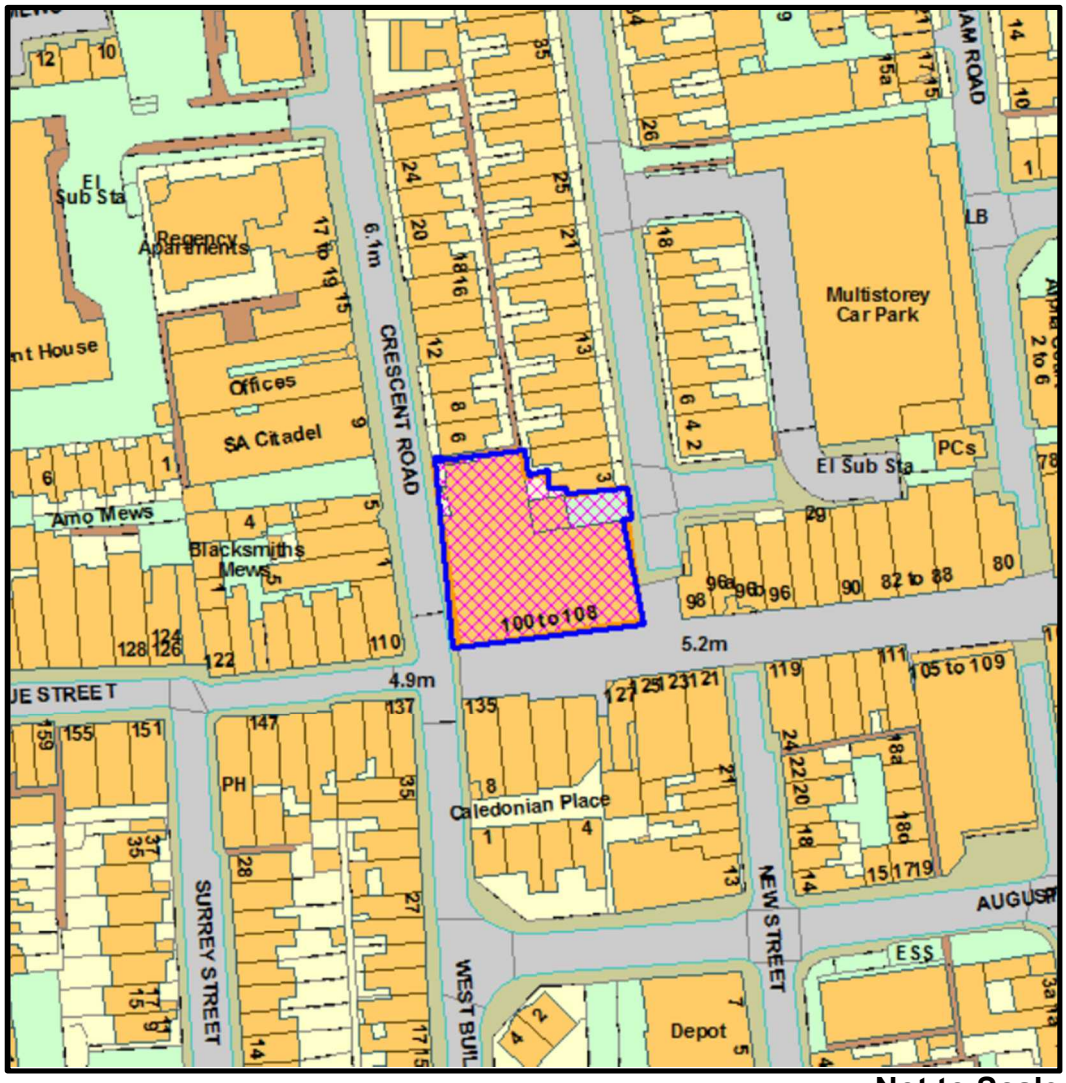
Application Number:	**AWDM/0732/23**	**Recommendation - APPROVE**
Site:	**100 - 108 Montague Street, Worthing, West Sussex, BN11 3HG**	
Proposal:	**Proposed extension to accommodate new dwelling with mansard roof with flat roof dormers and glass balustrade**	
Applicant:	Mr Tom Collingwood	Ward: Central
Agent:	SAACT Ltd	
Case Officer:	Jacqueline Fox	



Not to Scale

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Introduction

A previous outline application AWDM/0964/22 (now withdrawn) for a proposed 1 bedroom flat within a new mansard roof on the current site had been requested to come before the committee by a former member of the Committee. As the current full application has followed on from the withdrawn application, it was considered that the current full application should also be reported to the committee for determination.

