Expiry Date – 8/1/19 eot to 25/1/19

Development Control – Delegated Officer Report

Application Number: AWDM/1703/18 Recommendation – Grant

Site: **386 Brighton Road, Shoreham By Sea**

Proposal: **Extension and conversion of existing building, including increase in roof ridge height, to accommodate 4 floors, creation of 2no. 2 bedroom flats and 2no. 1 bedroom flats, with two storey rear extension, refuse and cycle storage, pedestrian access and external amenity area.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 17/12

Site and Surroundings

This application relates to a two storey mid terraced house on the north side of Brighton Road, close to the junction with Surry Street. The property has a single storey rear extension and a detached outbuilding which contains the dwellings only WC and bathroom. It sits between four storey buildings either side with mansard roofs and front and rear dormers; both of which are converted into flats. The existing building sits forward of No. 384, to the east, on both floors and forward of No. 388 at first floor level. On the frontage it has a bay window at first floor and a typical shopfront at ground floor, with recessed door, but it has not been used for commercial purposes for many years.

It backs on to Pashley Court, a four storey block of flats belonging to Adur Homes. Pashley Court has two communal entrance doors facing south which are accessed via a footpath off of Surry Street. This footpath is also in the ownership of Adur Homes. Between this footpath and the site rear boundary wall is a narrow strip of land with some trees and shrubbery on it. The ownership of this land is unknown . The applicant would like to add a gate in the rear wall to create access to proposed bike and bin storage.

There is a protected shopping frontage to the east , 372-380 Brighton Road. Opposite on Brighton Road is Montgomery Motors, Frosts motors and the new redevelopment of the former Parcel Force site.

The site is not in a conservation area, which begins on the west side of Surry Street, and nor is it listed. The nearest listed building is also to the west in New Road.

It sits within flood zone 1.

Revisions have been secured to the original scheme which enlarges front windows and ensures they are sash, secures a slate roof to the main roof, retains the rear wall with a

gate added, retains the trees and shrubbery outside the back boundary, states that the render is to be sand and cement and painted and metre boxes are internal. The applicant acknowledges that the rear footpath is in the ownership of Adur Homes and that they will need permission to access over it.

Proposal

Permission is sought to extend the building by adding two floors and also a two storey rear extension. The third storey would feature a traditional mansard roof with a front dormer and two rear dormers. It is then proposed to convert it into 4 flats, one on each floor with the ground floor unit having its own front entrance.

The ground and first floor front building line will be maintained as it currently is, minus the first floor bay window. The two new upper floors will be recessed to follow the line of both adjoining buildings. A small first floor front balcony is proposed with a larger second floor front balcony. The front dormer includes a Juliet balcony. The ground floor unit is provided with some outdoor space.

The main rear wall is to be extended in depth by 750mm. The single storey rear extension is to be removed, it is 3.2 metres in depth. A two storey outrigger, half width is to be added in its place. It measures 7.5 metres in depth, 3 metres in width and has a mono pitched roof with an eaves height of 5.5 metres and a ridge height of 6.4 metres.

Two outbuildings for bike and bin storage are proposed at the rear of the site with access though a new gate in the rear wall onto the Pashley Court footpath.

The applicant's supporting statement sets out the following details regarding materials:

The building would comprise white rendered elevations, whilst the main roof will be metal with standing seam coloured dark grey. The rear 2-storey element will have slate tiles to its roof. The dormers will be clad with dark grey metal, and railings will also be dark grey powder coated metal. Windows and doors will be double glazed with timber sash/casements, painted white.

Relevant Planning History

None.

Consultations

Southern Water:

Please find attached a plan of the sewer records showing the approximate position of a combined sewer within the site. The exact position of the combined sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the external edge of the combined sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Southern Water requires a formal application for a connection to the foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructurecharges.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

a Adequate soakaway or infiltration system
b Water course
c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Technical Services: No objection.

Environmental Health:

The area of development, has been identified by DEFRA as an area severely affected by traffic noise and no scheme based on good acoustic evidence has been provided to protect the new residential dwelling from noise.

ProPG: Planning and Noise, describes an acoustic design process which seeks to deliver the best acoustic design outcome for a particular site. Any future noise assessment for the site will have to follow the principles of this guidance and shall deliver the internal noise level guidelines set out in BS8233:2014.

Fortunately, the bedrooms are sited to the rear of the property away from the main noise source. The living accommodation is South facing, and the second and third floors only have french doors for light and ventilation. So if these are open during the hot summer months then traffic noise will be an issue. Also because of security, it is unlikely that residents will want to leave ground floor windows open for ventilation during the day. With this in mind, and also taking into consideration the coastal climate, I would recommend that any acoustic scheme includes mechanical MVHR ventilation for the whole development.

