

Development Management – Delegated Officer Report

Application Number: AWDM/1119/25

Recommendation: – REFUSE

Site: 39 Brighton Road Worthing West Sussex BN11 3EF

Proposal: Change of use of rear ground floor to residential and conversion of two flats to form two small houses in multiple occupation (Use Class C4) facilitated by rear dormer roof extension, front rooflights, solar PV panels, shopfront alteration and other associated alterations (39 and 39A Brighton Road).

Date of Site Visit: 14/11/2025

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The property is located on the northern side of Brighton Road. It contains a three-storey mid-terrace building with a commercial unit at ground floor, previously in use as a hairdressers. The first and second floors each contain one one-bedroom unit.

The site is located within Steyne Gardens Conservation Area. The building is not statutorily listed but it is identified as a local interest building.

The site is within the Warwick St/Brighton Road character area of Worthing town centre.

Proposal

The proposal is to reduce the amount of floorspace at ground floor to provide residential accommodation to the rear of a reduced commercial unit. The first and second floor one-bedroom units would be changed to two five single bedroom HMOs (Use Class C4).

The proposal also includes a dormer roof extension to the rear. Three conservation style roof lights are proposed to the front roof slope. Photovoltaic panels are proposed to the front roof slope and the flat roof of the dormer.

Alterations are proposed to the shopfront and rear access with new doors to provide access to the HMOs. The ground and first floor HMO will be accessed from the rear and the second and third floor HMO would be accessed from Brighton Road.

Relevant Planning History:

AWDM/1762/23 - Partial demolition of the front balcony terrace structure and first floor balcony, following partial collapse of the structure. Remedial works involve re-forming the balcony terrace structure and first floor bay balcony, and reinstating all finishes and detailing to match original.

STATUS: Application Permitted 9th April 2024.

AWDM/1490/17 - Change of use of Shop (A1) to Tattoo Studio (Sui Generis).

STATUS: Application Permitted 4th December 2017.

NOTICE/0009/25 - Application for Prior Approval for Proposed partial change of ground floor commercial unit from Use Class E to Use Class C3 (residential). **STATUS:** Prior Approval Required and Granted 25th July 2025.

AWDM/1094/25 - Approval of Details Reserved by Condition 3 (bay window details) of application AWDM/1762/23. **STATUS:** Pending Consideration

Consultations

West Sussex County Council (as LHA):

The property has an associated vehicle parking space to the rear, this is accessed via Warwick Gardens to Whyke Avenue, an E classified route. It is assumed that parking space this may be connected to the commercial use for staff- however it does not appear that this has been outlined within the report. Pedestrian access for members of the public will remain as existing. Pedestrian access for the ground and first floor will be via an access from the rear of the property, whilst access for the second and third floor will be via the pedestrian access from Brighton Road.

There are comprehensive parking restrictions in place on the nearby roads prohibiting vehicles from parking in places that would be detrimental to highway safety. The site is situated in a sustainable location in Worthing that is well accessible on foot, by cycle and public transport. Provision for six cycle parking spaces has been demonstrated to the rear of the site, for a HMO WSCC parking standards outline that 1 space per unit should be provided- therefore the applicant should provide 8 cycle parking spaces to serve the development. WSCC preference for cycle parking is Sheffield stands spaced in accordance with the guidance in Manual for Streets (Figure 8.6 page 102). This requires a spacing of 900mm between stands and 550mm from any wall and the stand. There is further guidance on the spacing of stands in LTN 1/20 page 135. Vertical hanging racks or butterfly stands only allow the front wheel of a bicycle to be secured. These types of stands can be difficult for some users to lift their bike into position and do not allow users to easily secure the frame and both wheels; we consider these less secure. The cycle parking details can however be secured via a condition as advised below.

The LHA does not anticipate that the proposed change of use would generate a severe material increase in vehicular movements to or from the site. Alternatives to the use of a car are proposed and are available by means of public transport in the nearby area. The site is situated in close proximity to local shops and amenities which reduces the reliance on the use of a car for some journeys.

In summary, 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 116), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied: Cycle parking No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with WSCC

guidance and plans and details to be submitted to and approved by the Local Planning Authority. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

WSP (as drainage consultant): Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development we would recommend the approval of the application.

Southern Water: If the applicant is proposing to utilise the existing connection, Southern Water will have no objections to the proposed works.

