

Development Management – Delegated Officer Report

Application Number: AWDM/1570/25

Recommendation: – Refuse

Site: 30A Lyndhurst Road Worthing West Sussex BN11 2DF

Proposal: First-floor rear extension alongside change of use of first-floor flat from Use Class C3 to Use Class C4 and other alterations

Date of Site Visit: 27.01.2026

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The site relates to a two storey building at the end of a terrace within a parade of shops, located on the corner of Lyndhurst Road at its junction with Selden Road. There is a vehicular accessway from Selden Road running along the rear of the terrace which provides access to the rear of the site and other properties within the terrace as well as dwellings at Fisherman's Mews, a residential development, to the east. At ground floor level the site comprises two commercial units with shopfronts onto Lyndhurst Road and Selden Road. There is an external staircase at the rear that provides access to a separate 3-bedroom flat at first floor level which is the subject of this application. The flat has a roof terrace area at the rear over an existing single storey element that extends to the rear boundary of the site.

Proposal

Permission is sought for the change of use of the first floor flat from use class C3 to C4 to form a 6-bedroom 6-person HMO, which would be facilitated by the construction of a first floor extension to provide three additional bedrooms. The proposed extension would be at the rear of the building over the existing single storey element and would incorporate the existing lean-to roof section. It would have a flat roof up to 5.8 metres in height approximately and extend to the full depth of the site over the ground floor footprint. UPVC sash windows are proposed to the rear and side (west) elevation. The extension would be finished in painted render to match the existing building. Alterations at ground floor level have also been indicated which would include removing the existing shopfront window canopies on the Seden Road frontage, the enlargement of the rear window and bin and cycle storage is proposed within a store at the rear of the ground floor.

A Planning Statement has been provided in support of the application, and the application also includes a Daylight, Sunlight and Overshadowing Assessment report.

Relevant Planning History:

NOTICE/0025/25 - Application for prior approval for proposed change of use at ground floor from commercial (Use Class E) to one residential flat (Use Class C3) Prior Approval Granted 10.02.2026

10/1038/FULL - Replacement metal railings to existing rear external staircase and first floor roof terrace.

STATUS: Conditional Consent 21st January 2011.

Consultations

The **Highway Authority** has commented as follows:

This application is for first-floor rear extension alongside change of use of first-floor flat from Use Class C3 to Use Class C4 and other alterations. The site is located on Lyndhurst Road, a C-classified road subject to a speed limit of 30mph.

The LHA has recently been consulted on NOTICE/0025/25 for prior approval for the change of use of existing commercial (Use Class E) at ground floor to residential to form a two-bedroom flat. The LHA did not raise any highway safety concerns to the proposal.

The current application proposes an extension at the first floor and change of use from C3 residential use to a 6- bedroom HMO (C4 use).

A nil car parking provision is proposed for the new development. Under the WSCC Car Parking Standards, three car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

The site is situated in a sustainable location, within walking/cycle distance of local services, amenities and public transport links. Cycling is a viable option in the area and four cycle parking spaces are proposed. The LHA would typically expect that these would be covered and secure. Details of this can be secured via condition.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal. 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.

The Council's **Environmental Health Officer** has commented that if NOTICE/0025/25 is granted and implemented before AWDM/1570/25 is implemented there would be no adverse comments. However, the following comments would apply if the ground floor use remains commercial:

If the use is still commercial on the ground floor, there is the potential for commercial noise to affect the residential amenity of future occupiers of the bedrooms above. This impact can be mitigated by providing enhanced sound insulation to the properties. We would suggest for the following condition to be attached to any permission granted:

'The sound insulation of the floor/ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of at least 50dB (DnTw + Ctr dB). Before the first floor rear extension is occupied a test shall be undertaken to demonstrate compliance with this level.'

The **Council's Drainage Consultant** has made 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 first-floor rear extension alongside change of use of first-floor flat from Use Class C3 to Use Class C4 and other alterations. 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.

Representations

One representation has been received from the occupier of a neighbouring property in Lyndhurst Road opposite the site objecting to the application on the following grounds as summarised:

- Objection to another HMO, concentration of this use and residents in a small area
- Increase in crime and anti-social behaviour

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023):
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM13 (Retail and Town Centre Uses)
DM15 (Sustainable Transport and Active Travel)

DM16 (Sustainable Design)
DM17 (Energy)
DM18 (Biodiversity)
DM19 (Green Infrastructure)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)

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

Planning Assessment:

Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

The Worthing Local Plan was adopted on 28th March 2023 (base date of Plan 2020). Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 78 of the NPPF (2024) requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of the Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

The most recent 5 Year Housing Land Supply (5YRHLS) position for Worthing (as at 01/04/2023) demonstrates a 6.3 years supply applying a 20% buffer as at that time Worthing had failed the then current Housing Delivery Test (HDT) (2022 published December 2023).

