Development Management - Delegated Officer Report

Application Number: AWDM/1470/19 Recommendation – APPROVE

Site: 4 Brighton Road, Shoreham-By-Sea, West Sussex

Proposal: Change of Use of residential dwelling (Use Class C3) into 3 bedroom guest house with separate owners accommodation (Use Class C1) (Retrospective).

Date of site visit: 21.10.2019

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site is a semi detached property with rooms in the roof. There is off street parking to the property frontage and a long narrow rear garden. The building has three floors and is currently used as a guest house with owners accommodation. The applicants had previously lived in the property as a family home and have in recent years used the building as a guest house. Retrospective change of use is proposed here to change the use from dwelling house to guest house with separate owner's accommodation.

The ground floor is currently set out with a reception room to the front (this is for the use of guests) there is an ensuite bedroom dining room, and kitchen also on the ground floor. The dining room is used for the guests to have their breakfast and the kitchen is for the use of the owners. At first floor there are two guest bedrooms a bathroom and W.C. There is a front living room at first floor which is for the owners use only. In the loft space is an ensuite bedroom which is for the owners use only. In total there are 3 guest bedrooms.

There is a garden building to the rear of the site adjacent to the rear boundary. This is for use of the owners only, not guest use in this case. Also included in the application site is a parking and turning space to the north/east of the site. This area of land was purchased by the owners and has been used for the parking of vehicles both for the owners and guests. Adjacent to this parking area is an electricity sub station. Access to the land to the rear is from Brighton Road along the side of no. 2 Brighton Road to the rear to the 2 parking spaces.

To the front of the property is Brighton Road and Kingston Beach is beyond, there is parking on the highway available where vehicular accesses are not restricting such provision. There is also a car park opposite at Kingston Beach. Kingston Lane is to the east of the site under the railway to the north is other available on street parking provision. This is a residential locality with houses and flats surrounding the application site.

Consultations

West Sussex County Council: The **Highways Authority**

Initial consultation response: -

This retrospective application is for the change of use of residential dwelling to 3 bedroom guest house and one bedroom owners' accommodation. The site is located on Brighton Road, an A classified road subject to a speed limit of 30mph. The LHA request additional information from the applicant in order to fully assess the application. The submitted documents indicate that the existing access to the front of the site will be retained to provide two parking spaces for the proposal - no alterations to the existing access are proposed. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing access is operating unsafely or that this proposal would exacerbate an existing safety concern. The applicant has indicated that three parking spaces are available to the rear of the site. It is unclear whether these spaces are accessed via the existing access to the east of 2 Brighton Road, or through the existing parking area to the rear of Jevington Court which accesses onto Kingston Lane. The LHA request a plan clearly indicating the method of access to the rear of the site, and a plan clearly demonstrating the parking layout to the rear of the site. The plan should also demonstrate that vehicles have sufficient space to turn on site and exit onto the public highway in a forward gear. Please request this additional information from the applicant and re-consult.

Consultation response following reconsultation: -

The LHA has been re-consulted on this application following the submission of a parking layout plan and swept path tracking demonstrating that vehicles can turn on site and exit in a forward gear. The applicant originally proposed three parking spaces to the rear of the site, this has now been reduced to two parking spaces. The spaces will be accessed via the existing driveway to the east of no.2 Brighton Road. Each parking space meets minimum specifications of 2.4 x 4.8m as set out in Manual for Streets. The plans indicate that vehicles can reverse out of each space and turn on site in order to exit onto the public highway in a forward gear.
It is unclear whether the proposed parking spaces would obstruct access to the existing sub station. However, they will remove the ability for maintenance/sub-station vehicles to turn on site. The LHA would not anticipate that this would result in a highway safety concern, due to the likely infrequent nature of vehicle trips to the sub-station. It is also acknowledged that neighbouring driveways along Brighton Road operate similar arrangements without evidence of highway safety concern. The addition of two parking spaces is not anticipated to result in a material increase in vehicle movements to or from the site and as such is not anticipated to result in a highway safety concern. The WSCC Parking Standards (revised August 2019) no longer set out a standard for guesthouse/BNB use. However, under the superseded parking standards, a minimum of 1 parking space per guest bedroom would be required. This would result in a minimum of 3 parking spaces for the proposed guesthouse use, and based upon the one-bedroom owners accommodation, a further one parking space would be required. As such, a total demand of 4 parking spaces would be anticipated and this demand is met within this application.

The LPA may wish to consider the impact of any overspill parking as result of this proposal, from an amenity point of view. The LPA should also be satisfied that parked vehicles to the rear of the site will not result in an obstruction to electrical sub-station access and that the applicant has sufficient access/ownership rights to utilise this area for parking and access. 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 109), and that there are no transport grounds to resist the proposal.

Adur and Worthing Councils:

Environmental Health: - No adverse Environmental Health comments for the above application.

