby flats. The number of occupants can be controlled by condition limiting this to 8 occupants as outlined in the section above, which would limit the intensity of the use and associated impacts. It is considered that this would not be out of character having regard to the the size of the property as extended and in relation to the fallback position for the existing building which would allow 6 occupants.

It is not anticipated that the increased number of occupants would result in unacceptable noise disturbance or activity to a degree that would be detrimental to residential amenity. In relation to the potential internal transfer of noise through the party wall, for example from the proposed ensuite bathrooms and any associated mechanical ventilation, whilst this would typically be dealt with under the Building Regulations, the applicant has committed to installing acoustic insulation, details of which can be secured by condition in the interests of protecting residential amenity.

The internal and external works required to facilitate the use as an 8-bedroom HMO would not cause any significant impact to neighbouring occupiers. The scale of the proposed side extension in replacement of the existing garage, would appear reasonable in relation to neighbouring buildings. It would not pose any significant threat to residential amenity. Rooflights positioned at the rear of the building would not cause any significant impact in terms of privacy or overlooking.

The representations identify incidents of anti-social behaviour in the local area for which there is sympathy, albeit there is no compelling evidence directly linking those incidents to HMO accommodation. The comments of Sussex Police state that historically there are cases where HMO accommodation have given rise to instances of anti-social behaviour, but the key, as also referenced by Sussex Police, is to ensure that robust management is in place that is tailored to meet the needs of residents and the local community.

The applicant has responded to concerns raised during the course of the application by providing a supporting management statement which outlines that Clevernest Property Group Ltd would own and manage the property as a 'high specification professionally managed co-living property'. The statement sets out the tenant profile, vetting process, tenancy terms, day-to-day management arrangements and neighbour engagement.

In response to concerns raised over the intended occupiers, the supporting management statement sets out the intended profile for occupiers as working professionals. However, if granted in practice the profile of the future occupiers of the HMO would be unknown.

The management statement indicates measures, such as house rules to be enforced by the managing agent, that would be incorporated into the tenancy agreements. All tenants would undergo a vetting process whereby applicants are screened and interviewed and with full referencing covering ID, credit history, employment and income, and previous landlord conduct before any offer of tenancy is made. Any anti-social behaviour or repeated nuisance to neighbours would constitute a breach in the tenancy agreement and may result in termination of tenancy.

Day-to-day management would be by an appointed letting agent and with Clevernest's oversight. This would include liaison with tenants and neighbours, enforcement of the house code, property inspections and maintenance coordination.

The management statement goes on to state that: *Clevernest's business model depends upon maintaining high-quality homes occupied by responsible working professionals. We therefore have a commercial as well as ethical interest in ensuring*

that the property is professionally managed, that any issues are addressed promptly and that neighbouring residents experience no material adverse impact from its operation.

The concerns raised in representation in relation to the use of the outside amenity space are noted and the applicant has agreed to provide additional boundary fencing up to 1.8m high in the interests of protecting privacy. A timber acoustic fence panel has been specified to reduce noise transfer. In addition the management statement sets out quiet hours between 11pm and 7am with no loitering or socialising in external areas during quiet hours. Bin storage would be within a dedicated store and the rear twitten access is within the ownership of No.16 and can therefore be managed to allow safe access.

The management statement demonstrates a commitment to management practices and procedures and this can be secured by condition.

Accessibility and parking

The site can be considered sustainable to the extent that it lies at the edge of the town centre, with good access to public transport connections and local amenities and services.

The site currently has a vehicular access to the existing dilapidated garage which would be removed as a result of the proposals. No car parking has been indicated for the proposals and the remaining area to the site frontage would not meet minimum parking bay dimensions (2.4m x 4.8m).

The proposal has the potential to generate a parking demand of 4 spaces according to Parking Standards. However given the sustainable location future occupants need not be reliant on the private car. The Highway Authority has raised no objection on the basis of zero parking provision.

Whilst it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and there are enforceable parking restrictions in place in the vicinity of the site.

Secure and covered cycle parking can be provided within the rear garden, although it may need to be moved from the indicative location immediately outside the kitchen window and this can be secured by condition in the interests of encouraging alternative modes of transport and this provision can be secured by condition.

The Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway.

Flood risk

The site is identified as being at future risk of flooding where the Environment Agency's standing advice would apply to this change of use. It is acknowledged that the

vulnerability classification of 'more vulnerable' would not alter as a result of the proposals. A Flood Risk Assessment has been provided that recognises that occupancy of the building would increase as a result of the proposal. Floor levels and ground levels are indicated as remaining as existing. Flood resistance and resilience measures have been considered. The ability for occupants to safely evacuate and whether adequate flood warnings would be available should also be considered. A flood warning and evacuation plan is recommended to allow for safe access and egress for the site.

It is noted that the Council's Drainage Consultant has raised no objection on surface water grounds and has recommended consideration of SuDS within the drainage strategy where possible, such as rain gardens or water butts, to provide run off betterment.

Conclusion

There is a clear need for all types of housing in the Borough and the proposal brings forward a type of affordable residential accommodation for which there is a recognised need. The proposal will provide an acceptable standard of living accommodation for future residents. This is balanced against the considerable concern that has been raised by local residents to the size and use of the building and potential for increased noise, disturbance and anti-social behaviour. Concerns about the intensity of use resulting from the proposed number of residents accommodated at the property have been addressed by limiting the maximum number of occupants to 8.

The effectiveness of management practices is a key factor in dealing with instances of anti-social behaviour should it arise and the applicant has demonstrated a commitment to dealing with such matters in their management statement. In addition to the separate licensing requirements for HMO (under the Housing Act 2004 and The Management of Houses in Multiple Occupation Regulations 2006) it is considered the potentially harmful impacts of the proposed HMO use on amenities of nearby residential occupiers can be satisfactorily mitigated by imposing suitable planning conditions.

Recommendation: APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard time limit - 3 years
3. Maximum number of occupants limited to 8
4. Standard hours of construction
5. Flood Risk Assessment to be implemented
6. Flood Warning and Evacuation Plan to be implemented pre-occupation
7. Management Plan - indoor and outdoor to be agreed and implemented pre-occupation
8. Materials - plain tiles, brickwork and detailing to match existing building
9. Precise window details and flush conservation rooflight specification and detailing to be agreed

10. Boundary wall reinstatement
11. 1.8m high timber acoustic fencing to be provided as indicated
12. Acoustic insulation to internal walls to be implemented
13. Cycle parking details to be agreed and implemented
14. Bin storage details to be agreed and implemented