Expiry Date - 11/10/2023

Development Control – Delegated Officer Report

Application Number: AWDM/1166/23 **Recommendation – REFUSE**

Site: **9 Sandringham Mews Shandon Road Worthing West Sussex**

Proposal: **First floor rear extension on top of existing rear extension to dwelling house to enable a second bedroom.**

Date of site visit: 25/09/23

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

Sandringham Mews is located to the east side of Shandon Road accessible via a footpath which runs between No. 30 and No. 32 Shandon Road and Shandon Gardens to the south. The properties belonging to Sandringham Mews (No's 1-11 consecutive) along with No.'s 32, 34, and 36A Shandon Road were constructed in 1988 under the permission WB/916/88 pursuant to outline permission WB/361/88 and comprise four rows of two-storey terraced houses; the application property is an end-of-terrace two-storey house within a row of three, located to the south of the attached property No. 10 Sandringham Mews and to the rear of the cul-de-sac footpath. Alike with other properties on Sandringham Mews, the application property has a modest footprint and plot size with limited garden space.

The properties are uniform in design, form, scale, and fenestration, and comprise facing brick to the lower elevation of the façade and painted render to the upper elevation, along with grey slate roof tiles. The application property appears to have inserted replacement windows to the originals and has achieved a single-storey rear extension (under 00/00740/FULL). Along with the attached No. 10 Sandringham Mews to the north, the property shares boundaries with No's 1, 2 and 3 Shandon Gardens to the south and No. 35 Wigmore Road to the east. Tall boundary walls separate these properties. The application property is in an elevated position above the properties to the east and south.

The property is not within a conservation area, is not a listed building and there are no protected trees on site.

Proposal

Planning permission is sought for a first-floor extension on top of the existing rear extension to provide a second bedroom.

The extension would project from the rear (east) at the same depth as the ground-floor extension (3m) but be slightly less wide (3.2m), leaving a gap of approximately 1.2m to the boundary with the attached neighbour No. 10. The extension would measure approximately 6.95m to ridge level, shallowing to an eaves height of approximately 5.6m. 1no. window is proposed to the rear (east) of the extension and would measure approximately 1.75m wide and 1.3m in length. Matching facing brick is proposed for the elevations, matching slate tiles for the gable roof extension, and a matching white UPVC window.

Relevant Planning History:

Permission granted at the application property for: Proposed conservatory to the rear elevation under 91/05734/FULL, decision issued 02 May 1991 and single storey rear extension under 00/00740/FULL, decision issued 04 Sep 2000.

The redevelopment of site with 14 x one-bedroom cottages in three blocks; together with 17 car parking spaces (Sandringham Mews (No's 1-11 consecutive) along with No.'s 32, 34, and 36A Shandon Road) was permitted under WB/916/88 pursuant to outline application WB/361/88. There are some pertinent conditions imposed on this permission:

'6. Dwellings shall not be provided with first floor windows other than those shown on the submitted plans, and notwithstanding the provisions of the Town and Country Planning General Development Order 1977 to 1985 (or as subsequently amended or re-enacted) no windows shall at any time be provided at first floor level other than shown on the submitted plans in the cottages hereby permitted without the prior approval of the Local Planning Authority.

Reason: In the interests of the privacy and amenity of adjoining properties.

8. Notwithstanding the provisions of the Town and Country Planning General Development Order 1977 to 1985 (or as subsequently amended or re-enacted) no extension, sheds, greenhouses, outbuildings or structure of any description (with the exception of any screen walls or fences approved) shall be erected within the curtilage of the properties hereby permitted except with the prior permission of the Local Planning Authority.

Reason: Given the restricted curtilages of the dwellings, the Local Planning Authority consider that such structures should be subject to control, in the interests of the amenity of the adjoining properties.'

Consultations: None.

Representations:

1 detailed objection has been received from the neighbour who resides at No. 35 Wigmore Road to the east on grounds relating to:

Precedent

- No other properties on Sandringham Mews have been granted an extension to their first floor.
- The site is part of a relatively recent development fitted between longer established streets meaning all rear elevations of Sandringham Mews properties overlook adjacent properties.
- Careful consideration was given to the design of the rear elevation of Sandringham Mews properties, especially at first floor; houses feature a single, horizontal obscure glass window, to preclude loss of privacy and overlooking. No property on the development to date has any other variation upon this design.

