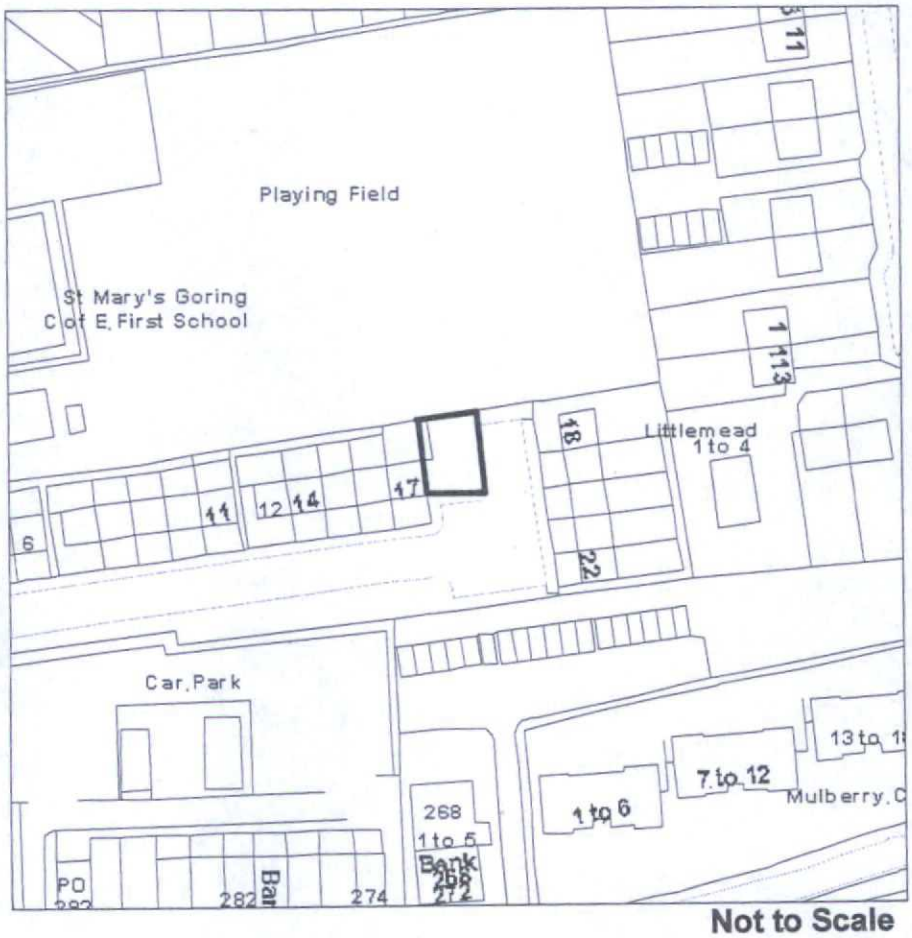
ADCS Ltd
First Charterhouse Investments Ltd

WB/09/0071/FULL
GOR
JMO

Location : Land east of 17 Mulberry Gardens

Proposal: Construction of a 3 storey extension to east elevation (end of terrace) to create 1 x 3 bedroom dwelling house. (Planning Permission WB/06/0820/FULL dated 31st August 2005 refers).



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1. THE PROPOSAL AND THE SITE

This application is to renew an unimplemented planning permission for a three-storey extension to provide a 3-bedroom end of terrace townhouse attached to No. 17 Mulberry Gardens. The earlier permission was granted in August 2006 for three years and expires on 31st August 2009 (WB/06/0830/FULL refers). The application site comprises an area of fenced off garden to the east of the existing row of three-storey, flat-roofed terrace houses on the north side of Mulberry Gardens. To the east of the site the highway widens into a turning area which provides vehicular access to the

terrace of similar houses sited perpendicular to the site, at the far eastern end of this cul-de-sac. Two parking spaces are proposed to the side, accessed from Mulberry Gardens.

