Expiry Date - 23/01/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1607/23 **Recommendation – REFUSE**

Site: **1 Phrosso Road Worthing West Sussex BN11 5SJ**

Proposal: **Removal of existing garage, proposed 2 storey one bedroom dwelling accessed from Phrosso Road**

Date of site visit: 05.01.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site comprises a rectangular piece of land measuring 9.8m wide and 11.8m deep forming the rear part of the curtilage of 1/1A Phrosso Road, a semi-detached building consisting of 2no purpose-built flats occupying a corner plot on the west side of the junction of Phrosso Road with Aglaia Road. The land, which has been fenced off from the remainder of No.1/1A, is currently occupied by a detached, pitched-roof double garage building with vehicle access from Phrosso Road.

The site is located within an established residential area and is not listed, locally listed, or within a Conservation Area. There are no TPO trees on the site.

1/1A Phrosso Road, a purpose-built, semi-detached flat building dates from the mid-20 and is set back from the road frontages of Phrosso Road and Aglaia Road by an L-shaped soft-planted front garden enclosed by a low wall. The attached half of the pair comprises 10/10A Aglaia Road, a matching pair of purpose built flats. A driveway on the west side of 10/10A leads to a short row of garages sited to the rear of Nos 10/10A and 12/12A. There is a mostly hard-surfaced amenity area to the rear of 10/10A,

Adjoining the site to the north is 3 Phrosso Road, a semi-detached, mid-20C house set back from the road behind a modest front garden enclosed by 1m high fencing. A driveway leads to a car port structure located behind a pair of timber gates on the south side of the dwelling. The dwelling has been enlarged by rooms in the roof with a hip-to-side gable and rear dormer.

Proposal

Permission is sought to demolish the existing garage building and erect a 1½-storey detached dwelling on the site. The proposed dwelling would have a width of 8.3m and a depth of 8.35m consisting of a larger 1½ storey front component with a dual pitched-roof and gabled roof 5.3m high (4.3m high

eaves), and a rear single-storey component with a lean-to roof 3.35m high. The main front wall of the dwelling would align with the adjacent front elevation of 1/1A with a feature bay window (1m deep by 2.75m wide) projecting further forward toward the road. The dwelling would be sited right up to the northern site boundary with 3 Phrosso Road, and up to the western site boundary with 10/10A Aglaia Road. A gap of 1.3m would be retained between the north elevation of 1/1A and the south side wall of the proposed dwelling. The proposed dwelling would be contemporary in style incorporating a front dormer (2m wide) 'breaking through' the eaves. The elevations would be finished in cedar or larch vertical rainscreen cladding, with a metal standing seam roof. An L-shaped 'courtyard' garden would wrap around the south side and rear corner of the dwelling.

One off-street car parking space is shown on a driveway on the site frontage. Cycle parking and bin storage is also shown on the driveway.

Heating would be provided by an ASHP located to the south side of the dwelling.

Planning History

No formal records.

Google Street View indicates that between Sept 2020 and April 2022 an external staircase on the rear (north) elevation providing a secondary means of access to the first-floor flat was removed and the door opening blocked up (without planning permission).

Consultations

WSCC: The ***Local Highway Authority*** has no objection, commenting:-

"*This application is for the removal of existing garage and erection of a one-bedroom dwelling. The site is located on Phrosso Road, an unclassified road subject to a speed restriction of 30 mph.*

The site is served by an existing dropped kerb. However, the LHA note that the site frontage is too small to accommodate a car parking space. Parking spaces must meet the Manual for Streets (MfS) minimum specifications of 2.4m x 4.8m to be considered for parking provision. Therefore, the LHA has assessed this application on the basis that a nil car parking provision is proposed.

The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require one car parking space. Therefore, vehicular parking, including that displaced from the loss of the existing garage, would have to be accommodate on-street. The LHA does not anticipate that this would lead to a highway safety concern or parking capacity issue in this location. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

Regarding cycles, provision for the secure storage of two bicycles has been demonstrated in accordance with WSCC Parking Standards.

The site is situated in a sustainable location within walking/cycle distance of local services and amenities. The site is also well connected by public transport, with local bus services available from nearby George V Avenue, or more varied services available from the A259, a short walk to the north. West Worthing and Durrington-On-Sea Railway Stations are both within walking/cycle distance of the site.

