Expiry Date -

Development Control – Delegated Officer Report

Application Number: AWDM/0199/24 **Recommendation – REFUSE**

Site: **33 Goring Road Worthing West Sussex**

Proposal: **Proposed extension to commercial storage area with new roof terrace and external stair to service flat at first floor**

Date of site visit: 16.05.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a 3-storey mixed-use property within a terraced block fronting the South side of Goring Road within the designated District Shopping Centre.

The ground-floor is in retail use (Class E). The first and second-floors are in residential use. The main entrance to the residential flats is from Goring Road and there is secondary access to the first-floor flat from an external staircase on the west side of the rear offshoot of the building.

The rear of the building backs onto a small rear yard and shared service area accessed from Pembroke Avenue to the East and George V Avenue to the West.

Proposal

Permission is sought for a single-storey L-shaped extension (40sqm) wrapping around the rear-offshoot of the building. A replacement staircase would be incorporated into the rear (South) of the proposed extension adjoining the Eastern site boundary, leading to a proposed balcony created on the flat roof of the extension with a narrow walkway wrapping around the west side of the rear offshoot (providing access to the existing door serving the first-floor residential flat). The proposed extension would extend right up to the western boundary of the site curtilage (currently fenced), directly adjoining the shared access leading to the rear No.35-37 Goring Road and 102 George V Avenue. A loading bay with roller shutter is shown in the rear (South) elevation of the extension.

The drawing shows the installation of 1.8m high privacy screening to the East and West sides of the first-floor balcony and walkway to the residential entrance.

Relevant Planning History:

33A Goring Road
AWDM/0839/20 Sub-division of three bedroom flat set over first and second floors to 2no. two bedroom flats. Approved and implemented.

Consultations:

Adur and Worthing Councils

Environmental Health (Public Health & Regulation): No comments received.

Private Sector Housing: No objection.

Representations: None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM13, DM15
National Planning Policy Framework (DLUHC 2023)
National Planning Practice Guidance

Planning Assessment

There is no objection in principle to the proposed extension to the ground-floor commercial premises (James Perry Interiors) in accordance with policy DM13 which seeks to support development of a scale appropriate to the role and function of the District Shopping Centre.

The key considerations are the effects on the visual and residential amenities of the locality.

Visual Amenity

The proposed extension would infill most of the remaining site curtilage, other than a small wedge shaped area of land (currently open) adjoining the service road. It would be of a simple, utilitarian design finished in brickwork, sitting alongside and attached to, a similar single-storey extension to the rear of No.31 to the East. It would not detract from the appearance of the rear of this building or appear out of keeping with other similar scaled single-storey additions to the rear of this parade.

Although there are external staircases on the rear of most properties in this terrace, serving the first-floor residential flats, balconies are not a typical feature of the locality. [The flat roofed part of the nearby 'Dovecotes' on the opposite side of the service road is an enclosed by timber screening but a condition of the appeal under AWDM/0409/21 prevent its use as a roof terrace.] The submitted drawings indicate the proposed privacy screening would consist of obscured glass. Although this would be prominently visible

from the rear of neighbouring properties it would have a relatively lightweight appearance and would not be unduly intrusive or visually harmful in the context of this location.

Residential Amenity

Owing to the configuration of the terraced block, the most affected neighbouring properties are 98-102 George V Avenue and 31, 33 (Flats 1 and 2), 35-37 Goring Road.

The submitted drawing indicates the proposed extension would be built off the external wall of the existing rear extension to No.31 to the East. It has been drawn to the attention of the Applicant's Agent at validation stage that this would necessitate Notice being served on the owner of No.31 and Certificate B on the application form completed. However, the Agent disagrees and has declined to complete Certificate B. [It is acknowledged that if permitted, the proposed building works would necessitate the service of Notice under the Party Wall Act and the grant of planning permission would not in itself override the neighbour's rights under civil law.]

It is understood the upper floor of No.31 is in residential use. First and second-floor windows in the rear elevation of the rear offshoot of No.31 overlook the flat roof of the rear extension on the ground-floor of the building. The roof of the extension is enclosed by a parapet wall but is not designed to be, or understood to be used as, a roof terrace. The proposed privacy screening on the roof of the proposed extension alongside the boundary with No.31 would prevent the potential for adverse overlooking as a result of repositioning the external staircase.

Owing to the configuration of the terraced block as it turns the corner onto George V Avenue a large number of windows in the rear elevation face toward the site of the balcony/terrace. The proposed privacy screening would prevent direct overlooking. However, it is considered the use of the proposed terrace/balcony as a leisure space would likely lead to noise and activity that would have the potential to affect a number of nearby residential properties owing to their close proximity.

The current submission is incomplete insomuch that a Block Plan has not been suppled. As a result it is difficult to precisely understand the relationship of the proposed balcony/screening to the rear of 98-100 George V Ave sited at 90 degrees to the proposed balcony/terrace. It is likely that the lower height of the balustrading shown to the southern end of the proposed balcony would allow for overlooking of the upper floor windows on the rear elevations of these properties.

The footprint of the proposed extension would conflict with the siting of the cycle and bin storage agreed for the upper floor flats at no.33 under AWDM/0839/20). Owing to the position of the proposed roller shutter door and staircase it is unclear where alternative provision could be made within the very limited wedge-shaped external area remaining.

The deficiencies of the submission together with the amenity concerns identified above have been drawn to the attention for the Applicant's Agent but no response has been received within the relevant time period for the determination of this application.

Highway safety

The proposed extension would not displace any existing on-site parking provision. The proposed increased commercial floor area would likely generate some additional demand for servicing/loading/unloading and parking for the commercial unit. However, servicing can take place from the shared rear service area and given the relatively small increase in floor area it is not considered any increased shortfall in parking provision would have any adverse implications for highway safety.

On the other hand, the potential loss of existing cycle storage provision for the existing upper floor flats would undermine existing policy requirements that seek to encourage sustainable transport modes.

Recommendation

REFUSE for the reason:-

1. Notwithstanding the proposed privacy screening, the use of the proposed first-floor balcony/terrace would likely give rise to unneighbourly overlooking of windows in the rear elevation of 98-100 King George Avenue, and give rise to a degree of noise and activity that would be unacceptably disturbing and intrusive for nearby residential occupiers. It would as a result be contrary to policy DM5 of the adopted Local Plan and the relevant policies of the NPPF.
2. The Local Planning Authority is not satisfied on the basis of the submitted plans that satisfactory alternative provision could be made on site for adequate bin storage (refuse and re-cycling) to serve the upper floor flats. The proposed development is therefore contrary to policy DM5 of the adopted Worthing Local Plan and the relevant policies of the NPPF
3. The siting of the proposed extension would conflict with existing cycle storage provision serving the upper floor flats, the loss of which would undermine objectives for promoting and encouraging sustainable modes of transport and would be contrary to policy DM15 of the adopted Worthing Local Plan.

Informative
Pro-Active Refusal

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

Case Officer: Jo Morin Date: 06.06.2024

Authorised by: Gary Peck Date: 6 June 2024