H. FULL STATEMENT OF CASE

1.0 Description of site and surrounding area.

1.1 The property comprises a detached, brick built garage having rendered elevations under a low pitch, mineral felt covered roof. It is located to the rear of 163 Windmill Parade, a long-established Indian restaurant. No. 163 is the end one of a mixed parade of shops and A3/A5 uses, including a Londis general store and a pharmacy.

1.2 The majority of these premises include two storeys of residential accommodation above. Indeed, planning permission has recently been granted under ref: AWDM/1456/18 for the construction of a first floor extension to the west elevation of no. 163 to provide two additional residential units. A copy of that planning permission and of the approved plans is attached to this Statement as Appendix 1.

1.3 To the north of the subject building is residential development (Overhill). Opposite the site is a large garage and car showrooms occupying the whole of the corner site.

1.4 The appeal site is in a very sustainable location, being on a main 'bus route with services to Brighton, Shoreham-by-Sea and Worthing and within easy walking distance of Southwick Station (rail services to London, Portsmouth, Gatwick and Southampton).

2.0 Policy Background

2.1 National policy in the Framework sets out a presumption in favour of sustainable development (paragraphs 10 and 11). The Council does not have an up-to-date Local Plan. Moreover, it is unable to demonstrate a 5 year supply of housing sites.

2.2 Given the sustainable location of the appeal site and the fact that the small unit would make effective use of an existing building, the proposal would accord with the thrust of paragraph 11 d) of the Framework. Moreover, the provision of housing in this location would not significantly and demonstrably outweigh the Council's objectives as set out in their policies.

2.3 In this regard, the proposal would assist in the delivery of a cross-section of house types within the District (see paragraph 61). The small unit would provide cheap rented accommodation for a single person, possibly working in the restaurant or nearby, or for a student.

Adur Local Plan 2017

2.4 Development as proposed would meet the thrust of Policy 15 by enhancing the appearance of the existing structure with a more attractive front elevation, together with landscaping between the extended structure and the back edge of pavement.

2.5 The character of the area is currently dominated by unattractive garages and an unmade service road. The layout and design of the proposal seeks to provide a small, self-contained unit for a single person in a sustainable location. Development will not affect the sense of place given the very varied character, as described in paragraphs 1.1 to 1.3 above.

2.6 Policy 20 does allow for conversions and changes of use. It refers to the need for a range of dwelling types, tenures and sizes that reflect and respond to Adur's identified housing needs and demands.

2.7 The supporting text to these policies confirms the presumption in favour of sustainable development.

2.8 Policy 1 specifically refers to the need for development to be sustainable. That, of course, would be the case here since the proposal would make full and effective use of an existing building within a sustainable location.

2.9 Policy 3 identifies the housing provision over the Plan period and includes 1,538 dwellings within the built-up area of Adur. I have known the district for over 60 years and am well aware of the density of existing developments within it. The provision of 1,538 dwellings within such a constrained area can only be achieved by grasping every opportunity for densification, as in the case of the recently granted planning permission in respect of 163 Windmill Parade, or the conversion of existing buildings such as that the subject of this appeal.

2.10 The Council refers to Development Management Standard No. 1 (Space around new dwellings and flats). At paragraph 1.1 it is confirmed that this is largely aimed at the provision of dwellinghouses and flats on small infill and redevelopment sites. The scheme the subject of this appeal relates to the conversion of an existing structure with only a minimal extension.

2.11 The standards for amenity space are set out at Section 3 of the document. There are no standards for flats and bedsitters set out in

the table on page 9. Clearly, the unit the subject of this appeal is not suitable for family occupation (see paragraph 3.1).

2.12 The application of these standards was determined in a recent appeal where I acted on behalf of the appellant (see Appendix 2 – ref: APP/M3835/W/16/3167411 dated 5 May 2017). In particular, please see paragraph 8 of the Inspector's decision letter and the reference to a studio flat of only 21m^2 with no external amenity space or balcony, for which permission was granted on appeal. By comparison, the proposal the subject of this appeal has a floor area of nearly double this figure (some 39m^2).

3.0 Conclusion

3.1 The existing building is of substantial construction. It is within a sustainable location close to shops, travel facilities, the South Downs, the sea and public open space. The scheme will enhance the appearance of the rather mixed surroundings by allowing for some meaningful landscaping between the extended building and the back edge of pavement.