Conclusion
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 111), and that there are no transport grounds to resist the proposal."

The following condition is recommended in the event of approval:

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with 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.

Southern Water:

The proposed development will lie over an existing public foul sewer which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the sewer main so long as this would result in no unacceptable loss of hydraulic capacity and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant provisions.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

- The public foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations:-

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer.

Southern Water requires a formal application for a connection to the public water main to be made by the applicant or developer.

WSP: No objection in principle subject to recommended condition.

Adur and Worthing Councils:

EHO (Public Health): The following conditions are recommended:-

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Prior to commencement an ASHP acoustic report shall be submitted to the LPA for approval. This report shall show that the installation of the heat pump complies with the Chartered Institute of Environmental Health and Institute of Acoustics guidance “Heat Pumps, Professional Advice Notice.” The report shall outline that the rating level from the ASHP shall not exceed 35dBLAeq15min at any noise sensitive façade of a neighbouring residential premises. If it is not practical to achieve this value and the local context

supports a relaxation then a report providing a full justification as to why such a relaxation in rating level is required, shall be submitted in writing to the LPA for approval. Following the installation of the ASHPs a post-installation noise monitoring shall be undertaken by the applicant at the reasonable request of the LPA.

Private Sector Housing: The PSH team of has identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

In this case the first floor bedroom is only access through the high-risk kitchen living area and so it is an inner room. PSH do not accept fire escape windows at first floor or above under the Housing Act 2004. Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

Representations:

Objections have been received from 10, 10A, 12, 12A, 14 Aglaia Road 3, 6, 19 Phrosso Road

- The application has not been publicised in the local press which is surprising. A change of use from garages to a residential property should warrant notification to a wider audience than just the immediate residents.
- If approved this application would set a precedent for similar types of development as there are numerous other double garages that also have the potential to be converted in the same way. There needs to be consideration on how this would impact this area and on such things as drainage etc.
- This proposed development will have a direct impact on my property. With the development being considerably higher than the existing garage building it will cast shadows that will impact my garden. My garden is north facing so already has limited sunlight so any additional reduction will be a reduction in my amenities. This reduction in sunlight is confirmed in documents supplied with the planning application. I am a keen gardener and every bit of sunlight is valued, so any changes to the current situation would have an unwanted impact.
- I would also argue that the [existing] gap between 1 and 3 Phrosso Road allows for the good movement of air to the north facing side of the properties on Aglaia Road, helping to reduce the damp and cold problems from which these older buildings suffer. Interrupting that air flow by raising a building's height will have an impact. As all our gardens face north we will all have quite a considerable loss of light.

- It is questionable as to whether the existing garage is derelict as stated, it is the same age as others in Aglaia Road, including mine, which are still in use. The garages may require some attention but they could still be serviceable if maintained by the owners. The existing garage is not dilapidated, it has recently been used as a storage facility. There is only a single tile missing at the rear and this could be easily and cheaply fixed. Other garages in the row have had similar repairs.
- Whilst it is evident that thought has gone into the design and the materials used, this is all totally at odds with the neighbouring buildings, which are much more substantial brick/render and pitched tiled rooves. It makes no attempt to be sympathetic to its surroundings and will always look like an oddity of design and size. House style not in-keeping with existing street scene. There are similar–looking houses to that proposed about 400 yards away but the buildings in the immediate vicinity are 1930/40s pebble-dash. Design and materials used is not at all in-keeping and will affect the value of our properties.
- The fencing on the boundary adjacent to the pavement is not in-keeping with the boundaries of other adjacent properties. This appears to be so the occupiers can have privacy in the property.
- Whilst it is accepted that there is a general need for more residential accommodation, squeezing in a one bedroom home that has limited space and amenities, to the detriment of its environment and existing neighbours, is not the solution. My view is that the impact on myself, other neighbours and the environment far out weight the benefits of providing accommodation for one or two people.
- There are various mentions in the planning application of the development being ecological. But, removing an existing building and replacing it with something much bigger has an ecological impact that is not compensated when the benefit is to only provide a home for one or two people. There is also mention of landscaping, such as tree planting, but I would suggest this is a tick box exercise as planting a tree next to a house is not sensible. It would make more sense to take up the council scheme of suggesting a tree is planted in the street, so as to be further away from the property.
- As the owner of 1 Phrosso Road is evidently a property developer is seems strange that they have not applied to develop their existing building to extend the accommodation, for example into the roof by adding dormers, as has been the case in other properties in the location.
- This application has been submitted by the owners of 1/1A Phrosso Road. As these flats are rented out and their garden is being used for this development, as tenants they are unlikely to raise objections.
- My garage adjoins the existing garage structure, which it is proposed to demolish. The plans have not clarified how my garage will remain in its current form, and this crucial detail is not addressed in the application. Ownership of the boundary between 1A and 3 is unclear and this would need to be properly established.