However, the most recent HDT 2023 (published December 2024) shows that Worthing scored 107% and therefore faces no consequences from the HDT.

Having a 5YRHLS position and having passed the HDT with no consequences means that for Worthing Paragraph 11 c) of the NPPF applies which states: 'For decision-

taking this means: c) approving development proposals that accord with an up-to-date development plan without delay ‘.

The site is located within a sustainable location within walking distance to local services and amenities and public transport. The proposed development would make efficient use of land in a sustainable location and would make a small contribution towards increasing the housing supply of the Borough by providing an increase in residential accommodation.

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

The property is located within the Lyndhurst Road local shopping parade where policy DM13 seeks to provide convenient and accessible shopping facilities to meet the day to day needs of residents and contribute to social inclusion. In relation to changes of use of upper floors the policy indicates that these may be considered including changes to residential but the impact on the viability of the commercial unit will be considered. The first floor is already in residential use but the application would result in the loss of a portion of the ground floor commercial premises to provide bin and cycle storage for the proposed development. This area was also indicated as such in the recent prior approval application NOTICE/0025/25 which permitted the change of use of the rear ground floor to form a 2-bedroom flat with a retained commercial unit to the frontage.

Whilst no supporting evidence has been provided for this reduction in commercial space which includes the rear access to the shop unit, it is acknowledged that the commercial footprint is much larger than others within the terrace and this would be a relatively small proportion of the ground floor where it would not have any significant impact on the functioning of the ground floor commercial use.

Visual Amenity

Chapter 12 of the NPPF sets out the policies to achieve well-designed places. In paragraph 131, it advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF emphasises securing high quality design that (amongst other things): will function well and add to the overall quality of the area for the lifetime of the development, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history; maintains a strong sense of place using the arrangement of streets, building types and materials to create attractive, welcoming and distinctive places to live; and, with a high standard of amenity for existing and future users (paragraph 135), and that permission

should be refused for development that is not well designed, especially where it fails to reflect local design policies or government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (paragraph 139).

The Worthing Local Plan sets out in Policy DM5 requirements that all new development should:

- i) be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. This will include consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping;
- ii) enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, tree canopy, impact on street scene and layout of the development;
- 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 settings;
- v) be well built, accessible, fit for purpose, and adaptable to changing lifestyle, demography and climate;
- vi) include a layout and design which: take account of potential users of the site; create safe conditions for access, egress and active travel (walking and cycling) between all locations; provide good links to integrated public transport; and have acceptable parking arrangements (in terms of amount and layout);
- vii) make a positive contribution to creating a safe and secure environment by integrating measures for security and designing out opportunities for crime;
- 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);
- ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain. Where appropriate, this will include the protection and integration of existing trees and green infrastructure into new developments;
- x) ensure that lighting incorporated into developments provides the minimum for public safety, is energy efficient and avoids light pollution.

The Councils Supplementary Planning Document 'A Guide for Residential Development' provides policy and design guidance for all new residential development including conversion, extensions, and alterations. It states that a key element to the achievement of good design is an appreciation of the context in which it is situated. During the design process of any new development consideration will need to be given to its local setting, the surrounding densities, local building heights and other local features (paragraph 3.3).

It states that housing development should relate satisfactorily to its surroundings and the character of the area so that it fits in and does not have a significant negative impact on amenity. High quality landscaping can help to mix a range of densities together. Whilst density will be taken into account in any development proposal, other site-specific factors such as the acceptability of the layout, access/egress, outlook and design will also be material considerations, particularly on small sites, in mixed developments, conversions and extensions. Proposals will be treated flexibly, taking into account the individual circumstances of each case (paragraph 4.23).

The proposal is for a two storey rear extension to the building. The separation between the existing two storey projection at the site and the side wall of No.38 Selden Road to the south, which is set back from the street frontage, marks a visual break between these buildings, with the rear of the existing building stepping down in scale to single storey where it meets the rear lane. Similarly, other buildings within the terrace step down in scale at the rear, some with either amenity space, parking or single storey structures backing on to the rear access which also provides the entrance to neighbouring flats and dwellings at Fisherman's Mews to the east.

The proposed two storey extension would be to the full depth of the site, extending up to its southern boundary which is immediately adjacent to the rear access way. The two storey scale in this positioning would appear cramped and visually overbearing particularly where it would enclose the access way which is the entrance to neighbouring flats and the residential development at Fishermans Mews to the east. This would set an undesirable precedent which would be harmful to the visual amenities of the site and surrounding area.

The proposed flat roof design would appear unsympathetic to the recipient building. Although a consistent eaves level is indicated, the overall roof form would jar with that of the existing building.

The proposed extension would be highly visible with views from Selden Road and Lyndhurst Road and would appear as a visually overbearing and incongruous feature, detrimental to the visual amenities of the site and character of the surrounding area.