Site and Surroundings

Montague Street at this point is within the secondary frontage of the town centre as defined in the Worthing Local Plan and is pedestrianised to the southern side, with Crescent Road frontage to the western elevation. This prominent corner with an imposing three storey Victorian building is within the Montague Street conservation area.

The site is currently undergoing development from a previous permission particularly to the northern side and along Crescent Road. The cream coloured building comprises a traditional glazed shop front to Montague Street and part of the Crescent Road and Graham Road frontages. At ground floor facing Crescent Road the former blocked frontage of a former chapel building and warehouse/store for the shop has been opened up with long glazed windows. Facing Graham Road is the rear entrance and service yard.

The overall building is three storeys with two building types with the corner building portraying large deep windows and detailing to the masonry and a flat roof. The attached building to the east has smaller window openings and a part pitched roof . To the rear there are a range of attached additions, part single, part two storey and part three storey some under redevelopment

To the north of the site is a Victorian terrace along Crescent Road. This comprises 3 storeys above a semi basement and most have added a full mansard to the roof, though No 6 which adjoins the site does not. The bulk are in residential use converted to flats. The facing southern flank of the terrace is windowless.

To the north east the buildings are two storey Victorian terraced houses in Graham Road which feature uniform outriggers, excepting No 3 which is shorter by approx. two metres. 3 and 5 Graham Road gardens directly abut the site. The gardens are bounded by tall (2m plus) walls. Only the ground floor of No 5 incorporates windows in its west facing outrigger at this level. In common with the rest of the terrace, Nos 3, 5, 7and 9 include west facing first floor windows in their outriggers.

To the east and south are a range of two storey buildings with retail primarily on the ground floor and store/residential at first floor. The properties on the south side of the pedestrianised street are two storey and much smaller in scale than 100-108 Montague Street.

On the opposite site of Crescent Road there is a continuation of two and three storey buildings with commercial at ground floor and mixed uses above.

Proposal

The application which is now substantially retrospective is for an additional dwelling above part of the Crescent Road frontage.

The application is for a one bedroom flat within a new tiled slate mansard roof above the existing and recently approved flat roof over the warehouse and store to the northern portion of the site. The mansard would add an additional maximum height of approx 3.2m to the building.

The proposed flat would have small windows to the front facing Crescent Road to light the bedroom and stairwell. At the rear (east facing) are larger french windows which light the main living space. The windows open out onto a proposed balcony with a depth of approx 1.7m. The balcony would be screened by a 1.7m high obscure glass screen. The balcony would be set back approx 2.7m from the rear of the approved flat roof extension.

The proposed dwelling would be accessed from Crescent Road via a new entrance within an approved glazing panel. The stairwell would be in the north west of the existing building.

The one bedroom flat would be 69sqm. The roof terrace would be 16.5sqm in area.

Bin stores are shown to the northside of the building with cycle parking within the stairwell.

Relevant Planning History:

AWDM/0052/15 - Infill central part of first floor to extend showroom and extend forwards and subdivide existing enclosed flat roofed area for deliveries by Graham Road-Approved

AWDM/0449/16 - Demolish existing redundant warehouse storage rooms attached to existing retail premises, replace with a pair of three storey two bedroom semi-detached dwellings with gardens and access from Crescent Road. APPROVED- Not implemented

PREAPP/0153/20 - Create 8 flats in part of the upper floors to this property including alterations to the north eastern side, create one flat on the roof, alter the frontage and change the use of a building currently used as the warehouse to the north west side of the building and to extend the first floor of the warehouse to the east.(see PREAPP/0581/19)

AWDM/1752/20 - Change of use of part of the first and second floors from retail to residential use, demolition of part of the northern elevation and extension to this elevation, extension at first floor level to the warehouse, installation of a new floor in the warehouse to match the level of the retail showroom first floor, alterations to the Crescent Road frontage to the warehouse, creation of a new access to the proposed flats from Graham Road, creation of 8 flats including a roof top flat and conversion and extension of part of the sales area, provision of cycle and bin storage and ancillary works. APPROVED

AWDM/0908/22 - Approval of Details Reserved by Conditions: Condition 3 (Materials); Condition 4 (Railing, Hard & Soft Landscape); Condition 5 (Ventilation); Condition 6 (Contamination Risk Assessment Details); Condition 7 (Construction Management

Plan) and Condition 10 (Working Hour Details) of approved application AWDM/1752/20 Subject to discussion with Environmental Health officers.

