Development Control – Delegated Officer Report

Application Number: AWDM/1469/24 Recommendation – APPROVE

Site: 1 Furze Road Worthing West Sussex BN13 3BP

Proposal: Retrospective application for detached annexe for dependant relative

Date of site visit: 11.12.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a wedge-shaped detached dwelling plot at the northern end of Mill Lane on the west side of its junction with Furze Road. The large dwelling is located in the wider, southern half of the plot. It faces northeast onto Mill Lane with frontage parking and vehicle access also from Mill Lane, a private road. There is a large outbuilding sited to the north and west of the main dwelling. Orientated southeast to face onto the frontage parking area, it was formerly used as an annexe for a dependent relative but is now a holiday let.

A private access drive running along the length of the western site boundary serves 9 Furze Road, a detached 'backland' dwelling sited to the south west of the application property and to the rear (south) of Salvington Windmill, a grade II listed building fronting Furze Road.

The site and surrounding land slopes down to the South.

Proposal

Permission is sought retrospectively for a detached single-storey annexe building located in the tapered northern end of the garden. The L-shaped building has a maximum length of 9.15m and a maximum width of 5.35m. The rear elevation of the outbuilding is sited roughly parallel to the northeastern site boundary onto Mill Lane. The outbuilding is built into the sloping ground levels with a raised, paved terrace that wraps around the front (southwest) and southeast side. It has a mostly flat roof with a tiled 'edge' to the southwest and southeast elevations. The external walls are clad in dark-stained, lapped, horizontal timber boarding. The glazed front (southwest) elevation faces into the garden with large bi-fold/French door openings.

The annexe is accessed from Furze Road by a pedestrian gate located in the narrow section of fencing enclosing the northernmost end of the garden. The footpath runs inside the western site boundary, providing access to the annexe and then meandering southwards to link to the main dwelling. A row of shrubs has been planted across the garden to the south of the outbuilding informally sub-dividing the annexe from the remainder of the garden.

The accommodation consists of an open-plan kitchen/living/dining area with bedroom leading off and separate bathroom. It is occupied by the Applicant's daughter and partner.

The current application arises from an enforcement investigation under AWEN/0209/24.

Relevant Planning History:

AWDM/1269/21 Alterations and raising of the roof ridge to create a second floor. Permitted 14.09.2021.

AWDM/0649/19 Retrospective change of use of outbuilding from annexe for dependant relative to Holiday Let. permitted 01.07.2019.

AWDM/1784/17 Change of use from gym, games room and study to ancillary annexe as accommodation for dependant relative. Permitted 20.03.2018.

AWDM/0404/16 Change of use of detached garage to gym, games room and study and associated alterations. Permitted 13.07.2016.

AWDM/1689/15 Application to vary submitted plans condition of AWDM/1446/14. Permitted 24.12.2015.

AWDM/0613/15 Construction of wooden gates to driveway. Permitted 01.07.2015.

AWDM/0093/15 Retention of change of use from 2 no. flats to single dwelling, porch on north west side and single storey extension to south west side. Permitted 20.03.2015.

AWDM/1446/14 Change of use from 2 no. flats to single dwelling. Retention of detached two and a half bay garage to north of house, porch on north west side and single storey extension to south west side. Refused on ground of visual harm. Allowed on Appeal 22.07.2015.

Consultations: None undertaken.

High Salvington Mill Trust: We believe the building has been in its current state for some considerable time possibly for a year or two. From our vantage point it appears the building started out as a storage shed and has been converted into residential use. A separate building started out as a 'garage' and has gradually changed its use, via

accommodation for a dependent relative, into a holiday let. Based on this we, doubt the building will remain as accommodation for a dependent relative for very long. .

Representations: 2 representations have been received raising the following points:

- Understand and support the principle of providing accommodation to meet the needs of a dependent relative.
- The retrospective nature of the application limits opportunities for meaningful public engagement and discussion.
- Whilst there is no reason to doubt the Applicant's intention, the enforceability of conditions requiring the annexe to remain functionally tied to the main dwelling, and for the accommodation of individuals that are genuinely reliant on the primary household for support and/or care, poses a significant challenge.
- Restrictions on occupation should apply to current and future owners of the property, but creates an ongoing obligation that can be difficult to monitor, placing a burden on the LPA.
- The potential for the annexe to evolve into a separate dwelling over time, whether intentionally or unintentionally, poses practical and policy challenges since the applicant's needs should be balanced with the importance of maintaining fair and consistent planning policies.

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Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment

Principle of Annexe Accommodation

LP Policy DM5 states that all new development (including extensions, residential annexes, alterations and ancillary development) should (amongst other things) be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area; enhance the local environment by way of its appearance and character with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, tree canopy, impact on

street scene and layout of the development; make a positive contribution to the sense of place, local character and distinctiveness of an area; be well built, accessible, fit for purpose, and adaptable to changing lifestyles; include a layout and design which take account of potential users of the site; and not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, or an unacceptable increase in noise.

It states specifically in relation to residential annexes, that they must be designed as ancillary to the main dwelling and be capable of satisfactory conversion for use in association with the main dwelling when it is no longer required by a relative or dependant.

