Expiry Date - 09/02/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1690/23 **Recommendation – REFUSE**

Site: **19 Manor Road Worthing West Sussex BN11 3RT**

Proposal: **Construction of 1no. two storey dwelling within rear garden (to West of No.19) with access to South of site and parking for 2no. vehicles**

Date of site visit: 24.01.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a detached dwelling house occupying a rectangular shaped plot on the west side of Manor Road, within a residential suburb of the town. The 2-storey dwelling dates from the mid-C20 with a hipped roof, leaded windows and distinctive decorative chimney stack on the front roof slope. It has been previously enlarged by ground and first-floor rear extensions and by a front porch. Parking on the frontage is accessed from Manor Road.

The property sits between Shrewsbury Court to the North and 1-6 Sheldon Court to the South.

Shrewsbury Court comprises a predominantly 3-storey, L-shaped flat building dating from the late 20C. The pitched-roof building fronts onto Rowlands Road with a secondary frontage onto Manor Road. A vehicle access from Manor Road leads to a covered way with garaging partially in the form of an undercroft on one side of the access drive and the other part contained within a single-storey flat-roofed component adjoining the north side boundary of the application site. The westernmost component of the main building fronting Rowlands Road drops from 3-storeys to 2 storey in height. There is a secure, walled communal garden to the south and west of the building/garaging.

To the south, Sheldon Court Road consists of 3no mid-20C, 3-storey flat-roofed blocks roughly positioned in a U-shape primarily fronting Bath Road, but with the smaller block 1-6 fronting Manor Road. The 3no flat blocks are set within shared, open, landscaped grounds with garaging and parking bays to the rear accessed from Manor Road and Bath Road, together with open parking bays to the side and front of the larger frontage block onto Bath Road. The landscaped grounds are predominantly grassed interspersed with individual mature trees/shrubs to the front and rear. The application site includes part of the private access drive to the north side of Sheldon Court.

The site is not listed, locally listed or within a Conservation Area. There are no TPO trees on the site. Ivy Place Conservation Area is located opposite the site, on the east side of Manor Road. It is characterised by substantial, detached or semi-detached Edwardian dwellings with gardens to the front and rear.

Proposal

Permission is sought to sub-divide the existing plot and erect a detached 4-bedroom, chalet house in the rear garden accessed from the existing private access drive serving Sheldon Court.

The proposed plot would measure 19.55m wide and 15.23m deep. The new dwelling would have an L-shaped footprint, sited toward the south and west of the proposed plot. It would face the shared access drive with a stepped frontage set back a minimum 1.63m increasing to 3m. A hard-surfaced area (6m wide x 7m deep) to the east side of the proposed dwelling would provide 2 car parking spaces side by side. There would be a 4.5m deep rear garden to the North (rear) of the dwelling, wrapping around the North-east corner.

The residual rear garden retained by the existing frontage dwelling, No.19, would vary in depth between 4.76m to 8.53m.

The application is accompanied by a Design and Access Statement and a Sustainable Construction and Energy Efficiency Statement.

Relevant Planning History:

AWDM/0762/19 Demolition of existing building and replacement with 10no. one and two bedroom apartments set over four floors, with balconies to West, East and South elevations, accessed from Manor Road with parking for 6no. cars. Permitted 30.11.2020 Lapsed without implementation.

AWDM/1554/21 Application to Vary Condition 1 of previously approved AWDM/0762/19. Amendments: position of lift shaft, reconstructed wall in fair face brick along Manor Road, refuse/recycle store relocated, alterations to approved balconies and new feature stone frame around window on south eastern corner. Proposed Car Port over 6no parking spaces, photovoltaic panels and electric car charging points. Withdrawn.

Consultations:

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

"Summary
This application is for the erection of a two-storey dwelling with parking. The site is located off Manor Road, an unclassified road subject to a speed restriction of 30 mph. Following an inspection of the submitted application

documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility
The applicant proposes to utilise the existing vehicular access point on Manor Road, with a private shared access road linking the maintained highway to the application site. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on to Manor Road. In addition, the proposed development is not anticipated to give rise to a significant material intensification of use of this existing access point.

I do note that a new access point is proposed on the private shared access road, and the applicant is advised that they may need to seek approval from the proprietor of this access road to undertake the proposed works.

Parking and Turning
Two car parking spaces are proposed to serve the dwelling. From inspection of the plans, the proposed parking area is suitably sized to accommodate two car parking spaces, and the private access drive can be utilised to turn and exit onto the maintained highway in a forward gear.