AWDM/0964/22 - Outline application for proposed 1no. x 1 bed flat within new mansard roof at second floor, associated bin and cycle storage- WITHDRAWN

AWDM/1377/22 - The Non- Material amendment to approved application AWDM/1752/20 for new windows, gate, bin and cycle store. APPROVED

Consultations:

WSCC Highways

This proposal is for an extension to provide 1x1 bedroom dwelling. The site is located on the corner plot between Montague Street (E class road) and Prospect Place which is an unclassified road subject to 30mph speed limit.

There are no access or parking arrangements associated with the site. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the proposal would exacerbate an existing safety concern.

This proposal is not anticipated to result in material intensification of use onto Prospect Place or the wider road network.

Nil car parking provision is proposed for the new dwelling. 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 detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The site is located within a sustainable area, close to local shops and amenities. Worthing trains station is within 13min walking distance from the site. In order to promote the use of sustainable transport methods, the LHA would advise that covered and secure cycle storage is provided for the proposed flats. The proposed plans demonstrate details of this.

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 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve this application, condition securing cycle parking should be included.

Southern Water

Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer.

Environmental Health (PSH)

No objections on PSH grounds

Environmental Health

Awaiting comments which if received will be reported verbally at the meeting.

Representations:

Flat 2, 3 Graham Road

I am writing to object to the proposed development on account of the further noise, disturbance and pollution it will generate. I live in a flat directly adjacent to the proposed development. I already experience plenty of disturbance on account of the work being carried out in the very small space at the back of the shop. Moreover, there is a great deal of traffic in what is a no-through road, and this will no doubt further increase if more property is added to this short and narrow road - creating also more pollution detrimental to the health of residents. More development within such a small area is totally inappropriate. I hope the council will ensure that the well-being of existing residents of the street will take precedence over unnecessary further development

Flat 2, 5 Graham Road

I am opposed to the above planning proposal (AWDM/0732/23) for the following reasons:

Noise disturbance and pollution: I live in the flat next to this proposed development. The works conducted under the previous work permit (AWDM/0964/22) generated a significant amount of noise. Also noise disturbance will be increased through the building of the roof terrace. Although the proposal indicates that the terrace will be made of 'glass balustrade' however the current structure is a wooden screen with gaps in it . The last building works created a significant amount of the dust which can be detrimental to the health of neighbours. The roof terrace is likely going to be used at night, thus creating more noise.

High Access and Parking: Moreover, parking is already limited on Graham Road and it is already in the centre of the town we experience a high volume of traffic despite it being a no through road. Although, they have proposed that a cycling storage will be included. It can be argued that it's impossible that the tenants/ occupiers will not own cars. Approving this proposal will lead to an increase in traffic from trucks which will lead to pollution in such a small area.

The impact of the loss of light as a result of having another storey has been considered. This will overshadow some of the properties on Graham Road and in addition invading privacy of of some houses. The building of the terrace overlook the rear window of 7 and 9 Graham Road.

Also 5 Graham will be affected as it now have a view of a blank wall

7 Graham Road

This development will cause a number of issues. The work permitted by a previous application (AWDM/1752/20) has allowed a second storey to be built right up to the boundary wall with properties on Graham Road. The result of this is that several of the properties now have a blank wall less than 2 metres from their rear windows, blocking out a significant amount of light and sky.

This, in my view, is an appalling failure on the part of the Planning department. If the original application had been properly considered and understood, it's very likely that it would have been referred to the Planning Committee and subsequently pushed back from the boundary wall. This additional storey only compounds the problem.

Light

The additional storey further blocks light to the rear of properties on Graham Road. This isn't a matter of conjecture - it can be observed because it has already been built, without planning permission, and this application is retrospective.

