Expiry Date - 24/09/2025

Development Management – Delegated Officer Report

Application Number: AWDM/0992/25 Recommendation – APPROVE

Site: 31 Marshall Avenue Worthing West Sussex BN14 0ES

Proposal: Detached annexe for a family member in rear garden

Date of site visit: 16/09/2029

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

This application relates to the rear garden of a detached property on the southern side of Marshall Avenue. The properties are located within large plots and have steep topography within their rear gardens. Within the rear garden of the host dwelling there is a small shed with the fenced garden no access from the rear. The front garden of the site has been converted to parking with a space for approximately 9 vehicles.

The site is not located within a conservation area and the building is not listed. There is one protected tree to the rear of the site located towards the southwest of the site.

Proposal

Permission is sought to introduce an annexe to the rear of the application site. The proposed development will have an L shape footprint of 7.5m by 10m with the front protrusion at 5m in width and the depth of on the western side of 4m. The annexe is set 2m away from the boundaries. The south elevation will host two sets of windows, no windows are proposed in the side elevations on the west of the front protrusion there is a set of French doors facing onto the garden of the host. On the rear elevation there are to be 2 windows providing light to the bathroom and office.

Relevant Planning History:
AWDM/1897/18: Proposed detached car port to front (north) elevation. Permitted 07/03/2019

AWDM/1839/16: Detached garage with room over (re-submission of AWDM/1341/16). Refused 10/02/2017

AWDM/1341/16: Detached garage with room over. Withdrawn

AWDM/0489/12: Proposed extensions and alterations comprising of, single-storey south and west side extensions (demolition of existing garages, west

elevation, part of rear elevation, and removal or existing roof); increase in height of east side flank wall by 0.2m; addition of pitched roof to the north, south and west sides (served by flat roofed valley) with 3 front (north) and 3 rear (south) roof dormer windows, two-storey glazed entrance porch to front and west side balcony; to form a 6 bedroom dwelling. Permitted 16/08/2012

04/01067/FULL: Alterations to front elevation to provide front door and open porch and false pitch to front of existing flat roof garage. Permitted 27/10/2004

Consultations:

Tree Officers Comments –
"Thank you for your email, from looking at the aerial view, there does appear to be or have been an garden building to the southwest of the footprint, so as long as any works within the RPA of the tree are carried out by hand and that there are contingency plans for the foundations to allow for any major or anchoring roots found, it should be ok."

Drainage Engineers –
"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 a detached annexe for a family member in rear garden. 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 could consider the use of SuDS (such as rain gardens and water butts), where possible, within their drainage strategy to provide runoff betterment."

SDNPA –
"Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The two statutory purposes of the SDNP designation are:

- *To conserve and enhance the natural beauty, wildlife and cultural heritage,*
- *To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.*

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

Section 245 of the Levelling-Up and Regeneration Act 2023 (S.245 duty) amends and strengthens the Section 11A (2) duty of the National Parks and Access to the Countryside Act 1949 upon relevant authorities, which includes the National Park Authority itself, to 'seek to further the specified purposes of Protected Landscapes'.

The National Park's comments on the development are as follows: The SDNPA has no comment to make."

Representations:
One objection received:
"We are concerned at another building on this site already full with the house and other supposedly temporary structures and a large number of both business and private vehicles.
Another 'office' means a third business being run from this site."

Response to Representation:
The vehicles parked on the site to the front of the property are not a planning consideration and the annex is not considered to result in an increase in vehicle movements that would be inappropriate to the residential setting.