3.2 The new studio flat would provide much-needed, cheap rented accommodation, either for local employees, students, older persons or for employees of the restaurant, none of whom would require a garden or other amenity space.

3.3 The Council is currently unable to provide an adequate supply of housing without relying upon a substantial area of new dwellings (some 600) upon land that was formerly liable to flood.

3.4 Development as proposed will meet national policy in the Framework by assisting in the provision of a wide cross-section of new houses (see paragraph 61) whilst also meeting the detailed Development Plan policies to which I have referred above.

3.5 I would ask, therefore, that planning permission should be granted, subject to conditions.

APPENDIX 1

ADUR DISTRICT COUNCIL

Mr Anthony Phebey
ADCS Ltd
30 Foxley Lane
Worthing
West Sussex
BN13 3AD

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1456/18

Details of Development
CONSTRUCTION OF FIRST FLOOR EXTENSION TO WEST ELEVATION WITH DORMERS TO NORTH, SOUTH AND WEST ELEVATIONS TO PROVIDE 2 ADDITIONAL RESIDENTIAL UNITS INCLUDING NEW, RELOCATED FLUE, FOR RESTAURANT.

Location of Development
1 WINDMILL PARADE 163 - 183 OLD SHOREHAM ROAD SOUTHWICK WEST SUSSEX BN42 4QB

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 24th September 2018.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

[redacted]

Gary Peck
Planning Services Manager
13/12/2018

SCHEDULE

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
EXISTING FLOOR PLANS & ELEVATIONS	Drg No 1388/P01 Rev A	28.11.2018
PROPOSED FLOOR PLANS & ELEVATIONS	Drg No 1388/P02 Rev B	28.11.2018
PROPOSED SITE LAYOUT	Drg No 1388/P03 Rev B	28.11.2018

Reason: *For the avoidance of doubt and in the interests of proper planning.*

02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. The external materials and finishes of the development hereby permitted shall, prior to commencement of use of the additional floorspace thereby created, be completed to match in design, colour and texture those of the existing building unless otherwise approved in writing by the Local Planning Authority.

Reason: *In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan.*

04. Prior to any works commencing on site details of the new restaurant flue (including details of noise and odour abatement) shall be submitted in writing to the Local Planning Authority for approval. Only such details as approved shall be installed prior to first occupation of the new development and thereafter retained.

Reason: *In the interest of neighbour amenity having regard to policies 15 and 36 of the Adur Local Plan.*

05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings shall be formed in the walls or roof of the extension.

Reason: *To prevent overlooking and in the interest of the appearance of the development having regard to policy 15 of the Adur Local Plan.*

06. On installation the north facing window in the first floor extension shall be obscurely glazed and non-opening below 1.7 metres and retained as such thereafter.

Reason: *In the interest of privacy having regard to policy 15 of the Adur Local Plan.*

07. The cycle parking and bin storage shown on drawing 1388/P02 Rev B received 28.11.18 shall be provided on site prior to first occupation of the extension and retained thereafter.

Reason: *In the interest of amenity having regard to policy 15 of the Adur Local Plan.*

Informatives / Notes to Applicant

01. 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.

02. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on the website via the following link https://beta.southernwater.co.uk/infrastructurecharges.

03. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Ref: AWDM/1456/18

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000).

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

7. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

8. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

9. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

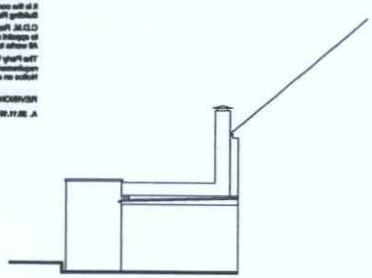
Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

Cont.../

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

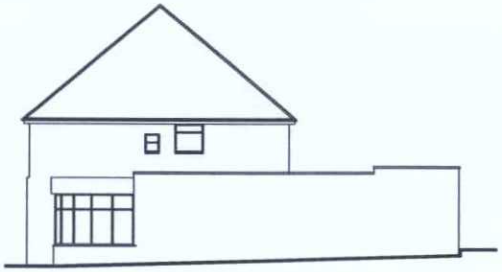
Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).



