Application Number: ADC/0153/08 Recommendation – APPROVE

Site: 47 Hayley Road, Lancing BN15 9HB

Proposal: Change of use from single dwellinghouse to 2 self-contained two-bedroom flats

The Application

The application property is an end of terrace three-bedroom house with an internal floor area of approximately 130sqm. It is proposed to convert it into 2 flats, both with two bedrooms (the top floor flat would also have a study room). The conversion would be contained within the existing building with no extensions or other alterations proposed. The house was previously extended at the front on the ground floor only in 1993.

The property is accessed via a footpath from Hayley Road which serves the rest of the terrace and the terrace opposite. Vehicular access is at the rear where there is a garage compound. One of these garages is currently in the ownership of No.47 and is proposed to be allocated to the groundfloor flat. A parking space within the compound is proposed for the firstfloor flat.

The existing front garden is to be made communal for use by the occupants of both flats, with the rear garden subdivided, with the area nearest the building made available to the ground-floor flat and the rear portion to the first-floor flat, both of which can be accessed via a footpath at the side of the property or from the rear parking compound.

Consultations and Representations

County Transport Planning Services: No highway objection. The property is within walking distance of a range of services and public transport (the nearest bus stop is approximately 40m away) and the parking is adequate.

Environment Agency: Object because no Flood Risk Assessment was submitted with the application as required by PPS25 and the flood risks resulting from the proposed development are therefore unknown.

ADC Environmental Health: There is inappropriate stacking of rooms with the living/dining room of the first floor flat being above bedroom 1 of the ground floor flat and bedroom 1 of the first floor flat being above the living/dining room of the ground floor flat. If the application is to be approved, strongly recommend that acoustic testing takes place prior to the installation of floor coverings as required by the Building Regulations.

Lancing Parish Council: No comments received.

Third Parties: 10 letters of objection have been received (from residents of No's 39,41,45,51,53,64,66,68,72 Hayley Road and one with no address given) on the following grounds:-

- Will set an undesirable precedent
- Out of character with the area
- Parking congestion will be worsened
- Increased refuse and mess
- Overintensive use of the site
- Planning policies do not normally favour the conversion of a 3-bedroom house to flats
- Sewer system inadequate
- Parking spaces at the rear are not available for use by the application property
- Increased noise and disturbance to adjoining property
- The garage compound floods regularly

[NB. the resident of No.51 Hayley Road requests to speak at the committee meeting]

Relevant Planning Policies and Guidance

West Sussex Structure Plan: LOC1, NE1, CH1, ERA1, DEV1, DEV4-5
Adur District Local Plan: AG1, AH5, AH9 and Appendix 11 'Supplementary Planning Guidance' comprising:-
Development Control Standard No.2 'Space Around New Dwellings and Flats' and No.4 'Flat Conversions'
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPG24 'Planning and Noise' (DoE 1994)
PPS25 'Planning and Flood Risk' (ODPM 2006) & Circular 04/07

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.

Character and Principle

There are no other examples of flat conversions in the immediate locality. However, the property has an internal floor area of over 100sqm and has a proposed internal layout which provides living rooms and bedrooms adjacent to their equivalent rooms in the neighbouring property. On this basis, the property is considered to meet the dwelling size requirements of the Council's Standards and its conversion to flats is acceptable in principle.

Concerns have been expressed that if this application is approved it will set a precedent for similar proposals in the future. However, this property has a front extension which makes it a larger dwelling than others in the area. It also has a side path, enabling access to the gardens for both flats (this would not be possible for most of the properties in this terrace due to their mid-terrace position and the presence of the garage block on their rear boundaries). In any event, each case must be considered on its own individual planning merits.

Residential amenity – noise transmission

The DC standard for flat conversions states that room 'stacking' between the two floors should be consistent with rooms of the same type are above each other. The submitted proposal fails to meet this requirement as the proposed bedroom 1 of the groundfloor flat would be below the living/dining room of the firstfloor flat, while bedroom 1 of the firstfloor flat will be above the living/dining room of the groundfloor 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.

As stated in the previous section, there is not expected to be an issue in respect of noise transference to the attached house due to the internal layout mirroring that of the adjoining property.

Amenity Space

Policy AH9 requires flat conversions to meet adopted standards of accommodation, namely those set out in DC Standard No.4 'Flat Conversions'. The groundfloor 2-bedroom flat, at 66sqm, exceeds the minimum requirement for such accommodation (57sqm), as does the 2-bedroom firstfloor flat at 58sqm. Individual room sizes for both flats also meet the minimum standards (NB. the original plans showed a third bedroom in the firstfloor flat which was below the minimum standard but this has since been amended to a study instead).

The building has garden space to the front and rear. The front garden is screened by a hedge and is to be a communal space for the occupants of both flats. At the rear, the garden is to be divided with the area nearest the building designated for the groundfloor flat and the garden furthest from the building designated for the firstfloor flat. It can be accessed from the rear via a side footpath which is to be extended. Both gardens have an area in excess of 40sqm, which is double the minimum standard.

Consequently, it is considered that both flats will have an acceptable standard of living accommodation and amenity space.

Parking and Access

Access into both flats is via the existing front door. The ground floor flat also has the benefit of the existing side door. There is an existing garage within a compound at the rear of the building which is available for use for the groundfloor flat for car parking and cycle storage. In addition to the garage block, there are a further six parking spaces for use by any of the properties in Hayley Road. The space nearest the site is understood to already be used by the occupants of the existing house. Confirmation has been sought from the applicant that this space will be able to be used by the future occupants of the flats and his response is awaited. Cycle storage for the firstfloor flat would be provided within a new timber shed within the garden.

Objections have been received on the grounds of inadequate parking and the potential for worsening congestion in Hayley Road. However, County Transport Planning Services has no objection to the proposal as the property is in a sustainable location, being within walking distance of a range of services and public transport (the nearest bus stop is approximately 40m away). The level of parking provided is considered acceptable for the needs of

Flood Risk

The site lies just within the outer limit of the zone 3a flood risk area. The Environment Agency has objected because no Flood Risk Assessment was submitted with the application as required by PPS25 and the flood risks resulting from the proposed development are therefore unknown. The applicant is in contact with the Environment Agency in an attempt to overcome their objection.

Other Issues

Refuse storage would be provided within an enclosure in each rear garden. This is considered to be acceptable.

Comments on the adequacy of the foul drainage system are noted. However, it is not considered that the proposal will result in a significant increase in the number of people occupying the building over that which could potentially occupy it if it stayed as a house and there should therefore be no additional impact on the existing foul drainage.

Recommendation

A. Subject to the Environment Agency withdrawing its objection on flood risk grounds, APPROVE for the reason:-

The proposed development is within the built-up area and would help meet the need for additional housing without detracting from the existing local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AH2, AH5, AH9) and the adopted West Sussex Structure Plan 2001-2006 (LOC1, NE1, CH1, ERA1, DEV1, DEV4-5).

Subject to:-

1. C1Ci (Standard time limit)
2. C8Biv (Car and cycle parking spaces to be provided and retained) (amended)
3. C14Ai (Permission relates to amended plan received on 9 May 2008)
4. C18J (Details of refuse storage provision) (amended)

B. If the Environment Agency does not withdraw its objection, REFUSE on ground that:-

1. D1R (Within flood risk area and insufficient evidence that the flats would not be at unacceptable risk of flooding having regard to PPS25)

.....