I have no objections to the development in principle but I will have to object to the application as presented as no acoustic assessment or mitigation has been included in the scheme.

Please could the following informative be placed on any planning permission that may be granted

The Private Sector Housing team of Adur & Worthing Councils have 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. 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

Two occupiers of Pashley Court, to the rear, make the following representations:

1. The development involves the removal of part of the rear wall which borders our garden and will require a footpath going across our garden which we all pay for. We will lose part of our garden
2. I refer you to the appeal at the rear of 388 Brighton Road in 2011. This appeal was dismissed because of its box like appearance, filling the rear yard and harming neighbour amenity. This is not the same construction but some of these points apply to Pashley Court now.
3. Overcrowded area and no parking proposed.
4. Months of disturbance from building work.
5. Loss of trees.
6. They have been turned down at least three times previously.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2018

Adur Local Plan 2017 Policies 1, 2, 15, 18, 20, 28, 34, 35 and 36
Development Management Standard No. 1- Space Around New Dwellings and Flats - December 2017.

Planning Assessment

Principle

The principle of development can be supported as it creates three additional units of accommodation within the built up area boundary. For consideration: i) the quality of the design and its relationship in the street; ii) neighbour amenity, iii) the quality of accommodation to be created, iv) highways and refuse and v) drainage.

Design

The proposal is designed to sit comfortably between its taller neighbours and to fill what appears as an anomalous gap in the streetscene. The ground and first floors retain the existing front building line with the upper two floors recessed to match the build line of both adjoining properties. The second floor flat is provided with a full width front balcony, similar to the first floor front balcony at No. 388. A traditional mansard roof is proposed with a front dormer and two rear dormers. Both adjoining properties have mansard roofs and all adjoining properties on this stretch of Brighton Road have front dormers.

The two storey outrigger proposed reflects the design and scale of outriggers. It is less deep than the outrigger to the east and similar in length to those further east.

Neighbour amenity

The two additional floors will reflect developments either side. The additional 750mm depth to the main rear wall will line through with the building to the west at No 388.

The outrigger is half width and has a low roof line. It will be more prominent than the single storey extension to be removed but is not as deep or tall as the outrigger at 384. It is 12.5 metres away from the nearest facing window in Pashley Court and as such it is not considered that it will cause a significant loss of light or outlook to occupiers nor be overbearing.

In the rear of 388, closest to the boundary are bedroom windows stacked over 3 floors. All other habitable rooms in 388 face west or south. The boundary is currently defined by high hedging above first floor level. The planting within the site will go with this development. The proposed outrigger will have less impact on light to the ground and first floor bedrooms at 388 than the planting as it is pulled off the boundary. A first floor bedroom window in the outrigger will face west. There will be oblique intervisibility between bedrooms at 388 and this new window, also a bedroom. This can be easily overcome with the use of blinds or similar.

This proposed west facing window will also enable a view over the proposed ground floor flats garden and garden of the flats at 388. The garden of 388 is already overlooked by flats within their own building and by the new houses fronting Surry

Street. The smaller bedroom window in the main rear wall of the first floor flat will have a more direct view over this garden area. This is part of town centre living. The rear of houses in Surry Street to the west would be 17.5m away and less affected.

The new gate in the rear wall would not currently need planning permission if under 2 metres in height. Estates has advised that the footpath in front of Pashley Court is in the ownership of Adur Homes and therefore permission for access over it will be required from them. This gate is essential to this scheme to provide access to the site's bike and refuse storage. Neither estates nor Adur Homes have said that access will be denied. Estates has said that Adur Homes may require a contribution towards footpath maintenance as a condition of right of access. This is a private matter between the applicant and Adur Homes. The likely footfall associated with this new access, opposite a communal entrance at Pashley Court, is not expected to result in an unneighbourly relationship between existing and future residents.

There is no previous planning history for this site. It is not considered that this scheme is comparable to the scheme for a two storey dwelling in the rear garden of No. 388 Brighton Road which was dismissed on appeal in 2012. The rear outrigger does not have the mass and solidity of the detached box like dwelling then proposed. The outrigger proposed is not untypical of outriggers and is only 3 metres in width. It is 12.5 metres from windows in Pashley Court but its scale and lack of rear windows ensure its will not cause significant harm to outlook.

