Development Management – Delegated Officer Report

Application Number: AWDM/1284/23 Recommendation: Refuse

Site: 15 South Street, Lancing

Proposal: Roof extension to form Gambrel style mansard with front and rear dormers and creation of 1 bed flat within roofspace with access via proposed external staircase at the rear of property.

Date of Site Visit: No visit this time. Seen previously in connection with AWDM/0155/23

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

The application relates to a detached two storey dwelling on the east side of South Street. Permission was granted in 2020 for it to change to its current use from a previous mixed B1/D1 use (AWDM/2052/20). A subsequent application (AWDM/0399/22) was approved for a single storey rear extension. The building has subsequently been converted into a 6 bed HMO.

This application seeks permission to form a separate, self-contained 1 bed flat within the roofspace. The roof of the building is to be altered and extended to form a gambrel roof with dormers to the front and rear roofslopes. The flat would be accessed via an external spiral staircase at the rear. The ridge height of the building would be increased by 0.5m.

Planning History:

AWDM/0155/23 - Application for a Lawful Development Certificate for an existing use as a single dwelling - approved

AWDM/0399/22 - Single storey rear extension - approved

AWDM/2052/20 - Change of use of 13 and 15 South Street from commercial use to 1no. three-bedroom dwelling and 1no. four-bedroom dwelling, with new gates, parking and bike stores - approved

AWDM/1882/19 – Application for Outline Planning Permission with all matters reserved for demolition of No. 13 and 15 South Street and construction of three

storey building comprising 188 sqm of ground floor commercial units (A1/A2/B1a or D1) with 6 flats on upper floors - Withdrawn

Consultations:

West Sussex County Council: The Highways Authority has no objection. The application form outlines that currently 2 parking spaces serve the site and this is not anticipated to be changed with the addition of the proposed one bed unit. The one bed unit would generate the requirement for a single parking space, the LPA may wish to consider the amenity impact of one parking space shortfall; however the LHA considers that the site is located within a highly sustainable location, close to Lancing railway station. Furthermore, regular bus services operate along South Street which offers alternatives to the use of a car.
Cycle parking is proposed to serve the development, an additional 2 spaces over the existing will be provided and it is advised that these are sealed via planning condition alongside any permission of this application.

Adur and Worthing Councils: Private Sector Housing: The proposed development creates an unacceptable risk of injury in the event of a fire and would likely trigger enforcement action by the Private Sector Housing Team under the Housing Act 2004.

The layout creates an inner room arrangement, with the sleeping room accessed from the kitchen/living area with no acceptable secondary means of escape shown. This would create a high risk hazard when assessed under the Housing Health and Safety Rating System that the Council would require the relevant person to remedy. The layout would need to be amended to remove the risk to a sleeping occupant in the event of a fire i.e. creating an internal hallway from which risk rooms are accessed.

The proposed spiral staircase would need suitable provision of artificial light to facilitate safe ascent/descent in low light conditions.

Consideration must be given to ensuring any such lighting does not cause a nuisance to the neighbouring properties or the occupants of the building below.

The layout of the proposed dwelling places the living/kitchen area over bedrooms in the existing dwelling below. Suitable measures to ensure adequate sound insulation is provided to prevent excessive noise travel between the proposed dwelling and the existing dwelling.

The existing property is currently a licensed House in Multiple Occupation that was recently converted to a good standard. The proposed dwelling would not change that use.

Private Sector Housing comments on amended plan: I don't think that the WC window will comply with the requirements of a fire escape window.

In addition, I have just noticed that the GIA is only about 23sqm? The legal requirement is 37sqm.

I thought that the inner room would be sufficient, but I am unhappy that the only access to a substandard flat would be up an external spiral staircase as well.

My concerns remain.