Relevant Planning Policies
Worthing Local Plan policies (WBC 2023): SP1, DM5, DM19, DM20
National Planning Policy Framework (2023)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment

Principle of development

The justification provided within the application is considered to comply with the key requirements for a residential annexe as set out in Policy DM5 of the Worthing Local Plan. It states specifically in relation to residential annexes, that they 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. The preamble to policy DM5 states at paragraph 5.68:

"Residential annexes can provide a suitable solution for accommodating a relative or dependent within the curtilage of the main dwelling house. Where a totally independent dwelling is not acceptable, (for example where there is a lack of separate curtilage, inadequate parking or a general unacceptable intensity of use), permission may be granted for an annexe subject to conditions or planning agreements limiting occupation to a relative or dependent, and requiring conversion of the accommodation to a use in association with the main dwelling, when it is no longer required for the relative or dependent. Such annexes should be ancillary to the main dwelling both in scale and range of accommodation and facilities and must not assume a detached or independent identity by design or sub-division of the curtilage of the main dwelling."

The proposed annexe is described as ‘ancillary’ to the main dwelling, to be occupied by a foster child, it would then be used for future foster children as fostering is ongoing. Located within the rear garden of the host, it would be accessed from the side gate of the host site leading from the driveway. The supporting statement explains that this is intended to provide the occupiers with some independence, whilst in practical terms there would still be a reliance on the main dwelling in meeting day-to-day living requirements with all water and electrical services coming through the main dwelling. With no laundry facilities provided within the annex these are assumed to also be completed within the main dwelling. It is also explained that the occupants will still be part of the family taking meals within the host dwelling. The plans have been updated to remove the full kitchen facilities originally shown.

The building is capable of conversion to a use in association with the main dwelling when no longer required as an annexe and the scale and range of facilities are satisfactory for ancillary annexe use. Appropriate conditions to ensure that the curtilage is not divided and the accommodation remains ancillary are recommended in this case and in accordance with the policy.

There is therefore no objection in principle subject to assessment of other material considerations as set out below.

Visual Amenity

The annex is in the rear garden, as such it will not be harmful to visual amenity of the streetscene. The scale of the footprint isn’t of a scale that would result in the dominance of the amenity space, whilst the proposed annexe is large with a significant footprint due to the scale of the existing property and plot size on balance it is not considered that the scale would be acceptable. Despite the annexe’s scale the majority of the amenity space to be retained and over 50% of the plot size around the house to remain undeveloped.

The location of the annex means that there will be limited views available from within the public realm. This will also allow for the introduction of the new materials to not result in an impact that is not detrimental to the area. The timber clad annexe is considered to be harmonious to the residential area.

Residential Amenity

The properties which are most likely to be affected are those directly adjoining the site. In this instance it is the property to the east, 29 Marshall Ave. This property has a large garden which expands in the width to the south and wraps around the south of the application site. There is not considered to be any overshadowing or overbearing on this neighbouring property. This is due to the height of the proposal being 2.5m and the separation from the boundary at 2m. Furthermore, the fencing of garden blocks the views to and from the neighbouring property. It also ensures that there is a reduced impact in the form of overbearing and enclosing the neighbouring amenity space.

To the south, 56 Vale Ave has a deep garden over 35 metres and is sufficiently remote so as to not be affected.

The use of the building as an annexe would not significantly increase noise or disturbance over and above that typically associated with the residential use of the site. The building would be insulated and would not result in noise transference to adjacent gardens.

The use would remain within the residential capacity of the host dwelling providing a space for one of the older foster children of the site, seeking to give them more independence. The office within the annexe is to allow the child to complete homework and will double as a potential space for their friends to stay over in. Therefore, the overall use would still remain ancillary to the host property.

Impact on protected trees

There is a protected walnut in the south-west corner of the garden. This has been illustrated on a revised block plan. To ensure that there is no impact on this tree a condition has been added to the consent to ensure that any works within the RPA of the tree are done by hand. This is to protect the tree from damage and is considered to mitigate any potential impact on the protected tree.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard Time Limit
3. Ancillary Use
4. No External Alterations
5. No subdivision of garden
6. RPA

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

SuDS Informative: The applicant could consider the use of SuDS (such as rain gardens and water butts), where possible, within their drainage strategy to provide runoff betterment.

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

Expiry Date - 24/09/2025

Case Officer:	Finlay Gardner	Date: 05/03/2026
Authorised by:	Louise Prew	Date: 31/03/2026