Expiry Date - 01/04/2025

Development Control – Delegated Officer Report

Application Number: AWDM/0123/25 **Recommendation – REFUSE**

Site: **15 Brendon Road Worthing West Sussex BN13 2PS**

Proposal: **Construction of 1 no. new dwelling attached to existing property**

Date of site visit: 12.03.2025

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a mid-C20, semi-detached house occupying a corner plot on an inner bend of Brendon Road, a residential road within an established suburb of the town.

The surrounding land slopes down gently to the west and more steeply to the south.

The other half of the semi-detached pair, No.11a, is attached to the east.

No.17, a similar style of semi-detached house, lies on lower ground to the south, sited at 90 degrees to the application property, facing west.

The south and east side of Brendon Road is made up of semi-detached or short terraces of houses, similar to the application property, whilst the north and west side opposite the application property consists of semi-detached and detached bungalows.

The site is not listed, or locally listed or within a conservation area. There are no TPO trees on the site.

Proposal

Permission is sought to subdivide the plot and erect a 2-bedroom house attached to the west side of No.15.

The proposed dwelling would be similar in size, scale, layout, form and appearance to the existing dwelling No.15, but ‘handed’ and with minor differences to its detailed design. The new dwelling would have a raised ‘deck’ to the rear with an L-shaped garden wrapping around to the side and rear. Parking for 2no vehicles would be provided on the dwelling frontage, sharing the existing vehicular access to No.15, which would be widened.

The existing detached garage building would be demolished and its footprint area included as part of the rear garden retained for No.15. The existing driveway would be turned into part of the soft-planted garden within the curtilage of the new dwelling.

Relevant Planning History: None

Consultations:

WSCC: The Local Highway Authority (LHA) has raised no objection in principle, commenting: -

"The site is located on Brendon Road, an unclassified road subject to a speed restriction of 30mph.

The existing dropped kerb access will be utilised, forming a shared access for both the existing and proposed dwellings. The addition of a single dwelling is not anticipated to give rise to a significant material intensification of use of the existing access point.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

A shared driveway is proposed, allowing for off-street parking provision for four cars, two per dwelling. The WSCC Car Parking Demand Calculator indicates that the existing and proposed dwellings would create a combined demand for five car parking spaces. As such, any overspill parking would have to be accommodated on-street. The LHA does not anticipate that the shortfall of one parking space would give rise to a highway safety or parking capacity concern, but the LPA may wish to consider amenity implications on on-street parking.

Regarding cycles parking, the plans demonstrate a cycle store for use by the proposed dwelling, and this appears of suitable size to accommodate at least one bicycle in accordance with WSCC Parking Standards.

In summary, 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 116), and that there are no transport grounds to resist the proposal."

The following condition is recommended should the LPA be minded to approve the application:

<u>Cycle parking</u>

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 comments as follows: -

Existing Water Main stand-off distance
The 102 mm diameter water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future maintenance access.

No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Southern Water requests that if consent is granted, the following condition is attached to the planning permission: -

"In order to protect water apparatus, the developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect/divert the public water supply main."

Proposed soakaways
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. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

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

Southern Water requests that should this planning application receive planning approval, the following informative is attached to the consent:

"Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water."

WSP: The Council's Drainage Consultant has no objection on surface water grounds and recommends the following conditions: -

1: Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the

use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any infiltration drainage. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Adur & Worthing Council.

2. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
(i) a timetable for its implementation.
(ii) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
(iii) a management and maintenance plan for the lifetime of the development which shall include details of design life and the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling

Adur and Worthing Council's The **EHO (Public Health)** recommends the following conditions in the event of approval:

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.

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 Council's Air Quality Management Area (AQMA),
- 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:

An objection has been received from a neighbour on the grounds of overdevelopment, commenting that this plot is on the corner of the road and will make it even more dangerous for us to get on and off our drive as it is a blind corner and an accident waiting to happen. The plot is very small and if it must be built on will need yellow lines to prevent people parking on that corner of the road.