Overlooking and privacy

- Large east facing window would directly overlook their property.
- The application property is already elevated which would exacerbate overlooking.
- First floor window would result in a total loss of privacy over the entire garden space and all living area.
- All living quarters and windows of their property are at the west facing (rear) elevation which would create a significant loss of privacy.
- The rear elevation of their property comprises 35% of glass construction.
- If the extension were to be permitted, obscure glass should be used and the dimensions of the window should be adjusted to being more in keeping with the original first floor windows.
- A more sympathetic proposal would be a front (west) facing roof dormer.

Conservation/ wildlife concern

- The application property is a long standing nest for swifts which are on the UK red list for species of conservation concerns, and the UK population of these has shrunk by 60% since the property was built.
- The nest is returned to annually over the last decade or more and is situated on the Southern end of the East facing eaves, which would be directly impacted by the proposed extension.
- This is recorded as a swift nesting location with RSPB.
- The structure of the eaves for this property has also harboured bats in previous years due to the construction type.
- A survey of the loft and eaves should be carried out to ensure any conservation species or nests are not harmed during the appropriate season (May to Sept for swifts), and that any building plans are adjusted to incorporate Swift bricks, or similar.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (Revised September 2023)
National Planning Practice Guidance
SPG ‘Extending or Altering Your Home’ (WBC)

Planning Assessment

There is no objection in principle to extensions and alterations to residential dwellings within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality.

Relevant Policy Context

The National Planning Policy Framework advises in Paragraph 47 that:

'*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*'

Policy DM5 – Quality of the Built Environment, of the Worthing Local Plan (adopted 28th March 2023) requires that:

'*a) all new development (including extensions, residential annexes, alterations, ancillary development, change of use and intensification) should:*

viii) not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise giving rise in significant adverse impacts, or vehicular movements resulting in severe cumulative impacts on the road network, or loss of important open space of public value (unless it satisfies any of the exceptions set out under Policy DM7 – Open Space, Recreation and Leisure).'

Extending and Altering your home – Supplementary Planning Guidance (Worthing Borough Council) advises that:

'Doors and Windows

The proportions of existing buildings and in particular the relationship between walls and openings, such as doors and windows, and the shape of those openings should be considered when designing an extension. New windows should always be of the same opening type and style as those existing, whilst the new lintels and sills should line up with those of the old.

Your Extension and Your Neighbours

A carefully designed extension is important in order to reduce its potential impact on your neighbours. Such consideration should avoid any excessive loss of light and privacy and will reduce any overbearing effect of the extension.

As most dwellings have the main windows to principal rooms facing towards the front and back of the property, extensions close to a neighbour's boundary can significantly reduce the amount of daylight and sunlight reaching the

principal rooms of adjoining houses. Whilst each application is considered on its own merits, this problem can often be overcome in the case of single store extensions by ensuring that they do not project more than 3m (10 ft) from the rear wall of the original dwelling house.

However, there are some important exceptions to this rule, where this depth may need to be reduced, of can be increased. For example:-

- *where there is a difference in levels between the property being extended and the neighbouring properties;*
- *extensions to older buildings which would require higher ceilings to be consistent with the original house;*
- *where the extension lies to the south of the neighbouring property; and*
- *where the extension will cause a "tunnelling effect".*

Overlooking may also be a problem when the principal rooms face each other. In this case, adequate privacy can normally be achieved by retaining a minimum garden length of 10m (33ft). However, the relationship of any other surrounding properties will be a matter with which the Council will have to have regard to in terms of the potential loss of privacy.'

Policy DM5 and the relevant sections of the SPG stipulate that extensions should not detrimentally affect the amenities of local residents.

Visual Amenity

Sandringham Mews along with No.'s 32, 34, and 36A Shandon Road is characterised by modest scale two-storey terraced houses which have a uniform appearance in the street scene and similar sized plots. Of these properties, the application property appears to be the only one which has achieved an extension, along with a conservatory previous to this. These alterations to the existing house were considered acceptable and were subsequently granted in view of their modest scale and sympathetic form and design which outweighed the constraints of the site given the plot size. The proposed first-floor extension is also satisfactory in respect of its form, design, and massing; matching materials are proposed and the extension would be subservient, with a ridge height some approximately 0.3m below the original house. Moreover, the depth of the extension and eaves level would harmoniously align with the existing respective features.

