Expiry Date - 16/04/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0238/24 **Recommendation – REFUSE**

Site: **Kings Manor 140 Heene Road Worthing West Sussex**

Proposal: **Conversion and alteration of existing care home to create 8no residential units (including alterations to original coach house to create a detached two storey 3no. bedroom dwelling) with provision of 7no car parking spaces. Application to vary condition 1 (approved plans) of AWDM/0601/21 (to retain the existing conservatory)**

Date of site visit: 01.11.2023 (as for AWDM/1457/23)

Neighbours checked: Y

Additional neighbour notifications: N

Background, Site and Surroundings

The application relates to a grand Edwardian villa occupying a corner plot on the south east side of the junction of Heene Road with Manor Road. The building consists of 3 floors of accommodation and exhibits a wealth of character features, constructed in red/orange brick with tile-hung and part-timbered feature panels, a plain clay-tiled roof with finials, chimneys and open-rafter feet and a mix of bay, oriel and 'jettied' windows on the roadside elevations. It represents a fine example of grand Edwardian domestic architecture and is identified as a 'Local Interest Building', making a positive contribution to the character and appearance of the Heene Conservation Area in which it is located.

The property was previously in use as a residential care home, and prior to that, a hotel. It has been enlarged in the past by a 2-storey rear (east) extension and large UPVC conservatory on the south side.

Planning permission was granted in 2021 (AWDM/0601/21) for the conversion and alteration of the main building to create 7no residential units together with alterations (including demolitions and extensions) to the former coach house in the south-east corner of the site to create a detached two storey 3no bedroom dwelling.

The approved layout consists of 3no flats on the ground-floor involving the removal of the existing conservatory on the south side. The conversion works to form 3 flats have been implemented, but the conservatory has been retained as part of the floor area of the front flat (Unit 1 under AWDM/0601/21).

The first-floor consists of a further 3no flats, plus 1no flat formed on the second-floor within the roof space. That latter involves the formation of a new dormer window on the southern roof slope, which has been implemented.

The demolitions and adaptations associated with the conversion of the former coach house to form the detached 3-bedroom dwelling house have commenced, but are not complete.

The approved site layout involved enlarging the existing hard-surfaced areas in front of, and north of, the main building to provide 4 car parking spaces fronting Heene Road with a further 3 tandem car parking spaces alongside the north boundary wall. The grounds to the south and southwest of the main building are shown as communal gardens.

A fresh tarmac surface has been laid but does not reflect the layout shown on the details of hard and soft landscaping approved under AWDM/2104/21.

A number of the converted flats within the main building are apparently occupied. Works to adapt the former coach house appear to have halted.

Adjoining the site to the south, No.138 Heene Road comprises a detached, 2-storey early/mid C20 house with garaging at the rear. The garage building was previously attached to an outbuilding in the south-east corner of the grounds of No.140 which has since been demolished as part of the approved works under AWDM/0601/21.

Adjoining to the east side, 60 Manor Road consists of a detached Edwardian villa of a similar grand scale and architectural style as the application property, currently in use as Holiday Flat-lets (Torrington Residential Houses & Flats).

Proposal

Permission is sought to vary Condition 1 of AWDM/0601/21 (Approved Plans) to retain the ground-floor layout as built with the pre-existing conservatory incorporated as part of the floor area of the front flat (Unit 1).

The only external change would be to replace the existing glazing (3.9m long by 1.65m high) on the east side of the conservatory in brickwork to match the existing.

The current application does not seek to address or regularise the unauthorised tarmac surfacing which is the subject of a separate enforcement investigation under AWEN/0196/23.

Relevant Planning History:

AWDM/1241/14 Replacement porch and associated access ramp to north elevation and conservatory to south elevation Permitted 31.10.2014.

AWDM/0601/21 Conversion and alteration of existing care home to create 8no residential units (including alterations to original coach house create a detached two storey 3no. bedroom dwelling) with provision of 7no car parking spaces. Permitted and part implemented.

