Expiry Date - 07/09/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0950/23 **Recommendation – APPROVE**

Site: **Flat 2 7 St Georges Road Worthing West Sussex**

Proposal: **Proposed rooms in roof consisting of rear dormer with balcony and dormer to outrigger and front roof light.**

Date of site visit: 02/08/23

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is located to the west side of St Georges Road within a residential area of Worthing. The properties comprises of a mid-terrace, two-storey house with brick and rendered elevations and a front gabled bay and balcony, and two-storey outrigger to the rear. The property is set back from the road behind a flint and brick wall and small front garden. The rear elevation of the building backs on to Selden Lane. The building is occupied as three flats, to the ground floor, first floor and rear outrigger. This application refers to Flat 2 located at first floor to the front of the building.

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 rear balcony dormer, outrigger dormer and front roof light to form a loft conversion for Flat 2.

The proposed rear dormer would measure 2.93m wide by 2.1m deep and 2.02m high forming a covered inset balcony. The balcony area would be 1.585m deep by 2.795m wide and would have a brick/tile hung wall to the outer edge with glazed balustrade above. The cheeks of the dormer would be tile hung to match the roof tiles. Access to the balcony would be via glazed doors from the bedroom.

The proposed dormer to the outrigger extension would adjoin the rear dormer and measure 8.33m wide by 2.76m high and 2.92m deep and would be finished in tile hanging to match the existing roof. The dormer would have two windows facing north and serving the proposed bedroom with the bottom panes being obscure glazed. Three roof lights would be installed in the flat roof of the dormer.

Internally the accommodation would provide a loft conversion for Flat 2 on the first floor of the property and extending in to the roof area above Flat 3 to form 2 bedrooms, a bathroom and dressing room. Access to the loft conversion would be via new stairs installed within Flat 2 and positioned above the existing stairs and requiring removal of a small section of the kitchen.

A roof light would be added to the front of the building, serving a bedroom.

The application has been amended to clarify the intended rear dormer balcony works and to amend the windows to the outrigger from horizontal to vertical proportions.

Relevant Planning History:

None relevant

Consultations:

None required

Representations:

One objection received from the neighbour at Flat 3 (below part of the proposed loft conversion):

As we own the flat that is currently below the empty loft space which is planned to be given a change of purpose as part of an occupied flat extension, I believe such action would have a detrimental effect on the reasonable peaceful enjoyment of Flat 3. This would come not only from the period the extension was built but afterwards with the transversement and use of the current empty loft space as part of a residential property and the noise it would generate and the subsequent lack of privacy.

Although the property is currently subdivided in to flats these were allocated in existing areas of the building's occupation and so have the necessary floorboards and walls etc. to ensure an acceptable level of non-impingement of the tenants upon each other.

The appeal of owning Flat 3 is that it is at the top of the building and has never had people living above it and the attendant privacy this brings. Also the only access to the loft space above Flat 3 is via a glass panel hatch in the ceiling and this would involve significant inconvenience in this flat if planning permission was granted as it would be impractical to maintain it, meaning a change in the internal structure of our flat.

For these reason I wish to object to the planning application.

A further objection was received from these neighbours in response to the updated plans, reiterating the previous comments and including further queries regarding the ownership of the roof space.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (HCLG 2021)
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.

Visual Amenity

The rear of the terrace backs on to Selden Lane and the rear elevations of these houses are clearly visible from here. The rear of the terrace is similar in form and design with pitched roof outriggers to the rear and bay windows at first floor with smaller windows above. The majority of these buildings have extended into the loft adding a dormer to the outrigger and/or rear roof. These dormer additions are of varying scale and form, some extending the full depth of the outrigger and down to eaves.

The proposed dormers would be visible from Selden Road but would be viewed in context with the other similar development within the terrace. Although most of the other development is limited to a dormer to the outrigger only, the property at No.11 has a rear and side dormer. The rear dormer would provide a covered balcony space that is open to the rear and would not be considered to appear as a dominant feature on the roofscape. Whilst large scale dormers are not usually permitted where they are visible in the street scene, it is recognised that there are numerous similar dormers visible from Selden Lane and the scale and proportions of the proposed dormers are no larger than those at adjacent buildings. The dormers are to be set up a good distance from eaves level and down from the ridge, with the outrigger dormer set back 3.33m from the end of the building and would not subsume the entire roof. In addition, the deep projection of the inside return wings and set back position reduces the visibility of the flat roof element and this would not appear overly prominent in the street scene. The proposed dormers would therefore be in keeping with surrounding development and would not adversely affect the character of the street scene.