Overdevelopment

As above, the second storey already represents greedy development: taking up as much space as possible with no regard for the surrounding properties. This third storey exacerbates that issue. The original plans were incomplete/misleading, omitting the properties most affected, particularly 5 Graham Road which now has a view of a blank wall outside its rear windows.

Noise

A roof terrace in an enclosed space like this will create a lot of noise for neighbours.

As demonstrated by the noise we have experienced during the building work, sound bounces around a great deal in this space. Even the builders' radio, at a relatively low volume, has caused a lot of disturbance. It's reasonable to assume that the terrace is likely to be used in the evening, therefore increasing the likelihood of late-night noise nuisance.

Furthermore, with two sets of double doors opening onto the terrace, it's highly likely that noise will leak out from inside, even if the terrace is not being used.

Privacy

The terrace overlooks the rear bedroom windows of 7 and 9 Graham Road, along with others. Though the plans refer to a "glass balustrade", what has actually been built is a wooden screen with gaps in it. This will do nothing to prevent overlooking and little to contain noise. The proposed "obscured glass screen" should help with regard to privacy but not with noise as a hard surface will encourage sound to bounce around.

Highway access and parking

Parking availability is already strained in Graham Road, and in the town centre generally. Outside of enforcement hours (9am - 6pm, Mon - Fri) vehicles are often double parked or parked dangerously, i.e. blocking pavements. Though the development incorporates cycle storage, it's unrealistic to think that none of the residents will own cars

17 Graham Road

This is a retrospective application for a 3rd storey which has already been built- including a large roof terrace.

I wish to object to this for the following reasons:

1. The terrace blocks the view from my garden. It covers up a large area of sky, where before I could see sky I now see an ugly large wooden fence. It blocks my light and peace.
2. The terrace can clearly overlook my garden, this invades my privacy. The terrace is large and multiple people can be on it at any one time
3. The apartment has french doors opening onto the terrace- this will , when habituated, cause an increase in noise and disturbance from the apartment and people who are using the large terrace. Currently there are no terraces backing onto the row of houses I live on, there is no noise or disruption from the apartments behind my house because of this.
4. This is a retrospective application;I am furious that developers think they can do what they like and ask permission afterwards. I strongly urge WBC to demand the terrace be removed.

Relevant Planning Policies

National Planning Policy Framework (2021)
National Planning Practice Guidance (CLG)
Supplementary Planning Document 'Space Standards' (WBC 2012)
Montague Street Conservation Area Appraisal (WBC 2001)

Worthing Local Plan 2023

SP1 - Presumption in Favour of Sustainable Development
SP2 - Climate Change
SP3 - Healthy Communities
DM1 - Housing Mix
DM2 - Density
DM5 - Quality of the Built Environment
DM13 - Retail and Town Centre Uses
DM16 – Sustainable Design
DM17 – Energy
DM22 - Pollution
DM 24 – The Historic Environment

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

For LB/CA

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The principle of the part conversion and extension of the building has been established under AWDM/1752/20. The creation of flats is acceptable in principle in this sustainable location, the key issue is the impact of the existing additional mansard roof extension to form a dwelling on the northern portion of the building on the conservation area, the existing building, residential amenity for future residents, and the impact on neighbouring properties as assessed against the Development Plan and relevant policies within the NPPF.

The development is now substantially complete in form, the applicant's agent was advised to stop work in March 2023 when it was established that work being carried on site exceeded that in the approved scheme and was in connection with the additional flat; the subject of the current application. They were advised that all work was at their own risk and that we did not condone that work was being carried out without the relevant planning permission. The council's planning enforcement team has also been involved and sent correspondence. Initially the agent advised that work would stop and scaffolding removed however work recommenced and the shell of the building including the roof terrace has now been substantially built.

Members are advised that notwithstanding the work that has taken place the application should be assessed in full on its planning merits.

Heritage and Visual Amenity

The starting point is whether the development would preserve or enhance the established character and appearance of the Conservation Area.

The application site comprises a prominent corner three storey Victorian building within the Montague Street conservation area. The former Trinity Church hall building was incorporated into the site in 1971 and has partly been used as showroom and store and continues to be such under approved application AWDM/1752/20.

The Montague Street Conservation Area document identifies this section of Montague Street as an important part of the town centre shopping area. Wholly pedestrianised, it is a corridor type urban space enclosed by two to four storey buildings on both sides of the street. It indicates that the north side of the street especially has good townscape quality.