A representation neither objecting or supporting the proposal has been received from another neighbour questioning what is exactly being planned, and how will it affect No.17.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)

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)
DM18 (Biodiversity)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)

National Planning Policy Framework (MHCLG 2024)
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

The Worthing Local Plan was adopted on 28th March 2023 (base date of Plan 2020). 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 78 of the NPPF (2024) requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:
a) 5% to ensure choice and competition in the market for land; or
b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or
c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of the Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

The most recent 5 Year Housing Land Supply position for Worthing (as at 01/04/2024) demonstrates 6.3 years supply of deliverable housing sites.

The most recent HDT (published December 2024) shows that Worthing scored 107% and currently faces no consequences from the HDT.

Having a +5YRHLS position and having passed the HDT with no consequences means that for Worthing, Paragraph 11 c) of the NPPF applies which states: '*For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay* '.

The key considerations in this case are the effects of the proposal on the character and appearance of the local area, the living conditions of future occupiers and the effects on neighbour amenity, highway safety and transport considerations, biodiversity and sustainability.

Character and Appearance

The proposed dwelling would be similar in style and appearance to the host dwelling, but slightly narrower in width and with minor differences in the fenestration treatment. A gap of 1.92m would be retained between the side wall of the new dwelling and the site boundary onto Brendon Road.

The front of the dwellings on the east side of Brendon Road occupy a fairly consistent building line. The west flank of the host dwelling (No.15) is set-back from this, no doubt to provide the dwelling with a more generous side garden, compensating for the relatively shallow rear garden.

The proposed new dwelling would sit approximately 6 metres forward (west) of the front of 17 Brendon Road and the front building line of properties on this side of the road. Its assertive appearance in the street would be accentuated by the surrounding topography, elevated in relation to the bungalows on the west side Brendon Road and No.17 to the south. It would make an unduly dominant and intrusive addition to the street scene.

Residential Amenity – Future Occupiers

The proposed accommodation would consist of an entrance hall, WC, open-plan kitchen/living/dining room and separate lounge/snug on the ground-floor, with 2 bedrooms (1no double and 1no single) and bathroom on the first-floor.

The dwelling would have a gross internal floor area of 89.6sqm which would exceed the minimum internal space standard of 70sqm for a 2-bedroom, 3-person house set out in the Government's Technical Housing Standards.

All the habitable rooms would be provided with an outlook to the front or rear of the dwelling, with good standards of natural daylight.

External amenity space would consist of the raised deck (5m wide x 2.25m deep) and an area of soft planted garden wrapping around to the side and rear (maximum 5.89m deep to the rear and 1.92m wide between the side of the house and the site boundary) providing 52sqm area which would meet the Council's minimum external space standard for a 2-bedroom terraced house.

Residential Amenity - Neighbours

The most affected neighbours are the host dwelling (No.15) and No.17 to the south. The properties on the opposite side of Brendon Road (North and West) are sufficiently remote that they would not be significantly affected.

The footprint of the new dwelling would align with the front and rear elevations of the host dwelling. The latter has been enlarged by a conservatory at the rear. The single-storey rear component of the proposed new dwelling would extend to the same depth. There would be no adverse impact on the receipt of light to, or outlook from, the main windows of No.15.

The existing dwelling benefits from a relatively shallow, modest sized rear garden, with a larger side garden between the side of the house and the western site boundary. The proposed plans show the existing dwelling provided with a retained garden area of 50.4sqm, including the footprint of the existing garage to be demolished. The resulting L-shape is rather awkward, wrapping around the rear of the raised deck proposed for the new dwelling. The submitted elevation drawing shows only a balustrade/railing provided around the raised deck, but bearing in mind the difference in ground levels, the fencing on the new boundary separating the properties would need to be substantially taller above the floor of the raised deck to protect the occupiers of No.15 from direct overlooking into the rear part of their garden. The consequence of erecting taller fencing around the raised deck would be a notable sense of enclosure that would detract from the amenity value of this small space. This awkward layout is something of a contrivance necessary to provide the existing dwelling with a retained private amenity area which complies with the Council's minimum external amenity space standards.

