Development Control – Delegated Officer Report

Application Number: 10/1114/FULL **Recommendation – APPROVE**

Site: **43 Warwick Street Worthing West Sussex BN11 3DQ**

Proposal: **Retention and modification of 2 roof lights on rear roof slope together with removal of 1 existing unauthorised rooflight and making good of roof.**

Date of site visit: 15 Aug 2011 and 19 Sept 2012

Neighbours checked: Y

Additional neighbour notifications: N

Site History and Proposal

The application property comprises a mid-terrace Victorian building on 3 floors (plus roof accommodation) fronting Warwick Street linked attached to a 2-storey building fronting Ann Street. The ground-floor of the building is currently in use as a restaurant with 5 flats on the upper floors above.

The site is located within the South Street Conservation Area and the entire building (including that fronting Ann Street) is identified as a local interest building. The attached building to the east, No.45, is Listed Grade II.

Planning permission was granted in February 2008 (WB/07/1451/FULL refers) for change of use of ground-floor from Class A1 (retail) to Classes A3-A5 including proposed extraction flue to the rear, demolition of middle section of building and rebuilding and associated conversion of upper floors to provide 5 self-contained flats.

The development subsequently carried out comprising change of use of the ground-floor to a restaurant and demolition and rebuilding of a flat-roofed rear element of the frontage building, demolition and re-building of 2-storey outrigger linking the frontage building to the 2-storey building fronting Ann Street and demolition and re-building of east side wall and first-floor of the building fronting Ann Street link to provide 5 flats was not in accordance with the approved drawings and as none of the pre-commencement conditions were approved it was concluded that the permission WB/07/1451/FULL had not been implemented.

An Enforcement Notice was served on 19 February 2009.

A subsequent appeal against the Enforcement Notice was withdrawn following an abandoned appeal hearing in Aug 2009.

A retrospective application for approval of the conditions of WB/07/1451/FULL was agreed in December 2010 (including payment of a financial contribution

towards sustainable transport measures and approval of details of the ventilation and extraction system). As part of the approval of details of materials (condition 5) the developer agreed to remove the timber cladding that had been applied to the exterior of the outrigger extension and replace it with render, together with a rendered privacy wall separating the first-floor of No.43 and 41. This work was subsequently undertaken and regularised certain aspects of the development that had taken place, including the use of the ground-floor as a restaurant and re-building of the 2-storey outrigger linking the frontage building and building fronting Ann Street.

Discussions subsequently took place between Council Officers, the developer and his agents to identify areas of the unauthorised work which were considered likely to be acceptable, and those considered unacceptable. Of those elements considered unacceptable, discussions identified where the developer was willing to make amendments to address the perceived harm and those elements which the developer was not prepared to alter. As a result of these discussions, the following retrospective applications were made:-

- WB/10/1100/FULL: Retention of oak-framed concertina opening shop front.
- WB/10/1114/FULL: Retention and modification of 2 rooflights on rear roof slope together with removal of 1 existing unauthorised rooflight and making good of roof – undetermined to date.
- WB/10/1115/FULL: Retention and completion of re-built 2-storey building fronting Ann Street. Retention of rendering of rear elevation of building fronting Warwick Street – undetermined to date.
- WB/10/1116/FULL: Retention of re-built 2-storey addition to first-and second-floor flats – undetermined to date.

This report covers the applications made under WB/1114/FULL. Other reports accompanying this one deal with WB/10/1115/FULL and WB/10/1116/FULL.

[The fourth application relating to the retention of the shop front WB/10/1100/FULL was refused in August 2011 and a subsequent appeal dismissed in August 2012.]

Permission is sought for 2 Velux rooflights within the rear (north) roof slope of the main frontage building with alterations to insert a purpose-made 25mm black steel vertical glazing strip (to give the appearance of a ‘Conservation-type rooflight) and removal of the existing rooflight serving the bathroom.

Other Planning History

A retrospective application for the installation of internally illuminated projecting box sign was refused in May 2009 and a subsequent appeal dismissed in Nov 2009 (WB/09/0190/ADV refers).

A retrospective application for the installation of internally illuminated fascia sign was refused in May 2009 and a subsequent appeal dismissed in Nov 2009 (WB/09/0191/ADV refers).