SIDE



REAR



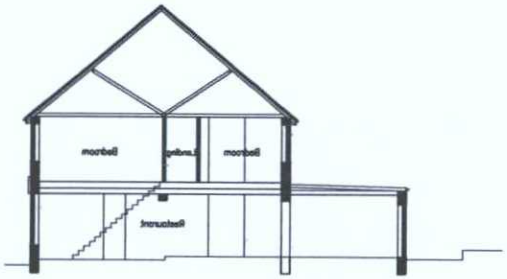
SIDE



FRONT

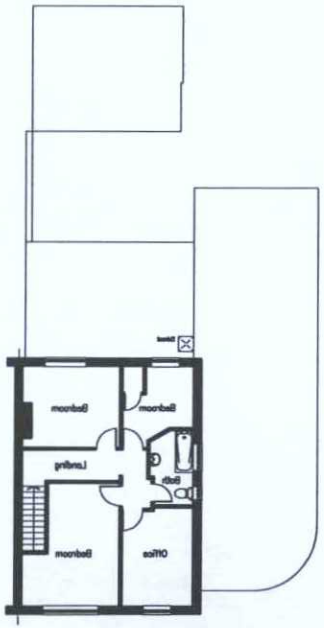
EXISTING ELEVATIONS TO MAIN BUILDING

Scale 1:100

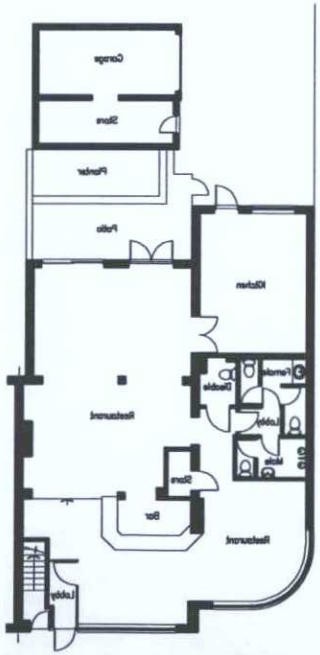


TYPICAL SECTION

Scale 1:100



FIRST FLOOR



GROUND FLOOR

EXISTING FLOOR PLANS

Scale 1:100

0m 5m 10m 15m 20m

ADCS

Architectural Design

Computer Services

20 Foxley Lane
Wadhing
West Sussex
BN13 3AD
Tel: 01903 388701
E-mail:
adcs@ntp.com

Client

MR ARSHADUL HOQUE

Project

PROPOSED FLAT CONVERSION
163 WINDMILL PARADE
OLD SHOREHAM ROAD
SOUTHWICK, W. SUSSEX BN42 4QB

Drawing

EXISTING FLOOR PLANS &
ELEVATIONS

Scale	Date	Drawn
1:100@A1	28.08.18	TP

Drawing No.	Revision
1388/P01	A

SCHEDULE OF MATERIALS

WALLS - NEW SMOOTH RENDER COLOUR TO MATCH EXISTING

ROOF - PLAIN TILES TO MATCH EXISTING

WINDOWS - SIDE CASEMENT PVC-U COLOUR BROWN TO MATCH EXISTING

RAINWATER GOODS - PVCu COLOUR BLACK



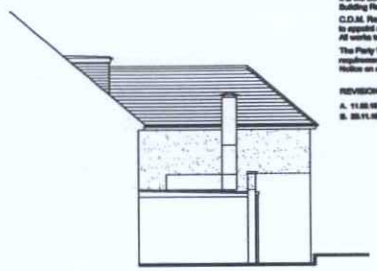
FRONT



SIDE



REAR



SIDE

PROPOSED ELEVATIONS TO MAIN BUILDING

Scale 1:100

No dimensions to be scaled from drawing except for planning purposes.

The contractor should check all dimensions on site.

It is the contractors responsibility to ensure compliance with Building Regulations.

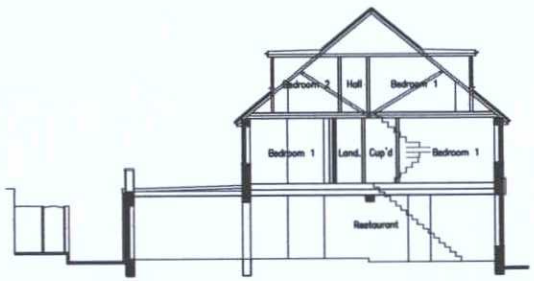
C.D.M. Regs. 2015. The Client is advised of his responsibilities to appoint a Planning Supervisor under these Regs. All works to comply with the C.D.M. Regs. 2015.

The Party Wall Act, 1996 The property owner is advised of the requirements of the Act, & the requirement to serve a Party Wall Notice on any adjoining owners as required under the act.

