expires 17/12

Development Control – Delegated Officer Report

Application Number: ADC/0510/08 **Recommendation - Application Permitted**

Site: **168 Brighton Road Lancing West Sussex BN15 8LL**

Proposal: **Change of use from 2 flats to 3 flats including rear balcony and other alterations (retrospective)**

The Application

This is a part retrospective application for the conversion of this detached property from 2 flats to 3 flats, including alterations and a roof extension which has not yet been carried out.

The building lies on the south side of Brighton Road and backs onto Widewater. It is two storeys at the front with a strong gable feature containing a third floor and, due to the change in ground level, is single storey at the rear, but with rooms in the roofspace. Permission was originally granted in 1987 to convert this 2 storey dwelling into 2 flats (L/79/87) but an appeal to convert it into 3 flats was dismissed in 1988 (L/1/88) primarily on the grounds that there was inadequate parking on site. The building subsequently reverted to a single dwelling before being granted permission to be converted back into 2 flats in 1991 (L/16/91). It was recently brought to the Council's attention that the roofspace had been converted into a third flat (from a previously approved 'recreation room') and that other unauthorised alterations had taken place.

These consist of the removal of a rear balcony and its replacement with a concrete balcony with wooden decking and stainless steel railings at first floor, accessed from patio doors within the rear gable. A metal platform at the east side of the building has been removed and two doorways that led from the platform are to be replaced with windows. A new replacement doorway has been formed at the rear to replace the lost side doors.

Concrete steps up to the rear garden on the west side of the building have been replaced while a new retaining wall has been constructed at the rear, removing the previous earth bank and leaving a gap to the back wall of the building to prevent damp ingress into the ground floor flat.

The works to convert the roofspace into a third flat have been completed. The current application included plans to construct a dormer on the eastern roofslope in order to increase the amount of accommodation to 2 bedrooms. However, there were concerns over the visual impact of such a large addition on the side of the roof and this element has been withdrawn. The plans now show a 2 bedroom flat on the ground floor, a 3 bedroom flat on the first floor

and a 1 bedroom flat on the second floor with three velux rooflights on the western roofslope.

Consultations and Representations

Consultations/Comments

West Sussex County Council – The County Transport Planning Officer has no objection to the application subject to the provision of adequate cycle parking

Environment Agency – No objection

Lancing Parish Council – No objection

Third Parties

None

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005) (saved policies): LOC1, NE1, DEV1, DEV4-5
Adopted Adur District Local Plan 1993 – 2006 (ADC 1996) (saved policies): AG1, AH5, AH7, AH9 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.3 'Extensions and Alterations to Dwellings' and No.4 'Flat Conversions'
PPS1 'Delivering Sustainable Development (ODPM 2005)
PPS25 ' Planning and Flood Risk' (ODPM 2006)

Planning Assessment

Policies

Structure Plan policies seek to protect and, where possible, enhance the character and distinctiveness of areas, requiring high standards of design, layout and construction (DEV1). The provision of more dwelling units would help meet the housing requirements of the Structure Plan (NE1) and for small households (Local Plan policy AH5).

Policy AH9 of the Local Plan states that the conversion of dwellinghouses into smaller self-contained units will be permitted providing that: access and car parking provision is acceptable; the proposal would not have an unacceptable adverse effect on neighbouring properties in terms of overlooking or noise transmission through party walls; and the type of property concerned and the standard of accommodation to be provided accord to the adopted standards. It also states that the conversion of small family homes will not be permitted.

Development Control Standard No.4 'Flat Conversions' defines small family homes as being less than 100sqm internal floor area or 3 or less bedrooms. It states that the conversion of small family homes will not normally be permitted and that the effect on the character of the area (e.g. through loss of front garden to forecourt parking) will be an important consideration. It states that conversion of semi-detached or terraced dwellings is not favoured because of potential noise disturbance (e.g. from a proposed kitchen or living room adjoining a neighbouring bedroom). If this cannot be minimised by appropriate 'stacking' and side-by-side' layouts, the onus will be on the applicant to prove that adequate sound insulation measures can be provided. It also states that conversions should result in an acceptable amount of amenity space for each flat (minimum of 20sqm per flat).

PPS3 contains no specific guidance on flat conversions except for the general statement that "conversions of existing housing can provide an important source of new housing" (para 31). It advises LPAs to "take account of the need to deliver low cost market housing as part of the housing mix" (para 26). This is against the background of the overall objectives of delivering high quality, well-designed housing; a mix of housing, including tenure and price, to support a wide variety of households; sufficient quantity and improved choice; and locations close to jobs and facilities.

Visual amenity and character

The works that have been carried out are not considered to have resulted in harm to the character or appearance of the property or its surroundings. From the street, the building appears largely unchanged with the works predominantly taking place at the rear, facing Widewater. The removal of the dormer helps to maintain the existing character.

Residential amenity

The construction of the rear balcony does provide opportunities for some overlooking of neighbouring properties. However, the boundary between neighbouring buildings is presently quite open, particularly to the east, and it is possible to have a clear view into the neighbouring garden from ground floor level. It is not considered therefore that any serious loss of privacy will arise.

The replacement of the doors at first floor on the east side of the building will result in two windows serving a stairwell facing the side of No170. This will not worsen the present level of overlooking for the existing side windows. The velux rooflights on the west side of the roof are 1.5m from the floor level and do not result in any serious overlooking of No.166, which also has rooflights in the side of its roof which face the site.

The DC standard for flat conversions requires that the room 'stacking' between the two floors is consistent in that rooms of the same type are above each other. The submitted proposal fails to meet this requirement as the

proposed bedroom of the second floor flat will be above the living room of the first floor flat, while the bedrooms of the first floor flat will be below the living room and kitchen of the second floor flat.

However, Annex 7 of PPG24 states that the Government considers that the Building Regulations are the most appropriate means of control for sound insulation in conversions and that planning conditions should not be used to control sound insulation in such cases. It refers to Approved Document E - Resistance to the passage of sound which was updated in June 2004 and a sound test is now required to be carried out to justify the adequacy of sound insulation between new dwellings (including conversions). It is considered that the requirements of the Building Regulations are sufficient to insulate against noise disturbance in this case.

There is only limited amenity space for the occupiers of the flats but the second floor flat does have the benefit of a balcony to enable an external sitting area. On balance, it is not considered that the small rear garden is sufficient reason to refuse permission for the additional flat.

Access and Parking

The 1988 appeal for 3 flats was dismissed on the grounds of there being inadequate parking. However, since then parking standards have been relaxed and a system of 'maximum standards' now operates. The County Transport Planning Officer has no objection to the proposal on highway grounds subject to the provision of adequate cycle parking. There is an area of hardstanding and an integral garage which is available for use for parking and storage and it is considered that cycle parking provision is therefore possible on site. This can be controlled by condition.

Flood Risk

The Environment Agency had an initial objection to this proposal on the grounds that no Flood Risk Assessment (FRA) was submitted with the application. This has subsequently been submitted and it states that the building was previously two flats with the ground floor flat already existing. The proposal is for the conversion of the roofspace which is well above the flood level. The property is located behind the Widewater Lagoon and secondary defence and is further protected by the new retaining wall at the property. The Environment Agency has withdrawn their objection having seen the submitted FRA.

Recommendation

APPROVE for reason that :-

2PPi (amended) The development is within the built up area and helps meet the need for additional housing without detracting from the local urban

environment. It has taken place without.....It consequently does not conflict....

Subject to:

1. C14A3 17 December 2008 Policies AH7 and DEV1

Case Officer [redacted] Date 17/12/08

[redacted] 17/12