Installation of externally illuminated fascia sign WB/10/1117/ADV Approved 23.08.2011.

Consultations

CAAC: Object. The roof light over the stair should be conservation pattern and light over the kitchen area should be a small dormer.

Representations: No third party comments received.

Relevant Planning Policies

Saved Local Plan policies (WBC 2003): RES7, H16, H18, TR9
Worthing Core Strategy (WBC 2011): 7, 8, 16
National Planning Policy Framework (CLG 2012)

Planning Assessment

The principle of converting the roof accommodation at 43 Warwick Street to provide a studio flat was established under WB/07/1451/FULL. The approved layout consisted of a studio room with its main aspect to the south utilising an existing dormer, plus a kitchen in part contained within a new, flat-roofed dormer on the rear (north) roof slope, plus a separate bathroom. The studio flat within the roof space has been completed but the rear dormer has not been constructed. Instead, three Velux roof lights have been inserted into the rear slope.

Visual amenity and the effect on the character and appearance of the Conservation Area

Advice from the Council's Conservation Architect is that the 3 existing roof windows represent visually intrusive and discordant elements on the rear roofslope by reason of their number and modern 'bulky' form. Although there is a (single) rooflight visible on the rear roof slope of No.39 Warwick Street nearby, rooflights are not a predominantly characteristic feature of the surrounding roof scape whereas modest-sized dormer windows (mostly flat-roofed) generally are. It is considered the harm caused by the number and differing sizes of the 3 roof windows is heightened by their modern, 'bulky' construction, projecting above the roofslope.

The applicant is prepared to compromise by proposing to remove 1 rooflight (in the bathroom). It is argued that the roof light over the stair well serves as a vent in a fire situation and is therefore a necessary requirement of the Building Regulations whilst the other roof light has less visual impact than the approved dormer. .

Whilst it is accepted that the rooflight window positioned over the stairs is necessary to comply with Building Regulations, ideally it should be a flush-fitting 'conservation type'. It is understood that Velux is only manufacturer that can supply the necessary specification of roof window that will comply with the requirements of the Building Regulations. However, the applicant is prepared

to insert a vertical black metal strip on the existing Velux window in an attempt to recreate the more vertical proportions of a traditional rooflight. Similarly, it is proposed to insert a similar vertical strip and retain the existing Velux window lighting the kitchen area.

Residential amenity – living condition of future occupiers

As a result of the current proposal to remove 1 roof light the bathroom would have no natural ventilation. However, this would be no worse than the scenario approved under WB/07/1451/FULL.

Conclusion

It is accepted that the current proposal is not ideal in pure conservation terms, but represents a practical solution that addresses the initial concern about the overall number of roof windows on the roof by removing one existing roof window, and would improve the appearance of the 2 remaining roof windows by providing them with a more traditional vertical proportion. This has not addressed concerns about the 'bulky' modern profile or ad hoc sizing of the 2 roof windows, but having regard to the NPPF (paragraph 134) it is considered the impact on the historic character and integrity of appearance of the building, and on the character of the surrounding Conservation Area, would not justify refusal.

[NB. With regard to the comments of CAAC, it is perhaps worth pointing out that thermal insulation requirements under the Building Regulations would necessitate even a modest sized dormer being of a more 'bulky' construction and therefore heavier in appearance than the other original dormers on the rear of this terrace.]

Recommendation

APPROVE for the reason:-

The bulky form of the two 'Velux' roof windows to be altered is not in keeping with the traditional character of this Local Interest Building, nor that of the surrounding Conservation Area. However, having regard to all material considerations, not least the practical requirements of the Building Regulations, it is considered that, on balance, the severity of the resulting harm to the character and appearance of the South Street Conservation Area does not warrant refusal in this case. The proposal does not therefore conflict with policies H16, H18, TR9, RES7 of the Worthing Local Plan, policies 7, 8, 16 of the Worthing Core Strategy or the NPPF.

Subject to Conditions:-

1. Works to be implemented within 4 months
2. Approved drawings
3. Making good of roof in matching materials

Informative:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern prior to submission of the application and negotiating, with the Applicant, acceptable amendments to the development 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.

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

DELEGATED

Case Officer: Jo Morin Date: 18.11.2013

Authorised by: Gary Peck Date: 22 November 2013