Public Health: No objection

Southern Water: Exact position of public foul sewer with the site must be determined by the applicant in consultation with Southern Water before the layout of the proposed development is finalised

Lancing Parish Council: Support

Representations

Objection received from the occupier of 13 South Street:

- Loss of privacy and light. The balcony would overlook all surrounding properties.
- Having 7 bedrooms and up to 14 occupants in such a small house designed for 3 bedrooms with very limited parking and no on street availability is extreme overdevelopment
- Will lead to more illegal parking on the pavement in front of 13 South Street. Bollards should be reinstated along the double yellow lines, where they were 10 years ago to prevent that, whether or not this development or a similar one is permitted.
- Please see AWDM/1882/19 with regards to the previous proposal that was disallowed on the grounds that 6 flats considered to replace both 13 and 15 South Street would constitute overdevelopment, and prior to being withdrawn had to be altered to prevent overlooking surrounding properties.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 18, 20, 22, 28, 34
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (Dec 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area.

Visual amenity

The proposed alterations to the roof form, including the raising of the ridge, are considered to be acceptable in principle. While a gambrel roof is not a common feature, the form is not considered to be harmful. There is a mixed character in the street scene and the large public house adjoins the site to the south. The pub has a couple of small dormers facing South Street and the proposed front dormers are shown as being modest in size with space between each dormer to allow for the roofslope to remain visible.

At the rear, the two smaller dormers are acceptable in design terms but the larger central dormer is not. It is shown projecting to the edge of the roofslope with a landing access to the proposed external spiral staircase also included. The applicant was asked to remove the staircase but has advised that internal access is not possible and he wishes for it to remain.

It is considered to be an alien feature which, together with the dormer and landing, would be out of character and visually harmful.

Residential amenity

The Council's Private Sector Housing (PSH) team has identified some problems with the proposal. They have advised that the layout creates an inner room arrangement, with the sleeping room accessed from the kitchen/living area with no acceptable secondary means of escape shown.

The layout of the proposed dwelling places the living/kitchen area over bedrooms in the existing dwelling below. Suitable measures to ensure adequate sound insulation must be provided to prevent excessive noise travel between the proposed dwelling and the existing dwelling.

The applicant has submitted an amended plan in an attempt to address the fire safety and overlooking concerns. The PSH team is still concerned however and has also queried whether the floor area of the flat meets the minimum standard. It is difficult to accurately assess the floor area due to the lack of clear information on the submitted plan about which areas have a headroom greater than 1.5m. It appears that the floor area could be as small as 23m2 which is less than the minimum standard as set out in the national standards.

In an attempt to reduce overlooking, the landing/balcony is shown to be removed by extending the dormer out beyond the roofslope and with solid balustrades added to the staircase. However, the use of the staircase as the primary means of access to the flat is likely to result in much more comings and goings than if it were an emergency access only. The houses to the rear of the site are only 16m away which is much less than the 28m separation recommended in the Council's supplementary planning guidance where there are 3 storey dwellings backing onto a two storey dwelling. Overlooking from the staircase would be intrusive to those dwellings, as well as to the house to the north. The enlargement of the dormer to remove the balcony is not acceptable in design terms and so the balcony is likely to have to remain, further increasing the intrusive nature of this development.

Parking and access

The proposal would result in an additional flat in this existing HMO, increasing the number of units to 7. There is no highway objection as the site is located within a highly sustainable location, close to Lancing railway station. While there may be some additional pressure on parking spaces in the street, this is not considered to result in an amenity concern that would warrant refusal.

Recommendation

REFUSE for the following reason:

The proposed external staircase and rear dormer with balcony would be intrusive and alien features which would harm the visual amenities of the locality and result in overlooking and activity that would be harmful to the residential amenities of neighbouring occupiers. The proposal is therefore contrary to policy 15 of the Adur Local Plan, Development Management Standard No.2 'Extensions and Alterations to Dwellings' and the NPPF

Is recommendation contrary to letter(s) of representation N

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Case Officer: Peter Barnett Date: 7 February 2024

Authorised by: Gary Peck Date: 7 February 2024