Development Control – Delegated Officer Report

Application Number: 10/1116/FULL **Recommendation – APPROVE**

Site: **43 Warwick Street Worthing West Sussex BN11 3DQ**

Proposal: **Retention of 2 storey extension to first and second floor flats.**

Date of site visit: 15 Aug 2011 and 19 Sept 2012

Neighbours checked: Y

Additional neighbour notifications: N

Site History and Proposal

The application property comprises a mid-terrace Victorian building on 3 floors (plus roof accommodation) fronting Warwick Street linked attached to a 2-storey building fronting Ann Street. The ground-floor of the building is currently in use as a restaurant with 5 flats on the upper floors above.

The site is located within the South Street Conservation Area and the entire building (including that fronting Ann Street) is identified as a local interest building. The attached building to the east, No.45, is Listed Grade II.

Planning permission was granted in February 2008 (WB/07/1451/FULL refers) for change of use of ground-floor from Class A1 (retail) to Classes A3-A5 including proposed extraction flue to the rear, demolition of middle section of building and rebuilding and associated conversion of upper floors to provide 5 x 1-bedroom self-contained flats.

The development subsequently carried out comprising change of use of the ground-floor to a restaurant, and conversion of the upper floors involving the removal and rebuilding of a flat-roofed rear element of the frontage building, demolition and re-building of 2-storey outrigger linking the frontage building to the 2-storey building fronting Ann Street and demolition and re-building of east side wall and first-floor of the building fronting Ann Street link to provide 5 x 1-bedroom flats was not in accordance with the approved drawings and as none of the pre-commencement conditions were approved it was concluded that the permission WB/07/1451/FULL had not been implemented.

An Enforcement Notice was served on 19 February 2009.

A subsequent appeal against the Enforcement Notice was withdrawn following an abandoned appeal hearing in Aug 2009.

A retrospective application for approval of the conditions of WB/07/1451/FULL was agreed in December 2010 (including payment of a financial contribution towards sustainable transport measures) and regularised certain aspects of

the development that had taken place, including the use of the ground-floor as a restaurant.

Discussions subsequently took place between Council Officers, the developer and his agents to identify areas of the unauthorised work which were considered likely to be acceptable, and those considered unacceptable. Of those elements considered unacceptable, discussions identified where the developer was willing to make amendments to address the perceived harm and those elements which the developer was not prepared to alter. As a result of these discussions, the following retrospective applications were made:-

- WB/10/1100/FULL: Retention of oak-framed concertina opening shop front.
- WB/10/1114/FULL: Retention and modification of 2 rooflights on rear roof slope together with removal of 1 existing unauthorised rooflight and making good of roof – undetermined to date.
- WB/10/1115/FULL: Retention and completion of re-built 2-storey building fronting Ann Street. Retention of rendering of rear elevation of building fronting Warwick Street – undetermined to date.
- WB/10/1116/FULL: Retention of re-built 2-storey addition to first-and second-floor flats – undetermined to date.

This report covers the applications made under WB/1116/FULL. Other reports accompanying this one deal with WB/10/1114/FULL and WB/10/1115/FULL.

[The fourth application relating to the retention of the shop front WB/10/1100/FULL was refused in August 2011 and a subsequent appeal dismissed in August 2012.]

Other Planning History

A retrospective application for the installation of internally illuminated projecting box sign was refused in May 2009 and a subsequent appeal dismissed in Nov 2009 (WB/09/0190/ADV refers).

A retrospective application for the installation of internally illuminated fascia sign was refused in May 2009 and a subsequent appeal dismissed in Nov 2009 (WB/09/0191/ADV refers).

Installation of externally illuminated fascia sign WB/10/1117/ADV Approved 23.08.2011.

Consultations:

Adur and Worthing Councils: The EHO has no objection.

CAAC: Object. The extension is too wide with poor abutment to existing windows.

Representations: No third party representations.

Relevant Planning Policies

Saved Local Plan policies (WBC 2003): RES7, H16, H18, TR9
Worthing Core Strategy (WBC 2011): 7, 8, 16
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The principle of converting the upper floors of the frontage buildings into self-contained flats was established under WB/07/1451/FULL. The approved scheme involved converting the main building (including a narrow flat-roofed element on the rear elevation at first and second floor) and demolition and rebuilding of the outrigger linking the main frontage building to the building fronting Ann Street. However in carrying out the conversion works, the above-mentioned flat roofed element was removed and a wider replacement built in its place. The latter has a rendered finish with a flat, felt roof and fascia (painted dark grey) whereas the original narrower element was constructed in brick with a parapet roof. The current application seeks to retain this element as built. There have been no significant alterations to the layout of the residential accommodation as a result of re-building this element other than that the second-floor flat is provided with a 'dressing area' accessed off the bedroom. The main reason for the deviation seems to have been purely to enable a more straightforward (and cheaper) construction compared to the approved layout which would have necessitated more existing walls being supported. The key consideration is the effect on the character and appearance of the building and the surrounding Conservation Area

Visual amenity and the effect on the character and appearance of the Conservation Area

The rear extension as built is 1m wider than the original flat-roofed element and in consequence has a less subordinate visual relationship to the main building and appears cramped in relation to the second-floor window in the rear wall of the latter. The incongruity of its appearance is further heightened by the modern form and detailing of the flat roof which includes deep fascias. The window in the rear (north) of the extension is particularly heavy-looking. The top of the re-built extension is visible in public view from the street although partly obscured by the 'bulk' of the re-built outrigger and 2-storey building in Ann Street to the north of it.

The applicant has argued that there is little visual coherence associated with the rear of this terrace and the extension as resulted in no harm to this less sensitive part of the Conservation Area.

Although there is some minor variation in the fenestration pattern, materials and detailing of the rear elevations of this terrace there is a large degree of conformity to their form. The original flat-roofed protrusion was anomalous in this respect, particularly in projecting above the main eaves. Even so, it appeared as a relatively minor feature owing to its modest width. The re-built

extension has resulted in a larger and less sensitive addition which is poorly detailed. However, it does not establish a precedent for other large flat-roofed extensions on the rear of this terrace as such additions do not form part of the prevailing character of the rear of this terrace.

Paragraph 134 of the NPPF states: "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

By reason of its large size, modern form and poor detailing the extension has failed to preserve the historic character of this part of the rear terrace. Whilst this is extremely disappointing, considered in relation to the development of these buildings as a whole, this harm is outweighed by the positive enhancement to the character and appearance of the Conservation Area, in particular Ann Street, that has resulted from the conversion, re-building and refurbishment of these buildings.

Recommendation

APPROVE for the reason:-

By reason of its large size, modern form and poor detailing the flat-roofed extension on the first and second floor has failed to preserve the historic character of the rear part of the main terrace but it is considered this element of harm is outweighed by the significant positive enhancement to the character and appearance of the Conservation Area, in particular to Ann Street, that has resulted from the comprehensive conversion, re-building and refurbishment of the buildings on this site. It does not therefore conflict with the 'saved' policies of the Worthing Local Plan (RES7, H16, H18, TR9), the policies of the Worthing Core Strategy (Policy 7, 8, 16) or the NPPF.

Subject to Conditions:-

1. Approved Plans

Informative:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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: Jo Morin Date: 18.11.2013

Authorised by: Gary Peck Date: 22 November 2013