Waste Services: No response

Environmental Health Private Sector Housing:

No objection on PSH grounds, subject to the following:

- 1) Rooms are not uniformly stacked vertically, increasing risk of noise intrusion. Measures required include sound insulation to comply with current building regulations between: - the ground floor sleeping rooms and the communal area above, with additional consideration given to finished floor coverings and plumbing noise to prevent noise disturbance - between the sleeping rooms labelled 4A/5A and 2B/3B to prevent noise disturbance - between shower rooms and sleeping rooms, with additional consideration given to finished floor coverings and plumbing noise to prevent noise disturbance
- 2) Roof lights in room labelled 5B to be positioned so as to allow a view from a seated position to provide an outlook and reduce sense of isolation.
- 3) Suitable fire safety measures inc. fire doors to risk rooms, whole building fire detection, emergency lighting, fire separation between commercial and residential and between dwellings.

General notes

Both properties will be subject to mandatory licensing of HMOs and the Management of Houses in Multiple Occupation (England) Regulations 2006

Environmental Health:

The new development will need to be protected from traffic noise and commercial noise below. The DEFRA noise maps show high facade noise levels and what was one a living room overlooking the road is now becoming bedrooms. I would recommend the following conditions be attached to any planning permission.

- The sound insulation of the floor/ceiling between the ground floor commercial unit and first floor residential shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Before the residential unit is occupied a test shall be undertaken to demonstrate compliance with this level
- Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the ProPG: Planning & Noise – New Residential Development, 2017 and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should be of good acoustic design, include full details of glazing, ventilation and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and

all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Neighbour Representations

One objection was received on the rounds of:

If the below 2 points are adhered to then I do not object, if they are not then I do object.

I don't agree that with the document that says this planning application will not cause extra road traffic, with this in mind I trust that WBC will NOT be handing out any residents/visitor permits to any occupants. Zone C is already a nightmare for parking, the potential of 10+ more cars parking on a regular basis is ridiculous.

I see that there are areas for bin storage. Once the project is complete, the owners and WBC need to make sure that bins ARE stored in these areas and not left on the pavement/street. This alleyway is already problematic with lots of properties leaving their bins all over the place.

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, DM1, DM2, DM5, DM15, DM16, DM17, DM18, DM19, DM20, DM22, DM24
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)
Conservation and Heritage Guide

Planning Assessment:

Principle of development

Policy SS1 of the Worthing Local Plan sets out the Borough's housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 78 of the NPPF (2024) requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

The most recent 5 Year Housing Land Supply (5YRHLS) position for Worthing (as at 01/04/2023) demonstrates a 6.3 years supply applying a 20% buffer as at that time Worthing had failed the then current Housing Delivery Test (HDT) (2022 published December 2023).

However, the most recent HDT 2023 (published December 2024) shows that Worthing scored 107% and therefore faces no consequences from the HDT.

Having a 5YRHLS position and having passed the HDT with no consequences means that for Worthing Paragraph 11 of the NPPF applies which states: 'For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay '.

The site is located within a sustainable location within walking distance to local services and amenities and public transport. The proposed development would make efficient use of land in a sustainable location and would make a small contribution towards increasing the housing supply of the Borough.

Policy DM1 of the Local Plan recognises the contribution that high quality flats or well-designed HMOs can make in providing housing choice. It is important that a high standard of accommodation is provided and that they promote and retain housing choice. When considering proposals for conversion the Council will consider the impact on the mix of dwellings locally, the character of the area and on the amenity of adjoining dwellings. These are discussed further in the relevant sections below.

A key consideration is the loss of some of the commercial floorspace. The site is within Worthing town centre within the Warwick St / Brighton Road character area and the secondary shopping frontage.

The unit proposes a unit of 39.4sqm. While it does not provide any private storage space it retains rear access to bins and is likely to provide adequate floorspace for a small business.

Visual amenity and conservation

The proposal includes a new shopfront, rear dormer, rear facing fenestration alterations and photovoltaic panels. The impact of these on the visual amenity on Steyne Gardens Conservation Area needs to be carefully considered as proposals are required to preserve or enhance the character of the conservation area.

The Steyne Gardens Conservation Area Appraisal describes the building as follows "The further terrace beyond this of eight bays was likely always intended as a retail unit, and is detailed with a parapet roof, canted bays and a veranda at first floor level. While the shopfronts appear to be later, most respect a traditional configuration incorporating stall risers and fascia boards." The appraisal notes that "It is however the shopfronts along much of Brighton Road that cumulatively result in the most harm to the character of the conservation area."

The roofscape makes an important contribution to the character and appearance of the conservation area. Although the proposed roof extension would be at the rear of the building, the proposed development would be visible in views from the rear. There are no other main roof slope dormer extensions on this terrace. It is recognised that the outrigger has previously been extended with a mansard style roof and small dormers.

The proposed dormer extension would be quite large and bulky and although set in from the roof sides and up from the eaves has not been set down from the roof ridge and appears as a dominant and top-heavy addition to the building, unsympathetic in scale, form and design.