2. CONSULTATIONS

The **Highway Authority** comments as follows:-

"West Sussex County Council (WSCC) was consulted previously on highway matters for this location under planning application WB/06/0820/FULL to which no objections were raised. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

The proposal is for a 3 storey extension to No. 17 Mulberry Gardens to create an attached dwelling. An additional access point onto Mulberry Gardens is being constructed. There are two vehicular parking spaces proposed at the property, these would be within the WSCC standards for the type of development proposed. Cycle parking has also been provided and is in accordance with the WSCC standards.

From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Mulberry Gardens. There are some parked vehicles in the vicinity of the new point of access, however it is unlikely these would restrict turning for vehicles. However the proposed crossover to access the driveway will require visibility splays of 2 metres for pedestrians, not shown on the proposed plans; this will require any proposed planting to be no higher than 0.6 metres above the ground level and any existing foliage to be maintained in order to safeguard the visibility splay.

The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the proposed new point of access, indicating a low risk of highway safety issues with this proposal.

In sustainable location terms, the site is within easy walking and cycling distance of Worthing town centre with its local services, the nearest bus stop is approximately 230 metres south west of the property, this would give residents and visitors of the development a choice of travel modes in accordance with sustainable travel objectives.

Any approval of planning permission should be subject to conditions relating to the requirement for pedestrian visibility and temporary provision for contractors buildings, plant and materials during construction."

The **Strategic Planning and Regeneration Manager** comments that there have been a number of previous applications on this site with the last one approved subject to conditions (WB/06/0820/FULL refers). There have been a number of changes in policy since that permission but none that would revise

the overall policy view on this application. No objection to the principal of the development was previously raised, subject to the normal development control considerations, and no objection is raised to this current application.

The **Executive Head of Health, Housing and Community Safety** raises no objection, but recommends the standard precautionary condition on contaminated land.

3. REPRESENTATIONS

One letter has been received from a local resident raising the following comments:-

i) The proposed dwelling has no integral garage and would appear out of keeping with the other houses in this terrace. Occupiers of the existing houses have had proposals to convert their integral garages into accommodation refused on the grounds the resulting appearance would be 'out of keeping'.

ii) The entrance door would not be visible from the front, whereas all the other houses in the terrace have front-facing doors.

iii) The elevation drawing shows railings and a car parked well to the east of the site, but does not tie in with the plan that shows a car parked immediately to the side of the house.

4. PLANNING ASSESSMENT

The previous, extant permission is a material consideration of substantial weight in the determination of the current application, particularly where there are no significant changed circumstances. In this respect, the site circumstances have changed very little during the intervening period, although there have been some changes to the national policy background, including the Government advice contained within Planning Policy Statement: Planning and Climate Change – Supplement to PPS 1 (2007) and PPS3 (November 2006).

The application in 2006 was considered in relation to the previously adopted Worthing Local Plan 2003. In accordance with the provisions of the Planning and Compulsory Purchase Act 2004, the Worthing Local Plan 2003 and the West Sussex Structure Plan 2001-2016 have now lapsed. However, in recognition of the still emerging status of the Local Development Framework and Regional Spatial Strategy, and in order to avoid a policy vacuum, the Secretary of State for Communities and Local Government has issued a Direction allowing specific Local Plan and Structure Plan policies to be 'saved', against which development proposals will continue to be considered during the ensuing period. The application should therefore be considered in relation to the saved Local Plan Policies BE1, H18 and TR9, and the saved Structure Plan Policies LOC1, NE1, DEV1, DEV4, DEV5 and ERA1.

The proposal comprises infilling within the built-up area and is therefore generally supported in policy terms in that it would make more efficient use of existing brownfield land and would assist toward achieving Structure Plan targets for new dwellings. As before, the main concerns are the effects on the visual amenities of the locality, the impact on the living conditions of the occupiers of neighbouring properties, and parking and highway considerations.

The eastern end of Mulberry Gardens comprises a cul-de-sac of modern town houses within terraced blocks made up of 5 units each. The 3-storey terraced houses are flat-roofed in form and those on the north side occupy a slightly elevated position in relation to the adjacent highway, with short driveways sloping up to serve garages integral to each unit. The terraced dwellings are constructed in dark brown brickwork with some white, horizontal-boarded cladding in panels. A number of units have had replacement uPVC windows installed resulting in some variation in the overall glazing pattern and position of opening windows. Nevertheless, the overall impression remains a sense of uniformity and rhythm in the appearance of the terraced dwellings.

