



**ADUR DISTRICT  
COUNCIL**

**Planning Committee  
11 March 2019**

**Agenda Item 5  
Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1682/18                      Recommendation – APPROVE**

**Site:                      7 Mill Hill Close, Shoreham-By-Sea**

**Proposal: Retention of single-storey rear extension and dormer roof extension to west elevation (retrospective)**

**2**

**Application Number: AWDM/0125/19                      Recommendation – APPROVE**

**Site:                      34 Leconfield Road, Lancing**

**Proposal: Access ramp and platform to front entrance**

**3**

**Application Number: AWDM/0127/19                      Recommendation – APPROVE**

**Site:                      16 Park Way, Southwick**

**Proposal: Provision of ramp to front (west) elevation**

**4**

**Application Number: AWDM/0213/19                      Recommendation – APPROVE**

**Site:                      152 Church Green, Shoreham-by-Sea**

**Proposal: Proposed modular platform and ramp with handrails to front (west) elevation**

Application Number: AWDM/1682/18

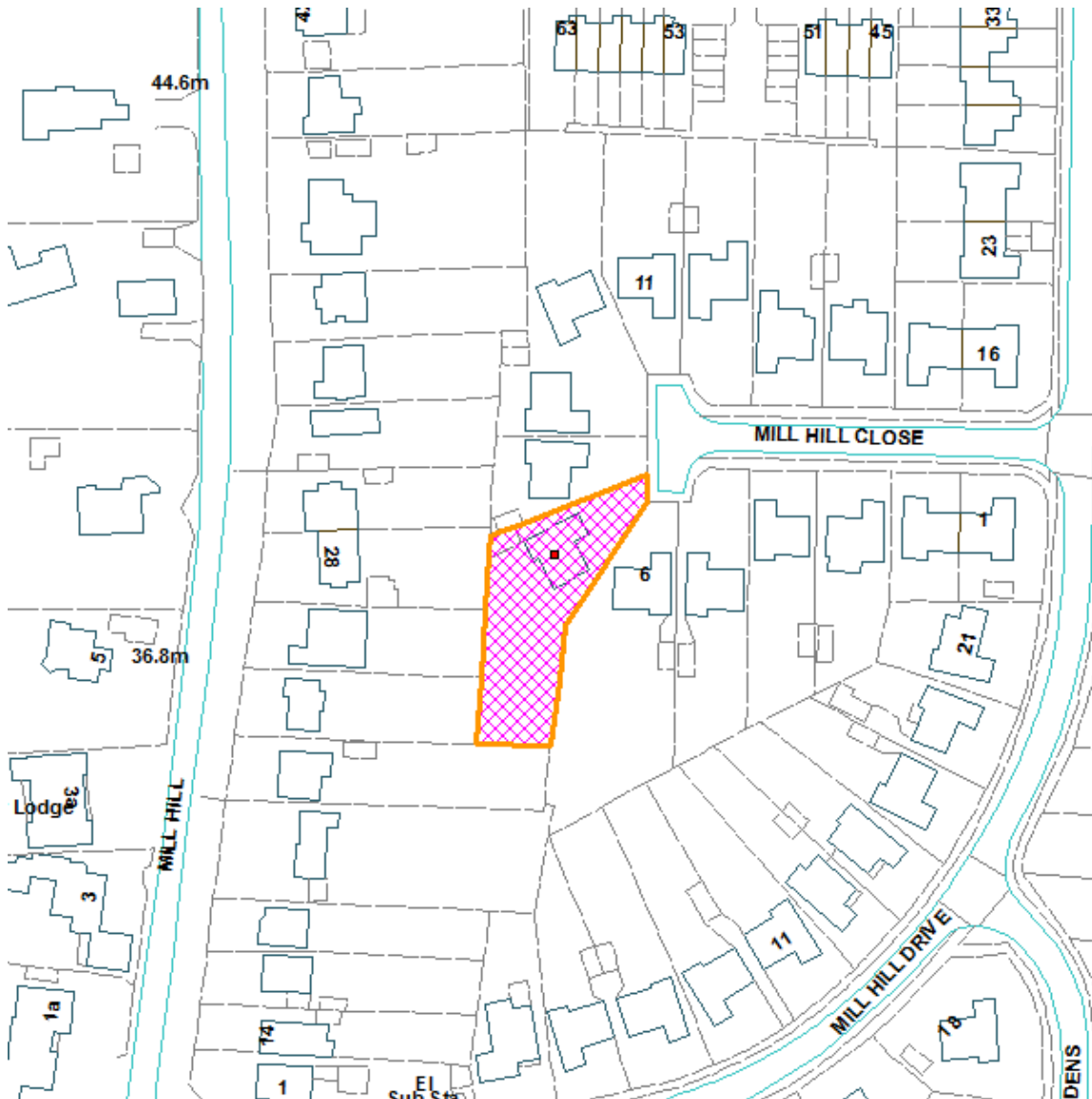
Recommendation: APPROVE

Site: 7 Mill Hill Close, Shoreham-By-Sea

Proposal: Retention of single-storey rear extension and dormer roof extension to west elevation (retrospective)

Applicant: Mr O'Neill  
Case: Gary Peck  
Officer:

Ward: Buckingham



Not to Scale

## **Proposal**

This application seeks retrospective permission for the retention of a single storey rear extension and roof alteration incorporating a flat roofed dormer window in the rear roofslope.