The preamble to policy DM5 states at paragraph 5.68:

"Residential annexes can provide a suitable solution for accommodating a relative or dependent within the curtilage of the main dwelling house. Where a totally independent dwelling is not acceptable, (for example where there is a lack of separate curtilage, inadequate parking or a general unacceptable intensity of use), permission may be granted for an annexe subject to conditions or planning agreements limiting occupation to a relative or dependent, and requiring conversion of the accommodation to a use in association with the main dwelling, when it is no longer required for the relative or dependent. Such annexes should be ancillary to the main dwelling both in scale and range of accommodation and facilities, and must not assume a detached or independent identity by design or sub-division of the curtilage of the main dwelling."

The top of the annexe building is visible in views from Mill Lane to the east, although partially screened by an informal hedge interspersed with trees growing in the narrow vegetated margin between the edge of Mill Lane and the site boundary. There are no window openings facing onto Mill Lane and this 'back' of the building, clad in dark-stained horizontal boarding has an appearance consistent with a large garden building. An above-ground soil pipe is visible at low level, extending southward alongside the boundary, but it is not a conspicuous feature.

The upper part of the annexe building is also visible in views from slightly higher ground to the north from Furze Road and West Hill, but again, the garden is well enclosed by hedging and trees. The small bathroom window in the north elevation is not overtly noticeable. The scale, form and materials of the annexe building help it to assimilate with its garden context and it does not appear overtly dominant in views from this direction.

An ornamental evergreen hedge growing on either side of the pedestrian gate at the northern end of the garden wraps around and continues southward along the western site boundary (for its entire length alongside the private drive to No.9). The building is entirely screened by this dense hedge in views from Furze Road to the west. Consequently the annexe building does not affect or detract from the setting of the listed Salvington Windmill.

The gated pedestrian entrance has a 'Yale' type lock, but otherwise has the appearance of a timber garden gate. There is no mail box, doorbell or other paraphernalia associated with the main entrance to a dwelling.

The annexe building is relatively anonymous viewed from outside of the site and this is supported by the third party comment indicating that the building had been in existence for up to 2 years prior to the enforcement investigation under AWEN/0209/24..

The annexe is occupied by the Applicant's daughter and partner. It contains all the facilities necessary for day-to-day living independent of the main dwelling, including a fully-fitted kitchen with cooking and laundry facilities and a double bed space with en-suite bathroom. The main habitable rooms face onto a paved terrace and the garden beyond and are provided with a good standard of outlook and natural light.

Gas cylinders located on the raised paved area to the southwest side appear to be used for hot water and cooking. The water supply and electricity supply is connected to the main house.

There are normal family interactions with the occupiers of the main dwelling, but care or 'support' is not provided to the occupiers of the annexe who otherwise live independently.

A Supporting Statement from the Applicant explains that the current living situation is a temporary measure to enable the daughter and partner to save for their own property. Given the high cost of housing locally there is some sympathy with this justification for the annexe.

However, a key consideration relates to the limited 'functional' relationship between the occupiers of the annexe and the main dwelling. Although there is a direct familial connection, the occupiers of the annexe are adults, do not require care or support in their day-to-day living needs, and are not dependent in other ways on the host dwelling, other than receiving parental support in terms of their housing costs.

Although the Applicant has indicated the situation is temporary, if the current living situation were to persist in the longer term, it is likely that over time the annexe could gradually assume an independent identity separate from the main dwelling not least owing to its separate means of access, but also by sub-division of the existing plot (albeit at present informally with planting).

On the other hand, the size of the annexe is relatively modest with an overall floor area of only 34sqm (GIA) it is well below the Government's minimum internal space standard for a 1-bedroom, 2-person dwelling, and is unlikely to meet the longer term housing needs of the current occupiers.

A condition of planning permission for a residential annexe typically requires the accommodation to be used ancillary to the host dwelling and not as a separate dwelling unit. The building itself is not so large that it could not reasonably be converted in the future to a different use that would also be ancillary to the main dwelling. However, given the site history in this case, where a former annexe was converted into a holiday let, this should be controlled by means of a planning application.

Permitted development rights that could allow any enlargement of the annexe, or any alteration to its external appearance can be removed, as can permitted development rights for the erection of new walls and fences (although this would not apply to the existing planting).

A third party has questioned the enforceability of such conditions in practical terms. The Applicant has offered to enter into a unilateral undertaking to control the occupancy of the annexe to a relative (and partner) and to prevent the sub-division of the plot. This is consistent with the approach set out in the supporting text to DM5 and in this case would provide the LPA with the necessary assurances to enable the application to be supported.

Residential Amenity

Even though activity, and associated comings and goings related to the use of this property already includes that associated with the approved 'holiday let', the siting of the annexe building is remote from any immediate neighbours, and its separate means of access from Furze Road means that neighbours and other nearby residents are unlikely to be aware of coming and goings associated with its use, and will not be affected by the increased intensity of use of this single dwelling plot.

Recommendation

APPROVE subject to the Prior Completion of a S106 Unilateral Undertaking to (i) limit occupancy to a relative and their partner, and (ii) prevent the sub-division of the existing single dwelling plot, and subject to the following Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Occupation as a residential annexe ancillary to main dwelling
4. Remove ‘pd’ rights for any enlargement or external alteration to the annexe building including any change to the existing external materials/finishes or insertion of any additional windows/openings
5. Remove ‘pd’ rights for erection of walls, fences or other means of enclosure to sub-divide the plot.
6. No letter/mail box, door bell/entry system serving the annexe to be fitted/fixed externally to the pedestrian gate/access onto Furze Road.

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? N

Case Officer: Jo Morin Date: 27.01.2025

Authorised by: Gary Peck Date: 28 January 2025