It indicates that architectural historic and townscape elements which should be preserved include:

- A common building line at the back of the pavement.

- Cohesive paving materials.
- A vertical emphasis to front elevations.
- Original architectural detailing on 19th century properties including string courses, parapets, slate roofs, quoins and timber sliding sash windows.
- Elevations in stucco or red brick.

The current application proposes extensions above the roof of the building on the northern side and amendments to the windows approved on the elevation facing Crescent Road.



Approved Elevation to Crescent Road (under AWDM/1377/22)



Proposed Elevation to Crescent Road

The roof extension would introduce a mansard roof to a partly existing and partly approved flat roof two storey building. The roof extension lies between the ornate three storey building of Collingwood Batchellor and the converted chapel (also part of the shop/conversion) and a four storey block on the north side of terraced houses and flats. There is no consistent roofline or elevational treatment along this stretch of Montague Street. The new mansard roof would be lower in height than the development to the northern side and the main Collingwood Batchelor distinctive corner building . It would be similar in height to the three storey development on the opposite side of the road. There are examples of mansard roofs in Crescent Road and in the newer development to the north. The proposed extension would introduce interest to this current flat roof and its set back position would ensure that it would not be unduly prominent in the street scene.

The six windows and extension proposed below the roof extension are in accordance with the approved scheme and the Non material amendment application under AWDM/1377/22. The windows would continue to replicate long chapel windows which were previously negotiated and would match the grey framing currently in the old chapel building on the Crescent Road frontage.

The proposed extensions are considered to be in character with the building and would retain and enhance the character of the Conservation Area and the area in general.

The development therefore complies with Policy DM5 and DM24 of the adopted Worthing Local Plan which requires development in conservation areas to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of the area.

Residential Amenity

Future Occupants

The Guide for Residential Development SPD - Living above shops and other commercial premises - indicates that the following points must be considered when assessing an application for living above shops or commercial properties:

- The amenity of residents and occupiers, or of the surrounding area.
- Sound proofing measures for the residential units.
- Design/space standards.
- Independent and safe access shall be provided to the residential unit which is separate from that of ground floor use.

In terms of size and layout the one bedroom unit is shown as 69 sqm which would comply with the National Space Standards for a one bedroom flat. The internal layout shows a one bedroom flat with a bedroom to the west side facing Crescent Road. There is an internal bathroom hall and storage area with a lounge/diner and kitchen to the eastern side with windows onto a terrace of 16.5sqm.

The ‘Space Standards’ SPD sets out requirements for external open space. Balconies need to be of sufficient size to accommodate a small table and sufficient chairs for each occupant. The scheme provides for communal open space on the roof enclosed by obscure glazing of approx. 16.9sqm. This would provide adequate space for outside amenity for this one bedroom flat. The site is also in the town centre, where the general principle of residential conversion is supportable given the proposal involves intensification of a brownfield site in a very sustainable town centre location.

The unit has its own separate staircase and a refuse store at ground floor is shown to be provided.

Comments are currently awaited from Environmental Health Officers on noise transmission between floors and the adequacy of windows to deal with noise and ventilation. Environmental Health Officers have been extensively involved in negotiations on this site to discharge conditions for noise and ventilation on the main building and it is expected that these would be similar to the scheme being negotiated. Further comments will be reported verbally to members as appropriate.

Neighbour amenity

The application site is within a range of commercial units with residential to Graham Road and Crescent Road.

The application proposes a roof extension which would face Crescent Road and back onto the rear of properties facing Graham Road.

The application has received objections from residents in Graham Road particularly in relation to noise and disturbance, overlooking, loss of light and visual impact.