AWDM/1875/21 Conversion of existing care home to provide 7no. residential apartments involving demolition of attached conservatory; development of a detached 2-bedroom bungalow to south side and adaptation and enlargement of original coach house to provide a 3-bedroom dwelling (9no. dwellings in total) plus 7no. parking spaces (resubmission of planning application AWDM/0601/21). Refused and Appeal Dismissed.

AWDM/2104/21 Approval of Details Reserved by Conditions: Cond 3 (Schedule of Materials and Finishes); Cond 4 (Architectural Details); Cond 5 (Car Parking Details); Cond 6 (Signage); Cond 7 (Cycle Store); Cond 9 (Site Set-up and Dust Suppression Details); Cond 11 (Surface Water Drainage Details); and Cond 12 (Hard and Soft Landscaping Details); Cond 15 (Making Good); Cond 16 (Refuse Store); Cond 17 (Coach House Enclosure) of approved application AWDM/0601/21. Approved 28.03.2023

AWDM/1457/23 Conversion and alteration of existing care home to create 8no residential units (including alterations to original coach house to create a detached two storey 3no. bedroom dwelling) with provision of 7no car parking spaces. Application to vary condition 1 (approved plans) of AWDM/0601/21 (to retain the existing conservatory). Refused 14.12.2023 for the reason:-

1. *The retained conservatory structure would harmfully detract from the residential amenity of the adjoining flat unit to the east (unit 3 of AWDM/0601/21) by reason of its size and glazing in close proximity to the bay window forming the main aspect to the living/dining area of that unit, the consequence of which would be oppressively intrusive. Furthermore, direct overlooking to and from the conservatory will detract from the quality of the outdoor communal amenity space for all of the flat units (1-7) which would be unacceptably harmful to the living conditions of the occupiers thereof. The development is therefore contrary to policies DM2 and DM5 of the Worthing Local Plan and the relevant policies of the NPPF.*

Consultations:

WSCC: The Local Highway Authority has raised no objection, commenting that the retention of the conservatory will not impact the previously commented upon car parking, turning and access arrangements.

Southern Water:

No objection, comments made previously in relation to AWDM/0601/21 remain unchanged and valid.

WSP: The Council's Drainage Consultant recommends objection commenting:

Following a review of the submitted information we have noted that the previously approved drainage strategy does not include the calculations or drawings for the area of the conservatory. We recommend objection until an updated drainage strategy is received that includes a new drainage drawing and calculations to include the impermeable area as a result of retaining the conservatory.

Reason: To prevent flooding in accordance with NPPF paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime for the development.

The Worthing Society: Objection

This substantial late-Victorian building is included on Worthing's Local Interest List. The attached modern conservatory has been in-situ for ten years and was approved when this building was being used as a Care Home. This facility would have provided elderly infirm residents with views of and across the garden area, contributing to their wellbeing.

However, we have noted the comments of the Planning Officer that, following conversion of the building to individual residential apartments, retention of the conservatory would result in overlooking of the communal gardens. This would have a negative impact on the amenity of future residents of the apartments. In addition, one side of the conservatory will need to be bricked up to prevent overlooking to a proximate apartment. This will not enhance the style of the conservatory which is not particularly sympathetic to the locally listed host building. Removal of the conservatory which seems to have outgrown its original usefulness, will improve the setting of the main heritage building.

We have noted the objection from the Sustainable Water Management Officer from WSP that "until an updated drainage strategy is produced to include the impermeable area as a result of retaining the conservatory". Following the change of use it seems groundworks many be necessary following conversion to residential units which could affect the grounds.

Summary
We have thoroughly reviewed our earlier decision and considered the negative effect on the use of the communal gardens. On balance, and for the reasons stated, the Society objects to the retention of this conservatory.

Adur and Worthing Councils

The EHO (Public Health) has no adverse EH comments.

Private Sector Housing: The retention of the conservatory will affect the mechanical extract required from the kitchen/living area.