REVISIONS:

A. 11.05.18 Kitchen extract added.

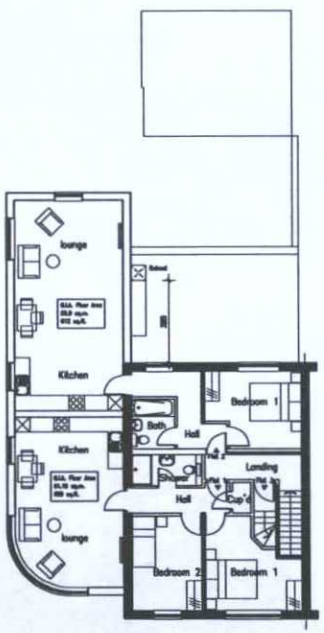
B. 23.11.18 Bonus room amended.

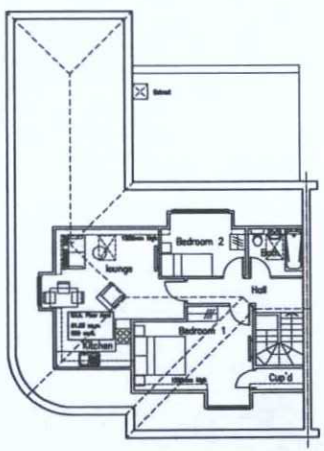


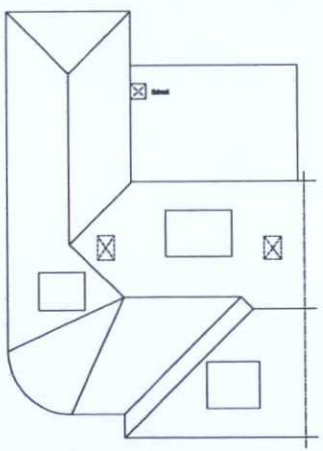
TYPICAL SECTION

Scale 1:100









GROUND FLOOR
PROPOSED FLOOR PLANS

Scale 1:100

FIRST FLOOR

SECOND FLOOR

ROOF PLAN

0m 5m 10m 15m 20m

ADCS
Architectural Design
Computer Services

30 Pinley Lane
Worthing
West Sussex
BN13 3AD
Tel: 01903 268791
E-mail:
sales@adcs.com

Client: MR ARSHADUL HOQUE

Project: PROPOSED FLAT CONVERSION
163 WINDMILL PARADE
OLD SHOREHAM ROAD
SOUTHWICK, W. SUSSEX BN42 4QB

Drawing: PROPOSED FLOOR PLANS & ELEVATIONS

Scale	Date	Drawn
1:100@A1	28.05.18	TP

Drawing No. 1388/P02 Revision B

Old Shoreham Road
Windmill Parade
Dovehill
Church
181
163
165
167
169
171
173
175
177
Extent of Property
Drive
Garage
Shed
Summerhouse
Pond
Greenhouse
Shed
Garage
Shed
Garage
Shed
Garage

APPENDIX 2

The Planning Inspectorate

Appeal Decision

Site visit made on 25 April 2017

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 May 2017

Appeal Ref: APP/M3835/W/16/3167411
16A/B Southcourt Road, Worthing, West Sussex, BN14 7DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Antony Crowley against the decision of Worthing Borough Council.
- The application Ref AWDM/1731/15, dated 25 November 2015, was refused by notice dated 21 October 2016.
- The development proposed is extension and alteration to create 2 x 1 bedroom self-contained flats.

Preliminary matters

1. The application drawings considered by the Council are Nos. 16/01, 16/02, 16/03, 16/04/1, 16/04/2, 16/05 and 16/06. These conform to the revised description of the scheme, agreed with the Council, as extension, alteration and conversion of the building to create two bedsit units. I have considered the appeal on this basis.

2. The site is located south of No. 17 Southcourt Road and No. 22 Westcourt Road. It is not clear from which of these addresses the first floor windows facing the site are accessed from.

Costs application

3. An application for costs was made by Mr Antony Crowley against Worthing Borough Council. This application is the subject of a separate decision.

Decision

4. The appeal is allowed and planning permission is granted for extension, alteration and conversion to create 2 bedsit units at 16A/B Southcourt Road, Worthing, West Sussex, BN14 7DQ in accordance with the terms of the application, Ref AWDM/1731/15, dated 25 November 2015 and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/01, 16/02, 16/03, 16/04/1, 16/04/2, 16/05 and 16/06.