Self seeded trees in the rear garden will be lost. Trees and shrubs outside the rear boundary need only be pruned to enable the gate to be installed and still provide a softening to this boundary. The applicant's agent has confirmed that this is their intention.

The first floor inset balcony is to have a glazed privacy screen. It is considered that the second floor balcony should also have privacy screen either end to prevent overlooking of the front balcony of 386 and front windows in 384.

Quality of accommodation

The existing former shop with accommodation over has been used as a dwelling for many years. It is effectively three bedrooms but with no internal bathroom and very little in the way of a kitchen. It could be renovated to create a two bedroom family dwelling. However, the loss of the existing unit and the creation of 4 units in total is supportable in principle in this instance. The ground floor unit to be created has its own entrance and provides two double bedrooms, one en-suite, an additional bathroom, separate kitchen and combined living/dining room. It also has a small rear garden area of approximately 11 square metres in area. It has a floor area of 70.6 sqm. The first floor flat is a similar layout but the second bedroom is smaller and only suitable for single occupation. This unit has a floor area of 62.1 sqm. Both these units meet the DCLG's internal space standards found in their Technical Housing Standards. The first floor has a small front balcony roughly 1 metre square.

The two units to be created on the uppermost two floors are described as 'studios' on the drawings. They are in fact one bedroom dwellings with each bedroom large enough

to accommodate 2 people. Each has a separate shower room and a larger combined kitchen/dining/living room.

Both units fall well short of the technical space standard of 50 sqm for a 1 bed, 2 person unit at 38.2 sqm and 37 sqm respectively but do meet the 1 bed 1 person standard of 37sqm where there is a shower room rather than bathroom. On balance, as this development is the conversion and extension of an existing building, greater constraints do apply to prevent the full standard being met. It is considered that in this exceptional case the full standard need not be met.

The second floor unit is provided with a full width front balcony 1.3 metres deep. The third floor has a set of French doors in the front wall with a Juliet balcony.

The site is identified by DEFRA as noise sensitive. The scheme is designed to have the bedrooms at the rear away from road noise. Notwithstanding this, colleagues in Environmental Health would like to see an acoustic study which includes mechanical MVHR ventilation for the whole development. This pre-commencement condition has been agreed by the developer.

Environmental Health also has concerns about layout and has asked for the following informative to be added to any consent:

The Private Sector Housing team of Adur & Worthing Councils have 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. 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.

All units provide acceptable levels of accommodation.

Highways

The site does not have any off street parking and there is no scope to provide any. A lockable bike store is shown within the rear garden as is an enclosed store for bins both accessed through the new gate. The site is sustainably located within easy reach of Shoreham railway station and bus routes along Brighton Road. The absence of car parking facilities in this town centre location is not a reason to withhold planning permission.

Drainage

The site is inside flood zone 1 and therefore not prone to flooding.

The existing building has a combined foul and surface water drain, typical of the building's age. Building Control has confirmed that as this situation exists it will also be acceptable for the new development. The applicant has confirmed drainage as such:

'In terms of drainage, we can confirm that foul sewerage will be re-connected to the mains sewer system for the existing building. This is indicated on the proposed Site Layout/Ground Floor Plan. For surface water, this will be discharged into the mains sewer as existing. Discharge rates will not be increased as the roof 'area' is effectively the same on the main building and only slightly larger due to the extended outrigger.'

The exact position of the combined drain within the site is not known. The permission of Southern Water will be required for connection. An informative is included. Technical Services have confirmed they have no objection to the applicant's intended drainage scheme.

Recommendation APPROVE subject to the following conditions:

1. Approved plans
2. 3 years
3. Samples of materials
4. The new and replacement windows, French doors and new entrance doors shown on the approved drawings shall consist of timber, the detailed design of which shall be submitted to and approved in writing by the Local Planning Authority and installed thereafter.
5. Acoustic assessment to be submitted prior to development
6. Details of bike and bin storage
7. Access to bike and bins provided before first occupation.
8. Details of privacy screens floor 2nd floor balcony.
9. No metre boxes on the front facade

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The footpath to the north of the site is in the ownership of Adur Homes. You will therefore need their permission for access over it. Condition 6 requires the new gate and access to bike and bin storage to be provided prior to first occupation.

3. The Private Sector Housing team of Adur & Worthing Councils have 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. 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.

4. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructurecharges.

5. It is likely that occupiers will be required to wheel their refuse and recycle bins to the Surry Street frontage on each collection day. Occupiers should be made aware.

Is recommendation contrary to any representations? Yes

Case Officer signed: MOK Date: 24.1.19

Authorised and signed by: Peter Barnett Date: 25 January 2019