The extension would only be visible when viewed from oblique angles along Shandon Gardens to the south-west and Wigmore Road to the east. This would not result in an adverse effect to the street scene by virtue of the sympathetic scale and form of the proposal and the separation distance; the extension would not be dominant.

The proposed rear (east) facing window to the extension would be significantly larger than the existing horizontal window at this level and would result in the breaking of the uniform fenestration to the terraced row. However, in isolation, the window is considered not so harmful to the existing fenestration detail and character of the existing house and surrounding area

to justify a refusal on these grounds; the window would comprise matching white UPVC materials and would closely resemble the design of the existing ground-floor extension's fenestration.

It is therefore considered that there would be no objection on visual amenity grounds.

Residential Amenity

The most affected neighbours would be those at the shared boundaries with the property; the attached No. 10 Sandringham Mews to the north, No. 3 Shandon Gardens to the south, and No. 35 Wigmore Road to the east.

No. 10 is separated by a high fence to the boundary and exhibits an adjoining shed structure which projects alongside the boundary to this neighbours southerly rear elevation at a slightly lesser depth than the application property's existing single storey rear extension. Despite this neighbours situation to the north of the application property and its modest rear garden size, the proposed first floor extension is not anticipated to give rise to a materially overbearing or overshadowing effect to this neighbour owing to the absence of windows that would be affected by the proposal to their rear elevation; the only ground-floor window serving No. 10 is the door under canopy to their respective northerly rear elevation which already experiences reduced light by virtue of the tall adjacent shed structure. The only other opening is the first-floor small obscure glazed horizontal window. The resulting loss of light would not be to a material degree that would warrant a refusal on these grounds. No unneighbourly overlooking would occur as no side (north) facing windows are proposed.

No. 3 Shandon Gardens is the closest property to the south boundary of the site, separated by a high boundary wall and is situated some approximately 13m away. This property would experience some increased sense of enclosure to the rear of their garden as a result of the proposal but this is not considered to be materially harmful. It would not suffer any unacceptable loss of light owing to this neighbours situation to the south. No unneighbourly overlooking would occur as no side (south) facing windows are proposed.

No. 35 Wigmore Road to the east is separated by a high boundary wall. The orientation of these dwellings means that they directly face each other with the application property at an elevated level by virtue of the ground levels which slope easterly. Whilst there are no concerns raised from an overbearing and overshadowing point of view owing to the fairly modest nature of the proposal in this context and the separation distance (some approximately 19.6m), it is considered that the proposed extension intensify the degree of overlooking of the rear of this property, particularly the garden. It is acknowledged that some overlooking already exists owing to the elevated siting of the existing rear extension at No.9. Although this allows for views towards the rear of No.35 it does not enable views directly into the rear garden. However, the proposed first floor extension by virtue of its situation

close to the shared boundary with No. 35 Wigmore Road (some approximately 6.25m) coupled with its first-floor elevation, will directly overlook this neighbours entire property to a materially harmful degree which it is considered would be intrusive and therefore be contrary to policy DM5 of the Worthing Local Plan and guidance as set out in the Council's SPG. In arriving at this decision regard has been given to the sensitive and deliberate design of the original first floor rear fenestration of this terrace of houses and the wording of condition 6 of the original permission which restricts the insertion of first floor windows as permitted development in the interests of safeguarding privacy.

The impact identified above on the adjacent neighbour at No. 35 Wigmore Road is considered to cause significant harm to the residential amenities of these occupiers.

Other matters

The comments made by the objector regarding conservation and wildlife have been noted. If the application had been deemed acceptable, an informative to preserve wildlife in accordance with the Wildlife and Countryside Act 1981 would have been imposed.

The agent had brought the rear dormer to No. 35 Wigmore Road to the Council's attention, which has recently been constructed. It appears this would have been achieved under permitted development rights.

Recommendation

REFUSE for the reason:-

1. The first floor extension, by reason of its height, design and proximity to the site boundary with No. 35 Wigmore Road, would result in an unacceptable loss of privacy. The proposal is therefore contrary to Policy DM5 of the Worthing Local Plan, and the Council's adopted Supplementary Planning Guidance 'Extending or Altering Your Home' and the NPPF.

Informative

Unfortunately, given the constraints of the site, it has not been possible to advise any amendments to the application. However, the Local Planning Authority has clearly set out, within its report, the reason for refusal.

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

Case Officer: Jason Albon Date: 10/10/2023

Authorised by: Jo Morin Date: 11.10.2023