The windows to the outrigger dormer were amended from a horizontal to vertical orientation which was considered more sympathetic to the overall appearance of the building.

There would be no significant harm to the character of the street scene or the visual amenities of the locality as a result of this application.

Residential Amenity

The most affected neighbours are those at Flat 3 below the proposed outrigger dormer extension, the upper floor flat at No.5 and the flats at No.9.

Flat 3 occupies the rear outrigger at first floor and is directly below the proposed dormer. It is noted that there have been questions raised regarding the ownership of the roof area above this flat with both the applicant and neighbours stating that it is within their ownership. Ownership is not a matter that can be confirmed or determined by planning permission and is not a material consideration in the assessment of the proposed works. Any such disputes are a civil matter between parties and separate legal advice should be sought (as advised to both parties). The question of ownership does not preclude consideration of the application.

The creation of new floor space above an existing flat by way of a loft conversion is not uncommon, neither is the situation of new floor space being occupied by different people, which is often the case in converted houses such as this. Whilst the situation is not uncommon it is recognised that there would be an increase in noise and disturbance as a result of the new accommodation above where flat 3 previously occupied the top floor. To mitigate any such impact arising from this development, a condition requiring the submission, agreement and installation of sufficient sound insulation is required. This should secure the long term protection for the occupants of Flat 3 from unacceptable noise levels. Noise and disturbance arising from the building works required to carry out the development are an accepted part of any application, however due to the close proximity of affected neighbours it is also considered necessary in this case to restrict the hours of work permitted. It is the responsibility of the applicants to ensure that any relevant party wall agreements and any other legal documents are in place before proceeding with any approved works.

The only new opening affecting the occupiers of Flat 3 is the balcony to the rear roof slope. This balcony would be inset into the roof with a tiled/brick balustrade and glazing above. Overlooking from this balcony to the first floor side windows of Flat 3 would not be any worse than the existing situation resulting from the rear bedroom windows of Flat 2 in juxtaposition with the side windows of Flat 3. It is also noted that the window to Flat 3 that is closest to the balcony is obscure glazed. Due to the inset form of the balcony, and the position of windows to Flat 3 being on the floor below there is not considered to be any significant impact of overlooking or loss of privacy as a result of this application.

The proposed dormers would not be visible from the flats at No.5 located to the south side of the application property, however this property would share party walls with the proposed loft conversion and therefore a sound insulation scheme is required to protect these occupants from noise and disturbance.

The flats to the north of the application property at No.9 have windows facing south and towards the proposed dormers. Photos of the existing views from the

rear facing first floor bedroom windows of the application flat have been provided and these demonstrate that there is some overlooking between properties as existing. The addition of the balcony to the rear and two windows serving a bedroom to the side at loft level would all be above the windows to No.9 at first floor. Furthermore, the lower panes of the side windows would be obscure glazed, further reducing the potential for overlooking. The opportunities for overlooking to the windows opposite would be very limited and the situation would be no worse than existing, with the main views being across the tiled roof of No.9. There would be no significant increase in overlooking or loss of privacy to the occupiers of the flats at No.9.

There is a vehicle service, repairs and MOT centre and under croft with flats above located opposite the application site to the other side of Selden Lane. The proposed balcony would be over 25m from the flats to the rear and would have no adverse impact on these occupiers.

Following assessment of the factors that can be considered by planning permission, the proposal, subject to the conditions detailed above would not be considered to have any significant detrimental impact on the residential amenities of adjacent occupiers.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Matching tiles
4. Obscure glazed lower panes to north windows
5. Sound insulation to be submitted
6. Hours of work

Informative

1. 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.

2. You are advised to ensure that the development works accord with the Party Wall Act 1996, which set out responsibilities for the undertaking of works at or close to the party wall of any neighbouring owner. Further information can be found at: https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance

3. The applicant is advised to confirm with the occupants of Flat 3, 7 St Georges Road, by way of the relevant legal documentation, that all areas of the building where the works as hereby approved are to be carried out, are within the applicant's ownership.

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

Case Officer: Amanda Haslett Date: 02/10/23

Authorised by: Jo Morin Date: 02.10.2023