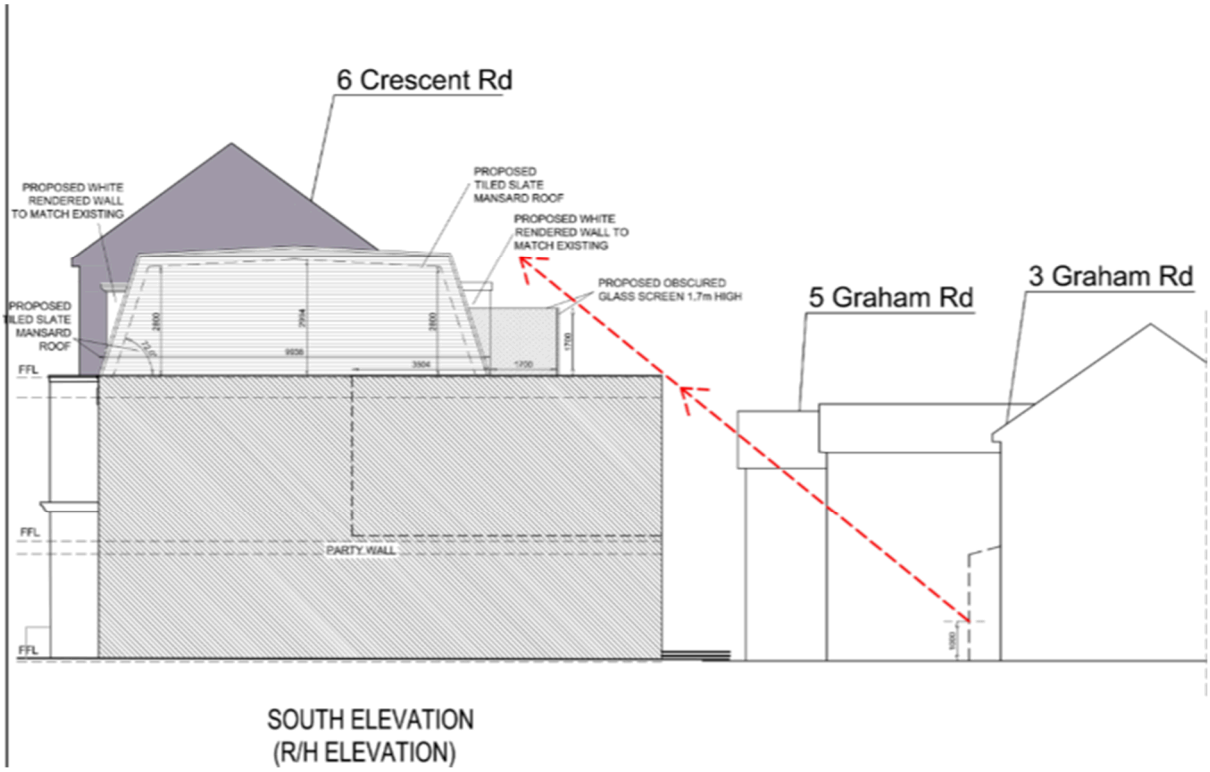
In context, planning permission has been granted for the conversion and extension of the building to provide nine flats. Part of the approved scheme included a flat roof extension above the single storey warehouse in the service yard backing onto properties in Crescent Road. The former warehouse extension (now showroom) involved extending the building at first floor and inserting high level windows to its eastern elevation.

The current proposal involves development above the existing and approved flat roof. As indicated previously the proposal is a mansard roof with windows to the east and west elevation as well as a balcony leading off the french windows in the east elevation.

This is a town centre location and the properties tend to be in close proximity with each other. The existing Collingwood Baxter building and associated warehouse and yard are within close proximity and wrap around various height residential developments.

The most affected properties are 3, 5 and 7 Graham Road and 6 Crescent Road from the current proposal.

The plan below shows the relationship to properties in Graham Road taken into account the approved extension. The plans show the set back of the mansard roof extension from the approved rear elevation.



In terms of the impact on No 3 Graham Road, this property immediately abuts the warehouse service area to its west and south. The property is in two flats. The property has no windows in the rear outrigger. The windows are to the south of the outrigger and rear of the main house. The windows in the south elevation would not be impacted by the current proposed extension. The mansard extension is above the flat roof extension and set back from the rear elevation of this wall by approx 4.2m, the roof terrace would be set back approx 2.7m. Although the roof extension as shown on the plan above is much taller than these two storey dwellings in view of the existing development,and set back of the mansard it is not considered that the development would cause any additional overshadowing, visual impact or overlooking. The occupants have raised concerns about additional noise and pollution citing the current construction works and traffic. The construction works will be temporary and the proposal is for a single one bedroom dwelling in a town centre location where there would be an expected level of noise, the balcony is not large and the property is a one bedroom flat it is not therefore considered that the application could be refused on the additional noise that could be generated from the balcony area.

