Expiry Date - 16/10/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1080/24 Recommendation – APPROVE

Site: 33A Ham Road Worthing West Sussex BN11 2QU

Proposal: Loft conversion includng rear dormer with Juliet balcony at second floor level and front roof lights, and increased window size to the rear.

Date of site visit: 01/10/2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings
This application relates to a two-storey terrace that has been converted into two self-contained flats. The ground floor flat has a single storey rear extension. There is a small front garden which is the first floor flats and the rear garden belongs to the ground floor flat. To the rear of the site is a large rear garden of a neighbouring property that is overlooked by a large number of properties that all surround the garden.

The site is not listed or within a conservation area nor are there any trees on the site that have any TPOs.

Proposal
Planning permission is sought to introduce a rear dormer within the roof of the existing flat including associated works and the increasing of the size of the existing window to the rear serving the kitchen. To the rear dormer there is proposed to be a Juliette balcony. Within the flat roof of the dormer there is to be one roof light providing light to the en-suite of the master room.

The amended application has had the removal of the balcony over the extension of the property beneath the site

Relevant Planning History:
None

Consultations:
None

Representations:
Three letters of objection on the following grounds:
"We live in the house to the left of the property at 31 Ham Road. Looking at the plans for new kitchen/ diner, we ask that the window remains frosted as it looks directly into our bathroom. The balcony would also look directly into our

very private garden. This would have an effect on us using our garden. A balcony would cause increased noise and disturbance, especially in the summer months with windows open etc."

"I am writing to formally object to the planning application submitted by Christina Tate 33A Ham Road for the construction of a first floor balcony on top of our kitchen extension at 33 Ham Road. Our objections are based on the following significant concerns:

1. Loss of Privacy: The proposed balcony would result in a severe loss of privacy for our household. The elevated position would directly overlook our garden which is currently private. This invasion of privacy would significantly diminish the enjoyment of our home and garden, which was one of the key reasons we purchased the property.

2. Encroachment Over Boundary Lines: According to our HM Land Registry Plan (Title number WSX390153), the proposed balcony would extend beyond the boundary lines of our property. This encroachment is unacceptable and would constitute a clear violation of our property rights. The balcony should not extend over or into any area not owned by the applicant.

3. Structural Concerns: The existing extension was constructed as a single-story structure, with no intention or design to support additional load-bearing features such as a balcony. Adding a balcony would likely require extensive structural modifications, which could compromise the integrity of the extension and pose potential safety risks.

4. Character of the Property: The introduction of a balcony would be out of character with the existing architecture of our property and the surrounding homes, most of which do not feature such additions. This alteration could detract from the overall aesthetic harmony of the neighbourhood.

5. Noise and Disturbance: A balcony above our home would likely lead to increased noise and disturbance, particularly during evenings and weekends. This could adversely affect our quality of life, as we value the current peaceful nature of our surroundings.

6. Potential Overdevelopment: Given that the extension was approved and constructed as a single-story addition, the inclusion of a balcony would constitute an overdevelopment of the site. The balcony would exacerbate the density of use in an already limited space, which could negatively impact both our property and the surrounding area.

7. Negative Impact on Property Value: The loss of privacy and potential noise disturbance associated with the proposed balcony would likely reduce the market value of our property. The decrease in privacy and the intrusive nature of the balcony would make our home less attractive to future buyers, potentially affecting the resale value.

In light of these concerns, I strongly urge the planning authority to reject this application. We believe that the proposed development would have a detrimental effect on our property, our privacy, the character of the neighbourhood, and the legal boundaries as defined in our title deed."

"We are writing to object to this planning application for the following reasons:

We live in the property at the rear of the Ham Road house. The proposed extension would directly overlook our house and garden. If balconies are to be built immediately overlooking our garden this would cause a significant loss of privacy and amenity.

The proposal is completely out of keeping with the other period houses in Ham Road (we understand this will be at the rear of the property but we still have to look at it). The planned extension is disproportionately large for the size of this terraced house and would have a detrimental effect on the character of the locality.

The property has already been extended with a large ground floor extension. This house is or has been rented out as a holiday let and we have been subjected to unacceptable levels of noise late at night regularly in the past. This will be even more of an issue if the property is bigger.

We would also be concerned about fire safety as there is limited access for fire services at the rear of the property.

There is a reasonable example of a loft extension further up Ham Road which does not adversely affect neighbours or the surrounding environment and something more in this style would be more acceptable.

By approving this application the planning department would be setting a precedent for overdevelopment of what is essentially a Victorian / Edwardian terrace of small to moderate size in an already overcrowded urban area."

Relevant Planning Policies
Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (2023)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment

Principle of Development

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.

Visual Amenity

The application has minimal impact on the visual amenity of the street scene, this is due to the proposal having only alterations to the rear of the site that would be visible. The only aspect that would be visible from the street scene would be the introduction of two roof lights to within the roof of the existing site which is considered to retain the character of the site.

With the location of the development there will not be views available from within the wider public realm. A condition will be attached ensuring that the development is undertaken so that the proposal is completed in matching materials.

Objections regarding the character of the terrace are noted however, dormers and Juliet balconies are standard building projects that can be completed under permitted development rights for single dwellinghouses.

As such it is not considered that the introduction of some roof lights would be detrimental to the application and is in accordance with Policy DM5 of the Worthing Local Plan.

Residential Amenity
Due to the introduction of a rear dormer and increased window size to the rear of the site the properties most likely to be affected in the neighbour to the north, south and west. The rear dormer whilst large in nature is not considered to result in any overshadowing or overbearing of the neighbouring properties. This is due to the nature of the development being contained within the roof space of the existing property. Dormers are not considered to be out of character within the residential setting and had the property not been split into flats it would fall within the permitted development rights of the property.

With there being no increase in the footprint of the property there is not considered to be any overshadowing of the neighbouring properties. With the dormer being located within the roof and the rear gable of the property providing a barrier to the property to the north it is considered that this would be acceptable and in accordance with policy DM5 of the Worthing Local Plan.

In terms of overlooking, the introduction of a balcony was considered to be unneighbourly with views and given over the neighbouring as such it has been removed from the application. In the place of this there will be an increase in the window size to the rear of the property. This is not considered to provide any unacceptable overlooking due to the existing relationship between the property and the neighbours.

The fire safety of the property is not considered to be worsened by the introduction of a rear dormer and associated works. The proposal would not result in the worsening of the emergency services being able to safely protect the site.

Permission is sought for the extensions to the property not to a change of use to be holiday letting. As such a change of use is not part of the permission granted.

As such there would not be any overlooking, overbearing or overshadowing that would not already be in situ.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Materials to match

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Finlay Gardner Date: 21/10/2024

Authorised by: Louise Prew Date: 21/10/2024