Private Sector Housing: - No objection

Representations

15 objections received in total. 7 received from the same address No. 6 Brighton Road, No. 54 Brighton Road, No. 92 Brighton Road, 2 received from First Floor Flat 2 Brighton Road, 2 received from 2 Brighton Road, The Cottage 2A Brighton Road, 38 Brighton Road. Objecting for the following reasons: -

- Parking is a problem on this road this change of use would increase this.
- This business use would encourage other business use in this residential area.
- Owners do not have space to park their own vehicles.
- Use has been carried out for some time without consent.
- Legal right to use access to parking is disputed.
- Loss of privacy and increase in disturbance and noise. Use of garden, noise through the walls.
- Residential area for families. Contributing to the local community.
- Impact on quality of life and future populations.
- Impact on character of area.
- Impact upon privacy and disturbance caused by guests using the access to the rear of no. 2. Security issues.
- Highway safety issues as cars cannot turn in this area.
- Restricts access to garages.
- The Access is onto Brighton Road where heavy traffic is constant.
- Restrictions to access to the substation.
- Owner of No. 2 Brighton Road has sought legal advice that there should not be any access granted for use of the land to the rear. Only access to parties who have legally recorded easements. Access should be via their own land.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15 and 26
National Planning Policy Framework (February 2019)

Planning Assessment

Principle

Retrospective consent is for a guest house use. Policy 26 states that the visitor economy will be promoted through the provision of new facilities including visitor accommodation in locations with good public transport access and within the Built Up Area. Tourist facilities are generally supported in the built up area where there is good public transport access (Policy 26) as it is recognised that tourism brings economic benefits to the local area. The main issues for consideration here are visual and residential amenity, and highway safety and parking.

Visual amenity

There have been no changes to the external appearance of the building as a result of the change of use to Guest House. The only change here is how the internal space within the building is used. Therefore visually there is no impact with regards to the appearance of the building or street scene.

Residential Amenity and Character

A number of objections have been received in this case in relation to the existing use and the impact upon residential amenities, character of the residential area and highway and parking matters. These are listed above. The main properties to be affected by the change of use are the properties either side of the site, No. 6 the attached dwellinghouse and no. 2 the property to the east which is divided into 3 flats where there is ancillary parking and garaging to the rear. Due to the siting and nature of the secondary parking area to the rear and side of no. 4 the only access both on foot and vehicular is via the side of no. 2 Brighton Road. Therefore any use of this land for the purpose of the guest house use will generate increased activity to the side and rear of the flats at no. 2. With 2 parking spaces provided here this could see the arrival and departure of 2 different guests every day which would generate more activity than would normally be the case in a residential setting. To limit the activity here it was requested that the applicant's agent label the drawings to state that the parking spaces here would be for the owners only and the parking spaces to the property frontage would be for guests only, with any overspill on surrounding roads or that car park opposite. A condition is also attached to ensure that this is the case therefore it is considered that the activity would be reduced to an acceptable degree in relation to neighbouring residential properties.

It is not considered that the use of the building as a Guest House is detrimental to the character of this residential area. Despite the commercial nature of this use it is considered to be small scale, functioning at 3 bedrooms maximum. A condition is attached below to ensure that this will remain the case. This is not a use within a residential area that is considered to be significantly detrimental to the character of this locality. The area remains a residential locality comprising of family homes, flats and smaller dwellings. The change of use here would not warrant a refusal.

It is not considered that this change of use will give rise to permission being granted for other business uses within this predominantly residential locality. Each proposal

would be judged on its own merits and in this case the use at this level is deemed acceptable subject to relevant safeguarding conditions.

Commercial use/tourism

The Guest House as it currently functions is providing a tourist facility within a sustainable location. It therefore brings economic benefits to the local area. It is near a bus stop and not far from the local railway station. It is therefore supported by Policy 26 of the Adur Local Plan.

Highway Safety and Parking

West Sussex County Council Highways has made comments in relation to the current use and parking proposals. These are set out above. They have no objections as the parking provision is sufficient and this is a sustainable location. The most recently submitted plan shows 4 parking spaces in total which is acceptable in this case. Any overflow car parking need can be accommodated either on the surrounding highways or the car park on Kingston Beach opposite the site.

Rights of Access and other Legal Matters

The issue of the ownership of the parking land to the rear of no. 2 has given rise to some concerns here by local residents and the unusual situation where the land is used and accessed via no. 2 Brighton Road. The issues of rights of access and other legal matters have been raised by local residents. It may be that there are legal reasons restricting the use and access of this land for parking by the applicant's and/or guests. This may preclude the implication of this consent however these matters are separate to planning and do not justify the refusal of Planning Consent in this case.

Recommendation

APPROVE

Subject to Conditions:-

1. The parking spaces to the front of no. 4 Brighton Road shall be used by the guests only. The two parking spaces to the rear of no. 2 shall be used for the owners of no. 4 Brighton Road only, in accordance with details shown on approved plan 2149 (21) 100 received 12th November 2019. Only 2 cars shall be parked in this space at any time.
2. Only 3 bedrooms as guest rooms.
3. Restriction of the use of the garden building for use of the owners only and not for guest use.

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

1. Proactive with amendments

Case Officer: Hannah Barker Date: 19.11.19

Authorised by: Peter Barnett Date: 20 November 2019