In terms of the impact on No 5 Graham Road, this property has a number of windows in the rear elevation including windows in the west elevation of the outrigger. 4 windows in the rear elevation were tested for sunlight daylight under AWDM/1752/20. The daylight/sunlight indicator showed that although there would be reductions in daylight and sunlight the property would still receive reasonable levels of daylight and annual sunlight for a town centre setting. The mansard extension would be above and set away from the rear two storey wall. It is not considered that it would cause additional loss of light or visual impact to this property. The occupants have raised noise, pollution, access and parking as well as loss of light and privacy. As previously indicated above the construction noise and potential pollution will be temporary. The noise from any new occupants in this town centre location is not considered to be a reason to refuse the application. Although car parking is not provided, the property is in a highly sustainable location where other forms of transport are available. The

occupant has raised that the fencing to the balcony is open and allows overlooking. This is also temporary and the application proposes obscure glazed screening to a height of 1.7m to maintain privacy between properties.

No 7 is further to the north and as a consequence is less impacted directly by the proposal. It has one window which has potential for adverse impact, as above the property is already impacted by existing development and the daylight/sunlight indicator in association with AWDM/1752/20 shows that although there would be reductions in daylight and sunlight that the property would receive reasonable levels of daylight and annual sunlight for a town centre setting. The roof extension would be above and sit away from the eastern boundary. Due to the angle and relationship the extension would be visible from this property particularly from a first floor west facing window. The windows in the east facing elevation and the balcony of the proposed development would, however, be largely screened by a proposed 1.7m obscure glazed balustrade. A condition securing the erection of the obscure glazed balustrade would be appropriate to ensure that this was provided. No 7 is already overlooked from the four storey development of Crescent Road directly to the rear and as such it is not considered that it would be appropriate to refuse the application on the basis of detrimental overlooking.

Concerns raised in relation to noise pollution and traffic have been addressed above.

No 17 Graham Road is situated further to the north and although it is appreciated that the development would be visible from this property as highlighted above, with properties much closer to the scheme, it is not considered that the proposal would have a detrimental impact so as to justify refusing the application.

No 6 Crescent Road is situated to the north of the site and comprises a three storey building with outrigger, The main windows at the rear face east, There is a passageway between the properties and a high wall to the boundary. The roof extension would increase the height on the boundary by approx 3.2m for a distance of approx 9.9m in depth along the boundary with this property. However part of this would be at the side of the property where there are no windows. There are no windows proposed on the north side of the mansard. Although the mansard would be to the south side of this property in view of existing development and the height it is not considered it would cause any further detrimental loss of light or visual impact.

The site is within a tight urban context with significant buildings and structures which currently restrict light and prospect. There have been previous permissions for dwellings and extension to the warehouse as indicated in the history above which would also have had an impact if developed. The warehouse extension (already approved) and the mansard roof extension will have some impact on the surrounding properties in terms of visual impact but taking into account the the set back and location of the mansard roof and existing orientation and structures on balance the proposal is considered to be acceptable and would not have a detrimental impact on neighbouring properties to warrant refusal on this aspect.

Parking and Accessibility

The site is situated in a sustainable location in easy walking distance of modes of transport other than the private car and local shops and facilities. No resident parking

is provided and the rear yard area will be retained to service the retail unit as a showroom only.

The Local Highway Authority does not consider that the 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 109), and that there are no transport grounds to resist the proposal.

The Highway Authority recommends a condition to provide cycle storage and this is proposed.

Sustainable Construction

The applicant agents have indicated that they have installed Solar Panels with battery storage. The EPC (Energy Performance Certificate) as built has SAP's calculations A rated.

CIL

The proposal is liable to a CIL payment for the new residential floorspace.

Recommendation

APPROVE subject to comments from Environmental Health and the following Conditions:-

1. Approved Plans.
2. The obscure glazed balustrade to be provided prior to occupation.
3. Ventilation details.
4. Noise Assessment.
5. Bins provided.
6. Cycle storage.
7. Hours of work.

Informatives:

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. New Address
3. Formal application to Southern Water for connection to sewerage system
4. CIL

23 August 2023

Local Government Act 1972
Background Papers:

As referred to in individual application reports

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