Residential Amenity - Neighbours

In terms of the increase in residential accommodation, this would result in an intensification of the use of the site which could give rise to potential noise and disturbance, in particular at the rear first floor entrance where comings and goings would be focussed. It is disappointing that the access to the development via the existing external staircase entrance has not been addressed or improved as part of the proposals for the site and that there is potential for occupiers to use the external landing area for more prolonged periods particularly given the lack of outdoor space which could give rise to noise and disturbance and a loss of privacy given the proximity to neighbouring windows. However, whilst this is not ideal, having regard to the existing residential use of the building and that the existing entrance arrangement would be unaltered, it is considered that the additional activity associated with the proposed 6-person HMO would not, on balance, warrant refusal of the application on neighbour amenity grounds in this instance, and the use as an HMO would not have any significant adverse impact on community cohesion.

In terms of the physical impact arising from the proposed extension, No. 32A is the closest affected neighbour with other neighbouring dwellings being more remote from the proposed development. The building at No.38 Selden Road to the south of the site is separated from the site with an intervening accessway and its own vehicular access to its north side. The proposed extension would add further bulk at the rear of the building where it would further enclose neighbouring windows to the east at No.32A. This appears to be a vacant first floor flat above the shop premises and has its own separate access via an external staircase at its rear. There are main windows to the rear at first floor level and a small yard at ground level forming the entrance although this appears to be shared with the commercial premises and does not appear to be used as an amenity space for the flat. Nevertheless, the proposed extension would further enclose the neighbouring rear windows, but it is acknowledged that the main rear window is already set within the recess between two rear projections. The applicant has provided a Daylight, Sunlight and Overshadowing assessment to assess the impact on the two main first floor rear windows at No.32A in particular. Whilst the assessment is based on two differing roof options for the proposed extension and not the application proposals, the results conclude that the impact of such a development on levels of daylight is considered to be 'negligible' and states that all windows meet the recommendations in relation to sunlight contained within the BRE guidance.

Residential Amenity – future occupiers

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

Policy DM1 sets out that "Applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use should also demonstrate that the communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants". It is recognised that an HMO of this size would be subject to mandatory licensing, and the private sector housing team will make an assessment on the suitability of the proposals as part of the licensing process

In planning terms it is considered that the following issues would contribute to a poor standard of amenity for future occupiers:

- Lack of outdoor amenity space – the existing roof terrace would be removed and no outdoor amenity space would be provided
- Access to the 6-bedroom HMO via an external stair would be poor
- Communal kitchen details do not demonstrate a suitable layout and standard of amenity to provide for dining and living space, served by a single window in the corner of the room
- Light and outlook from the smallest bedroom (7.7m²) would be poor as the only private area for its occupant under the HMO use, served by a corner window which would be further enclosed by the proposed extension.
- Poor privacy for occupant of the smallest bedroom with its sole window adjacent to the first floor external staircase/landing which would serve as the sole entrance to the HMO for all occupiers and visitors to the property resulting in noise, disturbance and loss of privacy.

These factors are indicative of an overdevelopment of the site and would provide a poor standard of amenity for future occupiers.

The site is within a predominately residential area but with a mix of commercial uses within the shopping parade at ground floor level. Noise from the ground floor commercial premises have the potential to cause disturbance to future occupiers. Had the application been otherwise considered acceptable a condition for sound insulation could be imposed in the interests of protecting residential amenity.

Access and Highways

The site is considered sustainable, being within walking/cycling distance to local services and amenities including public transport connections to the town and wider area. No car parking space is available within the site. The site is within the controlled parking zone where restrictions are in place. However future occupants need not be reliant on the use of the private car, and the application proposes four cycle spaces within a secure store. There is a rear door opening directly onto the rear access way, but this is an existing arrangement. No objection has been raised by the Highway Authority in terms of parking, access or highway safety. If approved, cycle storage could be secured by condition in the interests of encouraging alternative modes of transport to the private car.

Flooding

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

Sustainable Development

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

Recommendation:

REFUSE for the reasons:-

1. The proposed HMO, by reason of its layout, lack of outdoor amenity space, lack of privacy, and impacts arising from noise and disturbance would not provide an acceptable standard of accommodation to the detriment of the amenities of future occupiers contrary to policies DM1, DM2 and DM5 of the Worthing Local Plan (2023) and the NPPF.
2. The proposed extension would, by reason of its scale, form, and design, be detrimental to the visual amenities of the site and character of the surrounding area. As such the proposed development would be contrary to policy DM5 of

the Worthing Local Plan, and the relevant paragraphs of the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

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

Case Officer: Rebekah Hincke

Date: 03.03.2026

Authorised by: Louise Prew

Date: 03/03/2026