- There is no detail of the precautions that would be taken to remove the existing asbestos roof of the garage which is in close proximity to 3 Phrosso Road.
- The development will cast a shadow onto the south wall of 3 which currently received sunlight for a large part of the day and will incur a loss of light and reduction in house temperature internally. The Daylight/Sunlight test should be expanded to a full year review.
- Potential overlooking and loss of airflow between 1A and proposed new dwelling but tenants might be reluctant to raise any objection as the application is made by the landlord.
- Cabrio balcony windows would be unneighbourly and cause additional overlooking.
- Internal layout would not comply with Building Regulations and PSH team has also raised concerns under the Housing Act. Timber cladding onto the site boundaries would not comply with the Building Regulations.
- Kitchen extractor fan faces onto No.3 which would cause unneighbourly noise and smells.
- The ASHP would cause additional noise in close proximity to existing properties.
- The development will add to pressure for limited on-street parking with cars regularly parked within 5 metres of the junction of Aglaia Road. The owners of 1/1A do not allow the tenants to use the existing garages and driveway to park their vehicles which in turn pushes them to use street parking. The application will have a detrimental effect on the number of car being parked on the road outside the property and surrounding area.
- The proposed development is wholly out of keeping in this area, it amounts to an over-development. The proposed dwelling is ‘blocky and ugly’. Visually it does not blend in with other properties.
- I am not against modern buildings but the placement of this one seems totally bizarre and will just look odd and out of sorts with the buildings around it.
- There is already issues with on-street parking close to the Aglaia Road/Phrosso Road junction and an additional property squeezed into an already well-developed area, may cause safety issues.
- The drawings show the building will come right up to the fence line of my garden that shares a boundary with the site and will reduce light to this north-facing area. My bedroom is also north-facing and doesn’t get much light at present, the height of the proposed building will reduce the light considerably. This overbearing bulk and massing will render my limited amenity space unusable. All our gardens face north, we will have considerable loss of light to our outside areas and loss of internal heat to our property. The light study should be broadened, not just based on one month (March).
- The proposed parking space is below the prescribed size which will force the occupiers to park on the street. In the Summer the street trees are full of birds and it is not unusual to have to part more than

50m from the house in order to avoid the birds mess and damage to paintwork.

- A medical condition makes me sensitive to noise which can be unbearable. I wear ear protection when outside as even traffic noise can cause headaches and fatigue. The idea of building works over many months fills me with dread and will affect rehabilitation. I do not know how I will manage a Summer with my windows shut. This will be not only during construction but an ongoing issue if the ASHP is installed. There is no justifiable reason for allowing this application, it will only cause grief for those affected by the increase on noise and loss of plight, privacy and the basic human right to enjoy ones property and outside spaces. [*Whilst sympathetic the personal circumstances of this neighbour, the additional noise and activity associated with the development of a small infill dwelling in a suburban context such as this, including during demolition/construction periods, would not amount to a reason for refusal.]*
- Whilst in favour of ASHPs the 'low groan' they emit is exactly the sort of noise that causes me discomfort and I cannot see details of any noise mitigation in the submission. ASHPs are known for blowing cold air out into the area around them and with the limited spacing this is going to be a problem for neighbouring properties. There is no indication of where the condenser unit would be placed, potentially very close to my boundary. The comments of the EHO seem to support the view that the ASHP will be noisy.
- Ownership of the boundary fence between 1 and 10A is unclear and should be properly established.
- I live directly next door to the proposed build and will be greatly affected by loss of light as the building will be considerably higher than the existing garages.
- The proposal sends a disturbing message that building on any available space is OK and the Council will approve it. This part of Worthing is full of garages and if all were converted it would be to the detriment of the area and the environment.
- There is very little space to fit the proposed dwelling, going right up to the borders of neighbouring properties. How can this be conducive to mental health and positive neighbourly relationships?