No.17 is sited on lower ground to the south. There is a detached garage and driveway on the north side (alongside the existing garage/drive at No.15). There is a first-floor window in the centre of the north flank wall of the house which appears to serve a bathroom. There is a ground-floor window below it, facing onto an enclosed passageway between the garage and the side of the house. The main windows and bi-fold doors in the rear (south) elevation of the proposed dwelling would overlook the north side of No.17 at a separation distance of 13m (first floor) and approximately 10.2m (ground-floor). However, the overlooking impact would not be unacceptable since the first-floor window at No.17 serves a non-habitable room and the ground-floor window would be effectively screened by the siting of the existing garage building.

The proposed dwelling would be sited to the north of No.17 so there would be no adverse impact on daylight or sunlight.

Access and Highways

The existing dwelling benefits from a garage and driveway to the rear, plus frontage parking for 2 vehicles side by side.

The existing garage/driveway would be removed and the land absorbed into the gardens of the houses (existing and proposed). The new dwelling would

have 2 parking spaces on the site frontage and would share a widened vehicular crossover with the existing house. The LHA has raised no objection to this arrangement. However, 2 cars parked on the frontage of No.15 would obstruct access to the frontage parking proposed for the new dwelling. The proposed arrangement is considered impractical and would likely be a constant source of neighbour disputes and grievances. The matter has been raised with the Highway Officer who has indicated that it would be difficult to provide the new dwelling with a separate VCO that affords suitable visibility in both directions. The LHA would, however, support a car-free development in this location.

Sustainable Development

Policy DM16 of the Worthing Local Plan states that all new build housing should achieve a minimum 20% CO2 reduction compared to Part L of the Building Regulations (2013) through energy efficiency measures. In addition, all new build housing should seek to achieve an Energy Performance Certificate A rating (with a minimum expectation of B rating).

Policy DM17 of Worthing Local Plan states that all new housing should incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after CO2 reductions from energy efficiency measures).

The Sustainability Statement indicates that consideration would be given to several different measures to ensure the development meets Local Plan policy objectives on reducing carbon emissions and mitigating the effects of climate change but does not commit to any specific course of action.

However, in the event of approval, these matters could be dealt with by imposing conditions requiring submission of SAP calculation reports at design and build stages, and submission of a minimum B-rating EPC on completion, and to secure minimum 10% renewable energy (for example, through use of solar PVs or ASHP).

Biodiversity

Policy DM18 requires all new development to provide a minimum 10% net gain for biodiversity – where possible on site.

A minimum 10% BNG is mandatory for small sites since April 2024 but exempt for self-build schemes (of up to 9 units).

Policy DM18 is silent on exemptions for self-build schemes. Since the Biodiversity Gain Requirements (Exemptions) Regulations (2024) postdates the adoption of DM18 which does not explicitly consider the matter, it is considered it would be unreasonable to require provision of BNG in this case, where the Applicant has completed the CIL self-build form.

In the event of approval, a S106 UU would necessarily be required to ensure the completed development complies with the definition of ‘self-build’, AND to secure completion of the small sites metric in order to record the ‘baseline’ site habitat (for enforcement purposes in the event of non- compliance). As the proposed development is fundamentally unacceptable this matter has not been raised with the Applicant as part of the current application.

CIL

The Applicant has completed the self-build exemption claim form and the development is therefore exempt from CIL.

Recommendation

REFUSE for the reason: -

1. The proposed new dwelling would represent an overdevelopment of this constrained site as evidenced by its contrived car parking and amenity space provision and would result in an unduly prominent and incongruous addition to the street scene to the detriment of the visual amenities of the area. The proposed development is contrary to policy DM5 of the Worthing Local Plan.
2. In the absence of a Section 106 obligation to secure the proposed development as a self-build scheme the Local Planning Authority cannot be satisfied that it will be exempt from achieving 10% biodiversity net gain and as such would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as amended) and policy DM18 of the Worthing Local Plan.
3. The awkward layout of the proposed rear amenity area and alignment of the proposed boundary would give rise to an unneighbourly mutual overlooking relationship that would harmfully detract from the amenity value of the external amenity spaces provided for the existing and proposed dwellings contrary to policies DM2 and DM5 of the Worthing Local Plan.

Informative

Refusal - No Discussion

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

Case Officer: Jo Morin Date: 27.03.2025

Authorised by: Louise Prew Date: 27/03/2025