Representations: None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SS1, SP1, DM1, DM2, DM5, DM15, DM16, DM17, DM18, DM20, DM23 and DM24
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPD 'A Guide to Residential Development' (WBC 2013)
SPD (WBC 2012) Space Standards
WSCC Guidance on Parking in Residential Development (WSCC 2019)
WBC CIL Schedule

Planning Assessment

Since the previous decision under AWDM/0601/21 the Worthing Local Plan (2023) has been adopted and comprises the planning policy framework for decision-making in conjunction with national planning policy contained within the NPPF.

The key issues raised by this application are the effects of the development on the character and appearance of the building and the surrounding Heene Conservation Area, and on the amenities of neighbouring and future residential occupiers.

On the basis that the application proposes no change to the access and parking arrangements approved under AWDM/0601/21, the proposal raises no highway safety concerns.

Effects on Historic Character and Appearance

There is a statutory duty on the Council to have regard to the desirability of enhancing or preserving the character or appearance of its conservation areas.

National planning policy within Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundament to what planning and the development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

It goes on to state that planning decisions should ensure that developments (amongst other things):-

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 139 states that development that is not well-designed should be refused.

Paragraph 140 states that local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

The NPPF recognises that heritage assets, including buildings of local historic value, as in this case, are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. It requires that any harm or loss of significance of a designated heritage asset (from its alteration or destruction or from development within its setting) should require clear and convincing justification (paragraph 206).

Paragraph 208 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Worthing Local Plan policy DM5 states that all new development (including extensions, residential annexes, alterations, ancillary development, change of use and intensification) 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. This will include consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping;
- 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;
- respect, preserve and where appropriate enhance, heritage assets and settings;
- not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable
- loss of privacy, daylight/sunlight, outlook etc.

Policy DM5 goes on to state: "*To ensure that the quality of approved development is not materially diminished between permission and completion, where appropriate, the Council will resist subsequent planning applications that would impact negatively on the design and quality of the approved scheme*".
Policy DM24 requires that development affecting any designated or undesignated heritage asset must be of a high quality, respecting its context and demonstrating a strong sense of place. Development within Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features.

It states that the importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application of their demolition or development.

The grand scale and architectural features of this Edwardian villa set in generous grounds makes a highly positive contribution to the character and appearance of the Heene Conservation Area.

Permission was granted for the conservatory when the property was in use as a residential care home, and whilst its detailed design, large footprint, uncomfortable proportions and UPVC framing are not sympathetic to the historic character of the villa, it nevertheless met a need that related to the particular use of the building at that time, its impact being mitigated by its single-storey scale, roof massing, and glazed upper parts/roof so as to appear as an incidental building component subordinate to the host building.

As part of the application submission to convert the villa into 7 flats (AWDM/0601/21) considerable emphasis was given to improving the existing building through sensitive repair and restoration; "*recognising where the building had been poorly extended and altered, and taking the opportunity to reverse the erosion to its unique character by removing non original building fabric and forms"*. [Extract from Planning Statement AWDM/0601/21.]

The proposed retention of the conservatory is a contradiction of this previously-stated intent to enhance the historic character and appearance of the building through sensitive repair and restoration. Not only did the approved scheme AWDM/0601/21 involve removal this insensitive later addition, it would have allowed the attractive architectural details on the South

Elevation of the original building to be uncovered and exposed to public view, including the expressed chimney breast and the ‘squared’ timber-framed bay window on the ground-floor (East of the conservatory structure). The latter is attached to, and shares a short section internal wall with the UPVC conservatory. The timber framed bay window is 1.5m deep, with decorative timber glazed panels above a rendered plinth wall and a clay-tiled lean-to roof. As approved under AWDM/0601/21, following removal of the conservatory, the glazed panelling was to be restored on the west-facing side return.

In seeking to address the reason for refusing the previous application AWDM/1457/23, the current application now proposes to replace the glazing in the East side elevation of the conservatory in brickwork. Whilst the East elevation is not overtly visible from outside the site, this alteration would result in a ‘heavier’ construction that would conflict with the original rationale for permitting a ‘light-weight’ conservatory structure, diminishing its existing ‘subsidiary’ character and instead reinforcing its discordant and unsympathetic relationship to the host building. It would materially diminish the quality of the approved scheme AWDM/0601/21 and is therefore contrary to the principles of the NPPF and LP policies DM5 and DM24.