Relevant Planning Policies

Worthing Local Plan: SP1, SP3, SS1, DM1, DM2, DM5, DM13, DM15, DM16, DM17, DM18, DM20, DM22
SPD A Guide to Residential Development (WBC 2013)
Revised National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance (CLG)

Planning Assessment

Principle of Development

The Worthing Local Plan was adopted on 28th March 2023. Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 74 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The supply of deliverable sites should include a buffer of 5% to ensure choice and competition in the market for land, or 20% where there has been a significant under delivery over the previous three years.

The Inspectors report at Paragraph 176 states:

"I am satisfied that this is a reasonable assessment of likely deliverable supply. This comfortably exceeds the likely five-year housing land requirement. It is possible that some sites may stall or take longer to start delivering new housing, especially taking into account uncertainties surrounding the outcome of Brexit and COVID-19. However, there is sufficient headroom to be reasonably confident that a five-year supply of deliverable housing land would exist at adoption."

The Inspector was satisfied that the housing requirement represents a reasonable and realistic assessment of the limited capacity of the Borough.

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report. Table 9 indicates the Five Year Supply and includes a 20% buffer, which results in a 6.5 year supply of deliverable sites.

The fourth Housing Delivery Test was published in January 2022, and covers the period from 2018/19 - 2020/21 (therefore prior to adoption of the Local Plan). Worthing Borough Council scored 35%. Therefore the presumption in favour of sustainable development applies as set out in paragraph 11(d) as the delivery of housing was less than 75% of the housing requirement over the previous three years. Paragraph 11(d) requires development proposals to be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The existing garage building, described as 'dilapidated', is currently unused.

As part of the Council's commitment to plan positively to meet housing needs it is anticipated that smaller sites (under 10 dwellings) will play a greater role in housing delivery. Policy SS1 specifically states that the Local Plan will seek to increase the rate of housing delivery from small sites.

The Council's SPD 'A Guide to Residential Development' describes infill development as development that fills a restricted gap in the continuity of existing buildings where the site has existing building curtilages adjoining on at least two sides. It states that infill development requires sensitive design

and good landscaping if new buildings are to be fitted successfully into small sites in established residential areas, and that "*insensitive infilling that will negatively impact on areas character or amenity will be resisted*" (paragraph 4.33). Infill development should contribute to the character of the existing locality. In broad terms, a proposal that fails to complement the local area in terms of design, density and layout will be refused.

The site is within a sustainable location, within walking distance of the shops and services in nearby Goring Road District shopping centre and accessible to bus routes serving the wider area.

There is no objection in principle to the sub-division of the existing plot to provide a detached dwelling house. The key considerations are the effects on visual amenity and local character, the amenities of existing and future occupiers, and access and highway safety matters.

Visual Amenity

The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It requires decision-making to ensure that developments are (amongst other things) visually attractive as a result of good architecture, layout and appropriate and effective landscaping; sympathetic to local character, including the surrounding built environment and landscape setting; function well and add to the overall quality of an area; and establish or maintain a strong sense of place (paragraph 135). It goes on to state that development that is not well designed should be refused,

The site is seen the context of Aglaia Road and Phrosso Road where existing development dates from the mid-20C.

Development on the north side of Aglaia Road has a consistent character, comprising pairs of regularly-spaced, semi-detached houses or 2-storey flat buildings designed to appear as semi-detached houses. Although not identical in design, the dwellings typically have hipped roofs with front projecting gables and/or bay windows. Most, but not all, have a driveway to their side leading to garaging set back from the building in the rear garden. A number of the pairs of flat buildings have 'rooms in the roof' with front dormers forming part of their original design, other dwellings have been enlarged by roof extensions to create rooms in the roof, including 10A.