Photovoltaic panels are supportable in principle as they provide low carbon energy. However, the proposed panels are very prominent on both the roof of the dormer and the front elevation. The angle of the ones on the roof may be visible in views from around the conservation area. The ones on the front result in clutter with the rooflights. While the provision of PV panels can be supported in conservation areas these should be designed to minimise the impact on the appearance of the conservation area. Rear roofs below the ridge of the existing roof would be more appropriate.

The proposed alterations to the roof are considered to cause less than substantial harm to the conservation area. While the provision of additional HMO rooms offers a small public benefit it is not considered to be sufficient to outweigh the harm identified.

There are also concerns relating to the internal wall dividing bedrooms 4A and 5A. Bay windows do not traditionally have walls between the windows and the wall may be visible in views from the street causing harm to the appearance of the conservation area.

The application also proposes a number of window alterations. No details of the type of windows to be used have been provided including section details. It is therefore not possible to adequately assess the impact of the development on the conservation area.

Similarly no detail has been provided of the replacement shopfront. While changes to the shopfront are considered acceptable in principle more detail will be required to adequately assess the impact on the conservation area.

Residential Amenity

The proposed extensions are not considered to adversely affect neighbouring amenity. The rear roof dormer would look towards the flank wall and garden of 1 Wyke Ave to the north. However, the dormer would be about 17metres away from this property's boundary which is considered adequate separation to mitigate any overlooking.

The alterations to the windows and shopfront are in place of existing openings. They will not adversely affect amenity.

Standard of accommodation

The Government's Nationally Described Space Standards would apply for the development. The Council's local standards also continue to apply under Policy DM2 of the Worthing Local Plan 2023 for the provision of external space.

Policy DM2 sets out that "Applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use should also demonstrate that the communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants". It is recognised that any HMOs of this size will be subject to mandatory licensing, and the private sector housing team will make an assessment on the suitability of the proposals as part of the licensing process

In planning terms, the proposals present issues with the standard of accommodation. These include:

- Poor privacy and security for the ground floor bedrooms (1A and 2A). Both bedrooms have windows to the commercial unit's access to the bins and don't

offer any privacy to these occupants and will suffer from noise and disturbance from the commercial use

- The ground and first floor accommodation is accessed from the rear alleyway in the same location as the commercial properties bin stores representing poor quality access
- The living space for HMO B is solely in the existing mansard and while a section has not been provided is considered likely to have reduced headroom. It is not clear whether all five residents could comfortably occupy the space together.
- Bedroom 5B is served by rooflights only resulting in poor light and outlook and restricted head height resulting in cramped accommodation
- Bedroom 4B is solely in the dormer and will also provide cramped accommodation
- There is no external amenity space which could compensate for the limited internal space.

While it is recognised that bedrooms meet the space standards for single rooms (all between 7.5 and 9.6 sqm) but with limited shared communal space it is considered that the residents will be generally restricted to the bedrooms and the small amount of floorspace each contains. The intensity of the use with 10 single bedrooms is considered to be an overdevelopment of the site and would result in poor standard of accommodation for future occupiers.

A sound insulation scheme to protect residents from road noise would have been required by condition had the scheme otherwise been acceptable.

Transport

The development does not propose any car parking to which the LHA has not raised an objection. The site is within the town centre, in a sustainable location with access to local services. Cycle parking has been shown but the LHA has indicated 8 spaces would be required as Sheffield stands. Revised details would have been sought had the application otherwise been acceptable.

Flooding

The development has been reviewed by the Council's drainage consultant who raised no issues with the proposals.

Sustainability

PV panels are supported which contribute to renewable energy and are low carbon. Had the development been recommended for approval conditions would have been attached to ensure compliance with policies DM16 and DM17 including that EPC certificates of a minimum C rating are required.

Recommendation:

REFUSE for the reasons:-

1. The proposed development including rear dormer, PV panels, internal dividing wall and replacement windows would, by reason of its scale, form, and detailed design, be detrimental to the visual amenities of the site and would detract from the

character and appearance of the conservation area. As such the proposed development would be contrary to policies DM5 and DM24 of the Worthing Local Plan, and the relevant paragraphs of the National Planning Policy Framework.

2. The provision of 10 single bedrooms within two HMOs is considered to be an overdevelopment of the site which by reason of lack of outlook, privacy, head height, outdoor amenity space and noise and disturbance would have an adverse impact on the residential amenity of future occupiers contrary to policies DM2 and DM5 of the Worthing Local Plan (2023) and the NPPF.

Informative

Refused without discussion

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

Case Officer: Louise Prew Date: 14/11/2025

Authorised by: Peter Barnett Date: 14 November 2025