The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. Therefore, any overspill parking would have to be accommodated on-street. The LHA would not anticipate that the shortfall of one parking space would give rise to a highway safety concern or parking capacity issue in this location, but the LPA may wish to consider the potential amenity impacts.

Regarding cycles, the plans demonstrate secure cycle parking provision for three bicycles, in accordance with WSCC Parking Standards for a dwelling of this size and location.

Sustainability
The site is situated in a sustainable location within walking distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular bus services available from nearby Heene Road and Marine Parade. West Worthing Railway Station is located approximately 1.3km north 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 115), and that there are no transport grounds to resist the proposal."

The following conditions have been recommended in the event of approval:-

Car parking space (details approved)
No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

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

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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.

WSP: The Council's Drainage Consultant has raised an objection commenting:-

The applicant is applying for the construction of a two-storey dwelling within rear garden (to the west of No.19) with access to the south of the site and parking for two vehicles.

Following a review of the submitted information, we have noted that the site has a high surface water flood risk. Therefore, we would recommend the objection of the application until a Flood Risk Assessment has been completed that assesses this risk.

Reason
To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Adur and Worthing Councils:

Private Sector Housing team: No objection.

EHO (Public Health and Regulation):- The following conditions are recommended in the event of approval:-

1. 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.

   Reason: To safeguard the residential amenity of the area

2. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate, but not necessarily be restricted to the following matters:
   - the anticipated number, frequency and types of vehicles used during construction,
   - the method of access and routing of vehicles during construction, HGV construction traffic routings shall be designed to minimise journey distance through the Councils Air Quality Management Areas (AQMA's),
   - the parking of vehicles by site operatives and visitors,
   - the loading and unloading of plant, materials and waste,
   - the storage of plant and materials used in construction of the development,
   - the erection and maintenance of security hoarding,
   - a commitment to no burning on site,
   - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
   - methods to control dust from the site,
   - a commitment to following BS5228:Code of Practice for noise and vibration control on construction and open sites,
   - details of public and neighbour engagement both prior to and during construction works.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

Representations: 2 Objections to the application have been received from residents of Shrewsbury Court raising the following concerns:-

- Overdevelopment; the proposed house is planned for an already over-developed area of the town. The back garden of No.19, along with the gardens of Shrewsbury Court and Sheldon Court provide a welcome greenspace in this densely populated area.
- Privacy and light: The development will overlook the garden of Shrewsbury Court and the windows on the back of the first-floor will look into the living rooms of five flats. The open view to the south of Flat 9 was a key element in the decision to purchase the flat in 2021;
- Trees and landscaping; currently there are some trees and shrubs in the area to be developed. This will lead to a loss of habitat for the wildlife in the garden.
- Noise; there will be an increase in noise from additional vehicle parking;
- Flooding; I am concerned about water levels in the general area as during the recent rain the gardens at Shrewsbury Court were water logged.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SP2 (Climate Change)
SP3 (Healthy Communities)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)

National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPD ‘Space Standards’ (WBC 2012)
SDP ‘A Guide to Residential Development’ (WBC 2013)
CIL Charging Schedule (Aug 2021)

Planning Assessment

Principle of Development

Paragraph 11(d) of the NPPF 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 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 the delivery of housing was less than 75% of the housing requirement over the previous 3 years.

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 'backland' development as development that lies to the rear of an existing property that often, but not in all cases, fronts a road. Access can be from the road serving the original dwelling from the front, from the side or from the rear. It goes on to state that whilst some infill development can provide a welcome addition to the Borough's housing stock, backland garden development is generally regarded as an inappropriate form of development and will be resisted in most cases.

Garden space has several different roles including its contribution to local character, green infrastructure, play space, biodiversity, flood risk and mitigation of climate change. Paragraph 4.27 states that an important consideration in assessing proposals for backland development will be whether the garden land in question is of significant important to the urban structure, is of scenic importance or provides wildlife value.

Paragraph 4.29 goes on to state that tandem backland development is more often than not an anomalous and contrived form of development that makes little contribution to local distinctiveness and generally unacceptable.

The site is within a sustainable location, within walking distance of the shops and services in nearby Rowlands Road local 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. The key considerations are the effects on visual amenity and local character and distinctiveness, the amenities of existing and future occupiers, sustainability issues, 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,

As described above, the surrounding area is typically made up of a mix of low-rise flat blocks set within their own spacious grounds, and substantial detached and semi-detached dwellings typically with good-sized rear gardens. The existing dwelling, No.19, is consistent with this character.

The sub-division of the existing plot would leave no.19 with an uncharacteristically shallow rear garden, only 4.76m deep in part. Even the maximum depth of 8.53m would be at odds with the existing pattern of development and incongruous in this local context for a detached dwelling of its size.