Development on the south side of Aglaia Road is considerably more varied, with no regular building line, consisting of a mix of semi-detached bungalows, terraced housing, modest-sized, 2-storey flat buildings and some individual dwellings. Unusually, some dwellings which have particularly deep frontages, have garaging to the side and front.

Phrosso Road is made up of a mix of mostly semi-detached, hipped-roof, dwelling houses with front and rear gardens. The buildings are regularly

spaced with driveways to the side. Some have attached garages to the side, others have garages set back into their rear gardens.

The siting and scale of the existing garage at 1/1A Phrosso Road and the space between buildings, is consistent with the prevailing pattern of existing development on the north side of Aglaia Road and Phrosso Road. Although described on the form as 'dilapidated', the existing garage building doesn't appear to be in an especially worse condition than many other similar garages in the vicinity.

The application site area is uncharacteristically small, and the siting and layout of the proposed dwelling right up to the northern and western site boundaries, with only limited space between the proposed dwelling and the north side of 1/1A Phrosso Road, would appear cramped and out-of-keeping with the established pattern of development.

The proposed dwelling would front Phrosso Road set back a similar distance from the highway as 1/1A. The 1½-storey scale of the proposed dwelling with its raised roof ridge and eaves height (or gutter line) would be notably larger to that of the existing ancillary garage building, and together with its contemporary form, massing, detailed design and external materials, would appear as a wholly alien and incongruous form of development that would be discordant in the street scene and harmful to the character and appearance of the area.

The harmful effects of the development would be further exacerbated by the need to erect uncharacteristically tall screen fencing/gates to the site frontage in order to provide the future occupiers with privacy not only in the small front garden area, but also to prevent overlooking of the glazed bay window sited only 3.3m from the edge of the highway which provides the main aspect from the habitable living accommodation. [It is noted the sliding gate across the driveway annotated on the site plan is not shown on the perspective visuals.] The height of the proposed screen fencing/gates would appear wholly alien and visually intrusive in this context.

The proposed development would fail to make a positive contribution to the existing sense of place and local distinctiveness and is contrary to Local Plan policy DM5 which requires all new development to be of a high architectural and design quality, and to respect and enhance the character of the site and the prevailing character of the area including proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design and landscaping.

Residential Amenity – Future Occupiers

Internally the proposed accommodation would consist of an open-plan living/kitchen area on the ground-floor, with a separate dining area/workspace/snug leading off the main living area behind a folding-door partition, plus a separate WC/utility. The stairs lead up from the main living area to 1no bedroom on the first-floor with an en-suite bathroom and dressing

area. The Gross Internal Area of 72sqm exceeds the minimum GIA of 58sqm (for a 1-bedroom, 2-person dwelling over 2 floors) set out in the Government's National Minimum Space Standards.

The main aspect from the dwelling would be to the East, facing toward Phrosso Road. The outlook from proposed windows and openings in the other elevations would be constrained by various factors relating to the confined siting of the dwelling resulting in the need for various measures to the mitigate the risk of overlooking, including obscure-glazing, positioning of roof lights above 'eye-line', and the 'vertical louvred' structure (shown on the submitted Section Drawing) positioned over the rear 'courtyard' garden. Nevertheless, it is considered the overall effect would not be unduly oppressive. An adequate degree of natural light would be provided to the main habitable areas of this small dwelling.

The concerns raised by the PSH team about the open-plan layout, particularly, the first-floor bedroom, which is an 'inner room', are noted. However, a revised layout has not been sought in this instance owing to other more fundamental concerns about the suitability of this small site for residential development.

A narrow passageway (1.3m wide) would link the proposed 'courtyard' garden in the rear south-west corner of the site (2.2m by 3.2m) to the garden area shown on the site frontage. The proposed 'vertical louvred' structure is necessary to mitigate the effects of direct overlooking of the courtyard area from the main first-floor window in the rear (north) of 1/1A. Owing to its orientation and close proximity to 1/1A, the courtyard garden would be in shadow for much of the day. The louvre structure would also limit the amount of light received to this small, enclosed area, resulting in a relatively unattractive space with limited amenity value.