The current proposal is identical to the previously approved dwelling. It would be 1 metre wider than the existing houses, occupying the same front building line. The upper floors would replicate the fenestration pattern, window proportions and external materials of the existing dwelling. The proposed dwelling would directly front the back edge of the adjoining footway, with no driveway in front, or integral garage. The upper floors would over sail a recessed entrance on the east side with steps leading up to a doorway built at the same level as the existing houses. Consequently the appearance of the ground floor front elevation would be different to the rest of the terrace. The proposed building would also project 1 metre deeper (north) into the plot compared to the remainder of the terrace, but would not adversely impact on the rear of No. 17. It is noteworthy that the secondary windows in the east flank wall of No. 17 (not in the ownership of the applicant) have been blocked up.

As before, it is considered the proposed dwelling would have a satisfactory appearance, consistent with the distinctive rhythm of existing terraced development. Wrapping the white horizontal shiplap boarding around the east side (and part rear) elevations at second floor, as shown, would help 'lift' the slightly oppressive appearance created by the dark brown brickwork, as would the painted brickwork at ground-floor level.

Revised national planning policy guidance issued since the decision on the earlier application was made in August 2006 sets out how planning should contribute to reducing emissions and stabilising climate change. Government guidance contained within PPS3 (paragraph 16) includes in the matters to be considered when assessing design quality, the extent to which a proposed development "facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change." The Government's 'Planning and Climate Change' (Supplement to PPS1) identifies planning as having a key role in helping to tackle climate

change. It states that planning should support the timetable for reducing carbon emission from domestic (and non domestic buildings) whilst not seeking to duplicate other regulatory controls (such as Building Regulations). In this respect, although proposed sustainability measures were not included within the Design and Access Statement submitted with the application, the applicant has subsequently agreed to a commitment to ensuring the new dwelling attains Code for Sustainable Homes, Level 3, as a condition of planning permission.

The proposal would bring the end of terrace closer to the existing houses on the east side of the turning head, at a height of 8.3 metres. A separation distance of 16 metres would be retained. Site circumstances have not changed during the intervening period, thus it would be difficult to now argue that the proposed building would have a harmful impact on the residential amenities of the occupiers of these dwellings, although their outlook would clearly be altered. High level, obscure glazed windows are proposed in the east side elevation.

The existing three open parking bays in the road in front of the site would be retained. The proposed new dwelling would be provided with 2 tandem spaces to the east side of the plot, accessed at an angle from the adjacent turning head. The proposed layout and level of parking provision is as previously approved and no objection has been raised from the Highway Authority.

With regard to the comments raised by the third party, the submitted elevation drawing shows a 'streetscene' with a vehicle parked in the pubic highway to the east of the site, whereas the submitted plan shows the area for 2 on-site parking spaces behind a low wall and planter at the front of the site.

The development remains an acceptable form of residential infilling notwithstanding the changes in Government policy, and it is recommended that planning permission is granted. Since the 2006 application the Council has updated its contaminated land records, and refined its consultation procedure to have regard to the Government guidance contained within PPS23 'Planning and Pollution Control'. Hence it is suggested that the precautionary contaminated land condition is imposed in line with the recommendation of the Executive Head of Health, Housing and Community Safety.

5. RECOMMENDATION

Planning permission be granted subject to the following conditions:-

1. C1AREV Standard time limit
2. C9F Materials to be agreed and to match existing building
3. C7C No extensions to dwelling without permission
4. C5B Parking to serve proposed dwelling to be provided before occupation

5. C5K Provide cycle parking to serve dwelling
6. C6A Access to parking space to be provided
7. C7G Limit hours of construction
8. C8A Landscaping scheme to be agreed and provided
9. C12D No additional windows without permission
10. C13LRV Sustainable design measures to attain Code for Sustainable Homes, Level 3
11. Precautionary contaminated land

6. BACKGROUND PAPERS

Observations of the Highway Authority
Observations of the Strategic Planning and Regeneration Manager
Observations of the Environmental Health Manager

10th March 2009