Development Control – Delegated Officer Report

Application Number: AWDM/0416/25 **Recommendation:** Approve

Site: 29 Church Walk, Worthing

Proposal: Erection of detached pitched roof building to be used as a garage/store and ancillary accommodation (retrospective)

Date of site visit: 03.06.2025

Neighbours checked: Y

Additional neighbour notifications: N

Site, Surroundings and Proposal

The application relates to a detached garage which fronts onto Gannon Avenue and located at the rear of 29 Church Walk. No. 29 is a two storey semi-detached property that has been divided into two flats. The building is adjacent to the boundary with No.31 Church Walk to the east and No.2 Gannon Road to the north which are also divided into flats. The existing garage building has replaced a smaller garage and outbuilding which was approved under application reference AWDM/1911/22 with is use restricted to incidental purposes for the occupiers of flats at No.29.

A further application in 2023 proposed to use part the existing building as a garage/store, and with habitable accommodation introduced (AWDM/1451/23 refers). The application was refused and an appeal later dismissed.

The current application seeks to regularise the building as constructed with the exception of installing obscure glazing and fixing shut windows to the rear (east) elevation. The building is proposed to be used for purposes ancillary to the ground floor flat at No.29.

Relevant Planning History:

AWDM/1451/23 Retention of detached pitched roof building to rear, to be used as a garage/store plus occasional use as habitable accommodation. Refused 19.12.2023. Appeal dismissed.

AWDM/1911/22 - Demolition of Existing Garage and Greenhouse and Erection of New Garage (Resubmission of AWDM/1514/22)
STATUS: APP 13th April 2023.

AWDM/1514/22 - Replacement Garage with pitched roof and habitable room over
STATUS: REF 16th November 2022.

Consultations:

None received

Representations:

One representation has been received from a resident in Gannon Road (No.14) objecting to the application for the reasons as summarised below:

- Overdevelopment
- The original approval was for a double garage and store only and the building did not comply with the permission in terms of use, layout, window size, and angle.
- This is an attempt to create a self-contained residential unit in Gannon Road – furniture/tv has been moved into the building and a kitchen installed – the accommodation is not ancillary for tenants of the ground floor flat.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
DM5 (Quality of the Built Environment)
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment

The current application follows an appeal against the Council's decision to refuse application AWDM/1451/23 which included the installation of a kitchen and shower room at ground floor level and a new staircase leading to a new first floor bedroom/sitting room. Garage doors were to be retained at the frontage and the application sought to regularise the building as constructed including habitable accommodation. AWDM/1451/23 was refused for the following reasons:

Having regard to the scale and nature of the habitable accommodation proposed, the Local Planning Authority is not satisfied that the proposed accommodation would be ancillary to the use of No.29 Church Walk and as such would represent an overdevelopment of the site, which would be out of character with the prevailing pattern of development. Its potential use as an independent unit of accommodation would provide an inadequate standard of accommodation and would be harmful to the amenities of neighbouring and future occupiers, and would be out of keeping with the established pattern and character of existing development. As such the proposed development would be contrary to policies DM2 and DM5 of the Worthing Local Plan and the relevant paragraphs of the NPPF.

At the subsequent appeal the Inspector's decision was based on the following description of development:

Detached pitched roof building to rear, to be used as a garage/store plus occasional use as habitable accommodation.

Revised drawings have been provided in the current application which make corrections to the rooflight windows and brickwork detailing and seeks to regularise the building, as built. The form and layout of the building itself is no different to that considered at appeal which in terms of character and appearance the Inspector found to be acceptable, and with material external differences from the garage approved limited to the rooflight sizes. These have been corrected in the current application and would not cause any detrimental impact on visual amenity as was the case at appeal.

In determining whether the building is designed as ancillary to the ground floor flat, the Inspector considered that the appeal submission clarified that the proposals sought an ancillary use to the ground floor flat at No.29 to provide a garage, store and overflow guest accommodation ancillary to the ground floor flat at No.29, for example by visiting guests, and fell within the description of development. The Inspector was satisfied that the appeal building is designed as ancillary to the ground floor flat given its scale, layout and function and pointed towards conditions to control the use to ensure this remains ancillary.

In the current application the proposed development would provide habitable accommodation as before which the statement indicates would be for purposes ancillary to the use of the ground floor flat at No.29. With no changes to the scale and nature of the accommodation proposed or its overall use to that considered in the appeal, it follows that conditions can be applied to suitably control the proposed use as previously indicated by the Inspector. If approved a condition is recommended to limit the use to ancillary purposes in connection with the ground floor flat at No.29 Church Walk, and for no subdivision of the curtilage to ensure the use remains ancillary.

In terms of the impact on living conditions of future and neighbouring occupiers, at appeal the Inspector considered this in the context of the ancillary use of the building and found it to be acceptable with the exception of the loss of privacy to the occupiers of No.31 and 33 Church Walk due to the two rear (east) rooflights allowing clear views of the rear gardens and angular views towards rear windows of those properties.

The current application has sought to address this by proposing the installation of obscure and fixed glazing to the windows in the eastern roofslope. The drawings have also been amended to reflect the size and positioning of the window openings installed. Although there would be some perceived overlooking, the proposed windows would be non-opening and this and suitable obscure glazing of at least level 3 (although has been indicated to be satin/sandblast glazing) could be secured by condition in the interests of protecting privacy. A condition is also recommended to prevent any further windows or other openings in the interest of protecting privacy and visual amenity.

It is considered that the proposal has satisfactorily addressed the issues identified in the appeal decision and can be accepted subject to the recommended conditions.

Other issues

The Council's Private Sector Housing team previously identified hazards that may require action under the Housing Act. Whilst the applicant's agent has confirmed that

the applicant has been dealing with Building Regulations requirements, an informative is recommended to alert the applicant of additional requirements that may be necessary under the Housing Act.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Use to remain ancillary to ground floor flat at 29 Church Walk
3. Obscure glazing etc to be installed within 3 months (east elevation)
4. No further windows/openings
5. No subdivision of the external curtilage

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.
- PSH inner room etc

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

Case Officer: Rebekah Hincke Date: 09.06.2025

Authorised by: Louise Prew Date: 09/06/2025