The 20sqm garden area shown between the front of the building and the edge of the road would not be private unless enclosed by tall fencing (as shown on the indicative perspective drawings), which as stated above, would be intrusive in the street scene and inconsistent with the typically low front boundary treatments characteristic of this area.

Residential Amenity - Neighbours

The most affected neighbours are those at 1/1A and 3 Phrosso Road, and 10/10A Aglaia Road.

<u>1/1A Phrosso Road</u>
It is noted that these properties, within the same ownership of the Applicants' (i.e. 'blue land') are currently occupied by tenants.

The rear part of the curtilage has been fenced off with a residual small patio area (2.7m by 3m) retained for the ground-floor flat within the recessed component of the rear elevation. A glazed door with side lights faces North onto the fenced 'patio'. The introduction of fencing will already have had an

enclosing effect on the outlook from the habitable accommodation served by this door/side lights. The rear corner of the proposed 1½-storey component of the proposed dwelling will be sited only 4m from the door/sidelights in question, with the attached single storey element further set back, having a separation distance of 6m. The proposed 'vertical louvre' structure over the 'courtyard' garden would sit above the top of the boundary fencing in close proximity. Although the submitted section drawing indicates that adequate natural daylight would continue to be received by the ground-floor rear room, the overall effect and resulting sense of enclosure would be oppressively overbearing.

The 1½-storey component of the dwelling would be sited only 1.3m from a first-floor window in the north elevation of 1/1A, apparently serving kitchen (a non-habitable room). The kitchen benefits from a dual aspect with a further window on the East elevation. Consequently, the effect on receipt of light to, and outlook from the affected window would not be unacceptably harmful.

The existing flats will lose the amenity of on-site parking provision (although it is understood the existing garage has not been used for this purpose for some time).

3 Phrosso Road

There is a car port structure attached to the south side of No.3 located behind a set of timber gates. The gates are fixed to the north side of the garage at 1/1A which marks the common boundary, set back by approximately 1m from the front of the garage. The gates will inevitably be affected by the demolition of the existing structure, but this is essentially a private matter between the parties concerned.

There are a number of openings at ground, first and second-floor level in the south side wall of No.3. The increased height and 'bulk' of the proposed dwelling compared to the existing garage would result in increased shadowing to the south side of the dwelling. However, the window at second-floor level would not be affected and the other windows appear to be either secondary, or serving non habitable accommodation. There would be no significant harmful impact on the receipt of light to, or outlook from No.3.

The occupier has raised concerns about increased shadowing resulting in an increased risk of damp. However, the shadow created would not be so large as to cover all of the flank wall, nor would the wall be in shadow all of the day (albeit the extent and duration would be greater during the Winter months than in the Summer). Other than where currently infilled by the existing carport structure, the 3m wide gap between the northern site boundary and the neighbour's flank wall would allow for the continued circulation of air such that it is not considered damp would pose a significant threat.

No windows are proposed in the north side of the dwelling and it is considered there would be no adverse overlooking of the accommodation or garden No.3.

10/10A Aglaia Road

These purpose-built flats are attached to the west side of 1/1A with a North-facing rear aspect. The proposed dwelling would be prominently visible from the nearest ground and first-floor windows and external stairs at the rear of 10/10A, but would not be directly in front of these windows/openings. The main 'bulk' of the proposed 1½-storey component of the dwelling would be set away from the common boundary by 2.2m which would limit the most significant impacts in terms of receipt of daylight and overbearing effect.

The rear garden area to the North appears to be subdivided with a ground-floor rear (North) window facing onto a small fenced patio area (with a rotary drier) similar in size to that at 1/1A. Beyond is a slightly larger paved area with a rotary drier and seating area, which is assumed to be used by the first-floor flat. The end garage within the short block to the rear of 10/10A and 12/12A adjoins the west side of the rear garden.

The larger 'bulk' of the proposed dwelling compared to the existing garage building, and its siting directly onto the common site boundary, would have an enhanced enclosing effect and result in increased overshadowing of the garden (during the morning) which it is accepted would have an impact on the enjoyment of these amenity areas (more so the Northern half). As stated above, the larger, 1½-storey component would be set off the boundary whilst the eaves height of the single storey element would sit approximately 0.6m above the boundary fence for a length of 6.2m. On balance it is considered the effect would not be so severe in terms of overshowing or overbearing effect to warrant refusal on this ground.