   3) The development hereby permitted shall not be occupied until the windows on the north west elevation at first floor level have been fitted

with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened in such a way as to allow a view out. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

5) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

6) No occupation of the development hereby approved shall take place until the cycle and bin store provision has been made in accordance with the approved drawings. The cycle and bin store provision shall be permanently retained and maintained thereafter.

7) The first floor accommodation shall not be brought into use until the screening shown on drawing No. 16/06 has been installed.

8) No heat pumps or associated equipment shall be installed until details of noise emissions in all phases of operation have been provided to the local planning authority and approved in writing. The heat pumps shall be installed and maintained thereafter in accordance with the manufacturers recommendations.

Reasons

5. The main issues in this appeal are firstly whether the standard of accommodation that would be provided would be adequate, and secondly the effect on the living conditions of adjacent occupiers, in terms of privacy.

6. The appeal building consists of a 2 storey brick structure with a pitched roof, probably of Victorian origin. The approved use of the building is as a workshop (class B1 or B2). It lies behind a row of terraced houses in Westcourt Road and backs onto light industrial premises near Worthing Station.

7. The gross internal area of the ground floor unit would be 31 square metres (sqm) which would be very close to the minimum floor area of 32 sqm suggested for a studio flat in Worthing's space standards Supplementary Planning Document (SPD) of February 2012. As the ground floor unit includes useful outside space and allows for cross ventilation and daylighting on the south east and north west sides as well as a sizeable kitchen, I consider it would provide a satisfactory standard of accommodation.

8. The SPD notes that where extensions or conversions are concerned, an element of flexibility is appropriate, whereby a balance can be struck, as long as acceptable living accommodation results. I have applied this principle with respect to the first floor unit, which despite having a gross internal area of only 21 sqm, shares the ground floor laundry as well as the cycle store and bin storage in the yard. There is no space standard for a bedsit in the adopted SPD, nor is there firm guidance in the National Planning Policy Framework of March 2012 (NPPF). However this unit would considerably exceed the minimum area given for a one bed unit for a couple in Adur and Worthing's Standards for Houses in Multiple Occupation guidance of 2015. The circumstances of a house in multiple occupation are somewhat different because more communal accommodation is normally shared. Whether this unit would provide acceptable living accommodation then becomes a matter of fact and degree. I consider that on balance, the shared facilities, elevated position, outside landing, generous natural light and separate external front door are significant benefits that would make the first floor unit spacious in feel and acceptable despite falling short of the recommendations set out in the SPD for a studio flat.

9. Turning to the impact on privacy, some upper floor windows of the first floor unit would face the rear bedroom windows of houses in Westcourt Road. These windows are already partially obscure glazed and I noted that a window in No. 17 Southcourt Road or No. 22 Westcourt Road is also obscure glazed, reflecting the likelihood of an overlooking issue in the past. A condition requiring new windows to be fully obscure glazed would prevent any possibility of unacceptable overlooking in the future. To allow for a degree of cross ventilation, this condition is adapted to allow opening providing there is no view out. Both windows are included in the condition because of the private rear yard of No. 17, as well as the potential for reglazing of the upper floor window in the future.

10. There is no dispute that the building is in a sustainable location within easy reach of public transport and all necessary facilities. The proposed conversion would make a useful contribution to the provision of housing in the Borough. There would be no conflict with the environmental and design aims of the 2011 Worthing Borough Council Core Strategy policy 16 or the amenity protection objectives of saved policy H18 of the Worthing Local Plan of 2007; and limited conflict with the aims of the SPD. There would be no conflict with any policy in the NPPF. Viewing the development plan context in the round, planning permission should not be withheld.

Conditions

11. As well as the usual time limitation clause, conditions are imposed to ensure obscure glazing and to control contamination on this former industrial site. External materials need to be approved in the interests of the character of the area. The cycle and bin store provision needs to be provided before occupation because these aspects are important environmental and sustainability aspects of the development. No occupation of the first floor accommodation should take place until the external landing screening is in place in order to protect the living conditions of neighbours. The proposed heat pumps need to be acceptable in terms of noise. Finally, the development should be constructed in accordance with the approved drawings for the avoidance of doubt and in the interests of good planning.

12. For all the above reasons, the appeal should succeed.

Paul Jackson

INSPECTOR