The proposed dwelling would replace some timber sheds in the southwest corner of the existing garden.

There is a row of trees on the site making up a mature Cypress hedge extending part way along the southern site boundary (overhanging the access drive). There is also a large single tree close to the western site boundary, the

canopy of which overhangs the northwest corner of the site. None of the existing trees are plotted on the Proposed Site Plan. It can reasonably be assumed that the row of Cypress trees will be removed, not least to accommodate the parking area for the new dwelling and associated visibility splay. The overhanging branches of the tree close to the rear (West) site boundary would need to be cut back to accommodate the siting of the new dwelling which would likely have a significant impact on its future health and wellbeing. Although none of the trees in question are of sufficient quality to be worthy of a TPO, they do make a contribution in association with neighbouring gardens to green infrastructure which is important to the existing sense of place and biodiversity.

The scale, form and layout of the proposed dwelling with its forward siting would be clearly visible in public views along the access drive from Manor Road, its prominence further heightened by the removal of the mature Cypress hedge. It would appear as an incongruous and cramped form of development viewed from this direction, eroding the existing sense of openness and greenery to the rear of the frontage buildings, and resulting in an overdeveloped, built-up appearance.

Consequently the proposed ‘backland’ development involving the loss of important garden land would be at odds with the existing prevailing pattern of development and unacceptably harmful to local character and distinctiveness contrary to Local Plan policy DM5 and the Council’s SPD ‘A Guide to Residential Development’.

Residential Amenity – Future Occupiers

The proposed layout shows a 4-bedroom dwelling consisting of an entrance hall, open-plan kitchen/dining/living area, bathroom and 2 bedrooms (one with en-suite shower room) on the ground-floor, with 2 further bedrooms (one with en-suite shower room and dressing room, plus study and bathroom on the first floor.

The proposed dwelling would have a GIA of 152sqm which considerably exceeds the Government’s minimum space standard of 124sqm for a 4-bedroom 8-person dwelling over 2 floors. The study would be just below the minimum floor area of 7.5sqm for a single bedroom, and it is unclear from the plan whether the entire floor area of this room would be above 1.5m high.

The proposed dwelling would have a rear garden area of 109sqm which exceeds the Council’s minimum external space standard of 100sqm for a large detached dwelling. However, its amenity value would be somewhat diminished by its awkward shape and orientation, extending only 4.5m deep to the rear and 6m wide to the side. Not only would it be overlooked from the south-facing windows and balconies of the flats in Shrewsbury Court, and the rear west-facing windows of the host dwelling (at less than 10m), it would likely be in shadow for much of the day, particularly during the Winter.

The front of the dwelling would face onto the access drive, at its closest less than 2m. The access drive (along with other accesses/egresses on Bath Road) serves the garage compound and parking bays for the 36 flats within Sheldon Court. It can be expected that there would be numerous vehicles and pedestrians passing directly in front of the proposed dwelling, impacting on the privacy of the future occupiers. One of the bin stores for Sheldon Court is located directly opposite the proposed dwelling at the end of a row of garages, and noise from regular comings and goings, as well as on collection day, would likely be a further inconvenience.

Although none of these issues is considered so seriously harmful that the proposed development would provide an unsatisfactory living environment for the future occupiers, they are nevertheless relevant factors that are indicative of the cramped layout of the proposed development on the site.

Residential Amenity - Neighbours

The most affected neighbours are the occupiers of Shrewsbury Court, particularly those units in the northern component of the block fronting Rowlands Road.

The proposed dwelling would be a prominently visible in views from the rear-facing windows and balconies in this block. However, the minimum separation distances (annotated onto the plan) combined with the chalet form of the dwelling with a lowered eaves height at the rear would mean that the effect would not be unduly dominant or oppressively overbearing.

A shadow diagram has not been provided with the application, but it can be expected that the height and ‘bulk’ of the proposed dwelling would cast a shadow affecting the communal garden at Shrewsbury Court especially that part closest to the site boundary. However, less weight can be attached to overshadowing of a garden compared to habitable accommodation and it is not considered the extent of the resulting shadow would be so severe as to warrant refusal on this ground.

Rooflights on the rear (North) elevation of the proposed dwelling could be required to be obscure-glazed as a safeguard against unneighbourly overlooking of the communal garden of Shrewsbury Court at a distance of only 4.5m.

The East flank of the proposed dwelling would be sited a minimum 10.7m from the nearest single-storey rear component of the host dwelling No.19, and 14.5m from the nearest 2-sotrey component. Whilst on the very margins of acceptability it is considered the separation distance between the dwellings is adequate and would not harmfully impact the amenities of No.19. Windows in the East flank wall could be required to be obscure-glazed.