A number of the representations have referred to noise emissions from the proposed ASHP shown to be sited in the narrow passageway between the existing flat building and the south side of the proposed dwelling. It is doubtful whether the proposed siting in this confined space would meet operational requirements. However, had the proposals been considered acceptable in all other respects the precise details of its siting could have been secured by condition and noise emissions mitigated in accordance with the recommendations of the EHO.

Access and Highways

A significant number of representations have been received concerning the additional demand for on-street parking that would be generated by the proposed development. This demand would derive from the occupier(s) of proposed dwelling since it is understood the tenants of the existing flats at 1/1A do not have access to the existing garaging. The LHA has assessed the proposal as having nil on-site parking provision on the basis that the depth of the proposed driveway is sub-standard, but has not raised any objection on highway safety grounds.

The site is within a sustainable location within walking distance of facilities and services of Goring Road District shopping centre and accessible to bus routes along Goring Road serving the wider area.

Cycle parking provision is shown on the driveway. This would need to be secure and covered in order to satisfy the LHA. The storing bikes on the frontage of the dwelling rather than 'out of sight' in the rear garden as would typically be the case, further illustrates the constraints of this small site necessitating tall screen fencing/gates on the site frontage.

Sustainable Development

Policy DM16 states that all new housing should seek to achieve an A rating (with a minimum expectation of B rating) Energy Performance Certificate. No precise details have been provided, other than that the proposed dwelling would be "highly insulated to reduce energy levels". An EPC minimum B rating could be secured by condition in the event of approval.

Policy DM17 requires all development resulting in new housing to incorporate renewable and low carbon energy production equipment to meet at least 10% of the predicted total energy requirements (after CO2 reductions from energy efficiency measures). The proposals include the use of an ASHP to provide heating. This could be secured by condition in the event of approval.

Policy DM18 requires new development (excluding change of use and householder) to provide a minimum 10% net gain for biodiversity. The existing fenced off area includes an area of unmade ground to the south side/rear of the existing garage building. There are no trees on the site. The existing unmade ground has little or no biodiversity value. The proposals indicate a small turfed front garden including a small tree and shrub, and vegetation planted within the rear 'courtyard'. The planting of a tree within such a confined area close to the dwelling is unlikely to be practically feasible, and it is unclear if sufficient daylight would reach the rear 'courtyard' to sustain any vegetation. On the other hand small-scale measures such as bird/bat bricks or boxes, and shrub/hedge planting could be incorporated which would make a small contribution to promoting biodiversity and could be secured by condition. The LP policy does not specifically require the 'Biodiversity Metric' to be completed for small sites such as this, and it is considered this would place an unreasonable and disproportionate burden on the developer when weighed against the emphasis on maximising the delivery of new housing on suitable small sites.

CIL

This development is eligible for CIL.

Recommendation

The benefit of providing an additional 1-bedroom dwelling on this small infill site does not outweigh the significant harm to the character and appearance of the surrounding area and existing sense of place that would result from the proposed cramped development, or the harmful effect on the living conditions of the occupier of the ground-floor flat at 1/1A Phrosso Road.

Expiry Date - 23/01/2024

REFUSE on the grounds:-

The proposed infill development would represent a cramped form of development that would be out of keeping with the pattern of existing development and space between buildings that is characteristic of the area. The harmful effects of the development would be accentuated by its incongruous scale, siting, form, massing, layout, proportions, detailed design and materials which would be wholly out of keeping with, and harmful to local character and distinctiveness. The proposed development is therefore contrary to the NPPF and policy DM5 of the Worthing Local Plan.

The proposed development would have an unneighbourly impact on the living conditions of the occupiers of the ground-floor flat at 1/1A Phrosso Road by reason of its siting, layout, scale and massing in close proximity to the glazed opening(s) in the rear (North) elevation, resulting in an overbearing and oppressive loss of outlook. The proposed development is therefore contrary to the NPPF and policy DM5 of the Worthing Local Plan.

Informative

Pro-Active No Discussion

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

Case Officer:	Jo Morin	Date: 17.01.2024
Authorised by:	Gary Peck	Date: 17 January 2024