Whilst acknowledging the resulting harm to the historic significance of the building would be ‘less than substantial’, it is not outweighed by any clear public benefit that would derive from retaining the existing structure, other than possibly relating to the reuse of an existing structure in the interests of waste prevention.

Residential Amenity

The most affected property is the adjoining flat to the East on the ground-floor (shown as Unit 3 on the approved plans under AWDM/0601/21).

Unit 3 comprises a 1-bedroom flat consisting of a living/kitchen/dining area with a separate bedroom and shower room all leading off a lobby/hall. The approved layout incorporates the above-mentioned decorative, timber-framed, square bay window feature.

The existing conservatory in-situ extends 4.8m from the south face of the bay window of Unit 3. The gutter line of the conservatory is roughly at the same height as the eaves height of the bay window. The current proposal would result in a solid wall extending a depth 4.8m from the Southern face of the bay window feature, having a distinct enclosing and overshadowing effect on the primary aspect of the main habitable living room of this dwelling unit. The overall effect would be oppressive and overbearing providing Unit 3 with a notably poorer standard of living accommodation than the initially approved layout under AWDM/0601/21.

The retention of the conservatory reduces the amount of communal outdoor garden space, but this would continue still exceed the Council minimum external area required for flats set out in the above SPD. However, windows

in the south and west-facing elevations of the conservatory will overlook the adjacent areas of the communal garden, meaning that users of this space would be less likely to relax as they would be directly overlooked from the conservatory windows. Users of the communal garden would also have clear views at close-range into the conservatory. The quality of the communal outdoor amenity space would as a result be worsened to the detriment of all the converted flats 1-7, with the consequence of it being less likely to be actually used as amenity space. Indeed, Section 4.01 of the submitted Design and Access Statement appears to confirm this impact.

The conservatory has an internal floor area of 30sqm and would provide Unit 1 with a 47.6% larger GIA than as initially approved (at 63sqm). The large footprint of the conservatory is related to the former use of the property as a residential care home, but is now out of scale with the floor area of the individual flat into which is has been subsumed. Indeed, the floor area of the conservatory is larger than the approved living/kitchen/dining area, or either of the 2 bedrooms within Unit 1. It is likely that further alterations to the existing structure would be necessary, in addition to those currently proposed, in order for this space to be used a valuable additional living space and to overcome the above-mentioned issues arising from its inter-visibility with the communal outdoor space. Thus it can be anticipated that further incremental alteration of the conservatory to make it 'fit-for-purpose' as part of the living accommodation of Unit 1 would generate additional cumulative harmful impacts for the historic character and appearance of this building.

The nearest neighbour adjoining the site is No.138 Heene Road to the south. The conservatory is well separated from the common boundary and its retention raises no adverse impacts for this neighbour.

Other

The comments of the Council's Drainage Consultant are noted, but could be addressed by imposing a suitably worded condition in the event of approval.

Recommendation

REFUSE for the reason:-

1. The retention of, and proposed alteration to, the existing conservatory would detract from the historic character of this important heritage asset and result in an oppressive and overbearing impact on Unit 3 on the ground-floor, as well as detracting from the amenity value of the external space. The proposed development would result in a materially poorer quality of development than previously approved under AWDM/0601/21 that would be unacceptably harmful to the character and appearance of the Heene Conservation Area and the amenities of the 7no approved flats contained within the building. The development is therefore contrary to policies DM2, DM5 and DM24 of the Worthing Local Plan and the relevant policies of the NPPF.

Expiry Date - 16/04/2024

Informative:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal. This concern is considered so fundamental that the resulting harm could not reasonably be remedied by amendment of the application.

Enforcement:

1. It is recommended that enforcement action is taken to remove (i) the conservatory, and (ii) amend the unauthorised tarmac surfacing, in order to adhere to the plans approved under AWDM/0601/21.

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

Case Officer: Jo Morin Date: 15.04.2024

Authorised by: Gary Peck Date: 15 April 2024