Development Management - Delegated Officer Report

Application Number: AWDM/0827/24 **Recommendation – Refuse**

Site: **34A Chatham Road, Worthing**

Proposal: **Garden studio which will be an annexe to a garden flat for dependant relative.**

Site visit: 03.09.2024

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site relates to a semi-detached property located on the east side of the Chatham Road. Planning permission WB/08/0586/FULL allowed its conversion into 4 self-contained flats with those works completed in 2008. The building has been extended to the rear with a single storey addition and there is a separate store building adjacent to the southern boundary and set back from the frontage. The rear garden is subdivided into a private garden accessed from the rear of No.34A and the rear portion appears to be shared and accessed from a side walkway.

This is a predominantly residential area with similar properties in the vicinity. To the rear (east) of the site is a commercial builder's yard. The shops and facilities of Ham Road local shopping centre are located further to the north/west Chatham Road.

Permission is sought for the construction of a detached annexe building to be positioned adjacent to southern boundary of the rear garden. It would measure 11 metres in length and 3.9 metres in width, stepping in at its western end. It would have a flat roof up to 2.9 metres in height. It would be finished in grey coloured horizontal weatherboard. The accommodation would comprise of a living room, bedroom and bathroom.

Relevant site history

WB/08/0128/FULL Alterations and conversion of existing property to provide 5 self contained flats. Refused 25.04.2008

WB/08/0586/FULL Conversion of existing property into 4 self-contained units part retrospective. (Resubmission of WB/08/0128/FULL). Approved 10.07.2008

Consultations

The **Highway Authority** has commented as follows:

This proposal is for a garden studio which will be an annexe to a garden flat for dependant relative. The site is located on Chatham Road, an unclassified road subject to a speed restriction of 30 mph.

There are no proposed changes to the existing access and parking arrangements. The LHA does not anticipate that the proposals would give rise to a material intensification of movements to or from the site.

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 115), and that there are no transport grounds to resist the proposal.

Southern Water has made the following comments:

Thank you for your correspondence dated 11/07/2024 regarding the above planning application please see our comments below.

Under current legislation, Southern Water can consider the adoption of SuDS if they are to be designed and constructed in line with the Design and Construction Guidance (http://www.water.org.uk/sewerage-sector-guidance-approved-documents/). No new soakaways, swales, ponds, watercourses, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

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.

Our investigations indicate that Southern Water can facilitate foul sewage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: https://developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: https://www.southernwater.co.uk/developing-building/connection-charging-arrangements

We request 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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

The Council's **Drainage Consultant** has commented as follows:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for the garden studio which will be an annexe to a garden flat for dependant relative. The application is to Worthing Borough Council.

Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development we would recommend the approval of the application with the following informative attached:

Informative 1: The applicant should consider the use of SuDS, where possible, within their drainage strategy to provide runoff betterment

The Council's **Private Sector Housing** team has made the following comments:

No Objection subject to the following condition being imposed

The accommodation hereby permitted shall only be occupied by a dependant relative and solely for purposes ancillary to the occupation and enjoyment of the property as a whole (as it exists at the date of this permission) as a single dwellinghouse and shall not be used as a separate dwelling.

The Council's **Environmental Health Officer** has commented as follows:

As this development is immediately adjacent to a commercial builders yard, there is the potential for the commercial operation to cause adverse impacts on residential amenity as a result of noise.

I would therefore expect the application to include reference to noise, the impact assessed and any necessary mitigation measures proposed to reduce this impact. This is in accordance with the Planning Noise Advisory Document: Sussex 2023 available on our website

Representations
None received

Relevant Planning Policies
Worthing Local Plan 2020-2036: SP1, DM5
National Planning Policy Framework (MHCLG 2023)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment

The existing building at No.34 has been divided into four separate flats. No.34A appears to occupy the rear ground floor portion of the building where there is direct access to an enclosed garden, subdivided from the remaining garden area that continues beyond this to the rear and appears to be shared, although no details have been provided with the application to confirm this.

The proposed development would provide a detached building within the garden area which is currently subdivided. The application form states that the building would be a garden studio which will be an annexe to a garden flat, and it has been clarified in the description prior to validation that this would be for a dependant relative.

The annexe building would provide primary living accommodation and although no kitchen has been indicated within the plans, the size of the building, and separation from the flat at No.34a within the rear portion of the subdivided garden, appears capable of functioning entirely separately from the flat at No.34A. Whilst the application seeks permission for an annexe for a dependant relative, no precise details have been provided as to the need for the accommodation, how it would be used or its functional link with the main dwelling.

Worthing Local Plan Policy DM5 requires that residential annexes must be designed as ancillary to the main dwelling and be capable of satisfactory conversion for use in association with the main dwelling when it is no longer required by a relative or dependant. This has not been clearly demonstrated in the application. A condition to limit its use to ancillary accommodation would not be sufficient or enforceable in this instance where there is some ambiguity over how it would be occupied and its relationship to No.34A as this has not been precisely defined at the outset.

The size of the proposed annexe building would also appear excessive in relation to the garden area within which its sits and in relation to the already relatively intensive use of the building as 4 flats. The proposed annexe would also focus additional activity to this part of the garden with the potential for additional noise and disturbance, where existing and neighbouring occupiers would have a reasonable expectation of quiet enjoyment of the surrounding amenity space. If this garden is shared between more than one flat it is likely to result in loss of privacy and interlooking issues for existing and proposed residents.

The Council's Environmental Health Officer has also raised concerns that the neighbouring commercial builders' yard could cause adverse impacts on residential amenity in terms of noise, and whilst it may be possible for further information to address noise impact and any necessary mitigation measures, this has not been sought in this instance where there are other fundamental issues.

Whilst the proposed building would not be readily visible in the streetscene, having regard to its substantial size, and its siting within this subdivided garden area, the proposed annexe building would appear excessive and out of character with the prevailing pattern of development and would represent an overdevelopment of the site which would be harmful to the character of the area.

Having regard to the lack of clarity as to precisely how the annexe would be used, or how the amenity space for the occupiers of the existing flats would be shared, if at all,

it is not possible to conclude that the annexe building would not compromise the amenities of the existing or neighbouring occupiers or result in an overdevelopment of the site.

Conclusion

The application proposals would result in a large detached building for primary living accommodation and whilst the application description has stated that its use would be as an annexe for a dependant relative, no precise details have been provided. Having regard to the use of the existing building at No.34 and the site layout including the subdivided rear garden, and on the basis of the limited information provided as to the need for the annexe accommodation or details of its functional link with the main dwelling, the application does not demonstrate that the size and scope of the proposed building would not be excessive, result in an overdevelopment of the site or an intensification of the use of the site that would be detrimental to residential amenity.

Recommendation

REFUSE for the reasons:

On the basis of the limited information available and having regard to the excessive size and scope of the proposed annexe building, the Local Planning Authority cannot be satisfied that the proposed development would not be detrimental to the amenities of existing occupiers or represent an overdevelopment of the site which would be harmful to the character of the area. As such the proposed development would be contrary to policy DM5 of the Worthing Local Plan and the relevant paragraphs of the NPPF.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority provides pre-application advice in respect of any future application for a revised development.

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

Case Officer:	Rebekah Hincke	Date: 04.09.2024
Authorised by:	Louise Prew	Date: 04/09/2024