The siting of the proposed dwelling would be a prominent addition to views from windows in the rear West-facing elevation of the nearest flats (Nos 1-6) in Sheldon Court to the south. Taking account of the separation distance

(minimum 16.3m) and the orientation of windows at 90 degrees to each other, it is considered the effects of overlooking would not be severe, although the opening up of the existing garden boundary, and comings and goings associated with the new dwelling, including vehicle movements to and from the parking area to the East side, would have some impact on the privacy of the occupiers of the nearest ground-floor flat, in particular.

Access and Highways

Two on-site parking spaces would be provided for the proposed dwelling, a shortfall of one space from the anticipated demand that would be generated by a dwelling of this size. However, the LHA has not raised any objection to the amount or layout of the proposed parking provision on highway safety grounds.

The parking for the existing dwelling on the site frontage would be unchanged.

The site is within a sustainable location within walking distance of facilities and services of Rowlands Road Local shopping parade and within walking distance of bus routes along Heene Road and Grand Avenue serving the wider area.

Cycle parking provision is shown within the garden and could be secured by condition in the event of approval.

Sustainable Development

Policy SP2 sets out a comprehensive and strategic approach to addressing climate change involving carbon reduction, maximising carbon sequestration and climate change adaption and mitigation measures.

Policy DM16 states that all new housing should seek to achieve an A rating (with a minimum expectation of B rating) Energy Performance Certificate.

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).

Policy DM18 requires new development (excluding change of use and householder) to provide a minimum 10% net gain for biodiversity.

The application is accompanied by a Sustainable Construction & Energy Efficiency Statement. Although quoting the incorrect LP policy reference it states that:-

- The dwelling will have high insulation values meeting and/or exceed all latest Building Regulation requirements;
- Background and purge ventilation will be provided to latest requirements

- The development will incorporate low water use sanitary-ware
- The development will have energy efficient light fittings installed;
- All radiators will be fitted with thermostatic valves;
- A grey water re-cycling system will be installed;
- Rainwater harvesting will be included;
- An electric charging point will be provided for cars and secure storage for cycles;
- Soft landscaping retained where appropriate, and enhanced where suitable to maintain a verdant quality
- Dwelling provided with DOC R high-speed communication network.

Although welcome, many of the above provisions do not exceed the minimum requirements of the building regulations and do not meet the specific policy requirements for DM16 and DM17. That said, an EPC rating (minimum B) and minimum 10% of energy demand to be met by renewable and/or low carbon technologies, could be secured by condition in the event of approval.

The proposal would involve the removal of the existing mature Cypress trees/hedge and likely cause harm to a mature tree close to the Western site boundary. Given the limited size and awkward shape of the garden of the new dwelling there is limited opportunity for the planting of replacement trees of any stature, and it is unclear whether the requirements of the Council's Climate Change and Sustainability 'check-list' for tree replacement in excess of 1 for 1 could be met. On the other hand smaller-scale hedge and shrub planting, and other measures such as the inclusion of bird/bat bricks or boxes, could be incorporated which would make a small contribution toward compensating for the loss of existing vegetation.

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.

Other

The site is identified at risk from surface water flooding and a FRA is required in accordance with Policy DM20. Owing to the fundamental concerns raised by the proposed development as highlighted in this report, this issue has not been discussed with the Applicant's Agent.

CIL

This development is eligible for CIL.

Recommendation

The benefit of providing an additional dwelling on this backland garden site does not outweigh the significant harm to the character and appearance of the surrounding area that would result from the development of this site.

Expiry Date - 09/02/2024

REFUSE on the grounds:-

1. By reason of its siting, plot coverage, scale and layout the proposed development would constitute an incongruous and cramped form of backland development that would be out of keeping with the pattern of existing development and unacceptably harmful to local character and sense of place contrary to policies DM2 and DM5 of the adopted Worthing Local Plan, the Council's SPD 'A Guide to Residential Development' and the relevant policies of the NPPF.

2. The application is not supported by a site-specific flood risk assessment (FRA) and fails to demonstrate that the existing and future occupants of the proposed dwelling would be safe from surface water flood risk for the lifetime of the development when allowances for climate change are taken into consideration. The proposed development is therefore contrary, policy DM20 of the Worthing Local Plan and the National Planning Policy Framework

Informative

Pro-Active No Discussion

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

Case Officer:	Jo Morin	Date: 31.01.2024
Authorised by:	Gary Peck	Date: 1 February 2024