The application is retrospective as works have already commenced but not completed pending the determination of the application

## **Site & Surroundings**

The application site sits at the western end of Mill Hill Close, a cul de sac accessed via Mill Hill Drive. The subject property is a bungalow positioned at an angle to much of the surrounding development because of its position at the end of the cul de sac and consequently the rear of the property faces in a south westerly direction. The neighbouring properties in the cul de sac are number 6, which has a quite large extension running along the mutual boundary and to the north is number 8 which has a small dormer in its rear roofslope, number 9 which is further to the north has a more substantial roof addition. The subject property has a larger garden area than its neighbours to the north and because of the angle of the siting of the property, the garden is situated to the south.

To the west are properties in Mill Hill and numbers 26 and 28 are clearly visible from within the application site as the mutual boundary consists largely of a low brick wall which does not appear to be much over a metre in height. There are some large trees on the mutual boundary, but these have high crowns and were not in leaf at the time of the site visit meaning that this property, a chalet bungalow with a small rear dormer (understood to serve a landing) and conservatory to the rear, was clearly visible despite the trees. To the north of this property are numbers 28 and 30 Mill Hill a pair of semi detached houses. While 28 is also visible from within the application site, the angle of the subject property and some boundary screening means that number 30 is far less visible.

## **Relevant Planning History**

None relevant

## **Consultations**

No comments received

## **Representations**

2 letters of objection and 1 letter of comment have been received on the following grounds:

- The Council originally advised that planning permission was not required – either this was incorrect or the applicant did not advise the Council of his true intentions
- Suffered through the summer with noise and disturbance from the building works
- The upstairs windows of the development now look directly into the rear of the neighbouring property to the rear resulting in a loss of privacy
- As the works are nearly complete, the Council will not take any notice of concerns raised
- The description of the application as 'retention of single storey extension' is incorrect. A dormer has also been added and as the dormer extension and single storey extension link together and the works have been carried out as a single operation, then the dormer also requires planning permission
- Although the dormer would have been permitted development if it had been constructed on its own, such developments can still be harmful particularly given the layout of the properties
- Changes to the permitted development criteria were made with the need to respect neighbour amenity in mind
- The dormer has introduced new windows directly overlooking and in close proximity to rear gardens which were not previously overlooked at all
- The property no longer has an adequate garden depth
- The dormer window could have been located to the front of the property where it would have had less harm

### **Relevant Planning Policies and Guidance**

Adur Local Plan 2017: Policy 15

Development Management Standard No2 Extensions and Alterations to Dwellings

National Planning Policy Framework (CLG 2018)

Planning Practice Guidance (CLG 2014)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## Planning Assessment

The works are to the rear of the subject property and therefore not apparent from the public viewpoint. Because of the angle of the subject property, there is also little impact upon the immediately neighbouring properties in Mill Hill Close and therefore the main issue in the determination of the application is the impact of the proposal upon numbers 26 and 28 Mill Hill.

The circumstances relating to this application are a little unusual in that a complaint was initially received by the Council relating to the initial construction of a rear dormer which was the first part of the proposal to be erected. Upon investigation, it was found that the cubic volume of the dormer was in itself within permitted development rights and hence the complaint file was initially closed.

The applicant then began to construct a single storey extension about which a further complaint was received. Following investigation, it was found that planning permission was required since the depth of the extension was greater than 4 metres (it being just under 5 metres in depth).

The application was therefore originally submitted for the retention of the single storey extension. However, as the extension joins onto the dormer, the latter is subject to the following requirement as set out in the DCLG Technical Guidance relating to Permitted Development Rights for Householders:

*In order to be permitted development, a proposal must meet all the limitations and conditions under each Class relevant to the proposal. It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.*

*For example, where a proposed two storey extension at the rear of a house has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A (which covers the enlargement of the house) and Class C (which covers any alterations to the roof) in order to be permitted development. If the works also include the creation of a dormer window to enlarge the roof space, either in the extension or the original roof space, then they would also need to meet the requirements of Class B.*

In essence, the above means that because the ground floor extension is not permitted development and joins onto the dormer, the latter requires planning permission as well, even though had it been constructed on its own, permission would not have been required.

The single storey extension is considered to be acceptable. While extending quite deeply into the part of the garden in which it is situated, the substantial garden area to the south means there is still sufficient amenity space to serve the property. The host

dwelling angles away from its neighbour to the north, while the properties in Mill Hill Close are sited well in excess of 20 metres distant from the extension.

The main issue is therefore the dormer as it introduces accommodation at first floor level where previously there was none. Rear dormers do not normally require planning permission although many of them can be unsightly in appearance and overlook neighbouring properties to an extent that can affect their amenity. There are numerous examples of such dormers in Mill Hill Close and Mill Hill Drive to the east which would not have required planning permission since the area consists predominantly of chalet bungalows where such roof extensions are commonplace. The generally larger dwellings in Mill Hill to the west have fewer examples, and where there are additions to the roof such as at number 26 which faces the site, these are much smaller in size and so subservient to the overall roofslope.

The dormer which is part of the application cannot be described as subservient to the roofslope given that it takes the majority of the roof. As such, it does not represent a high quality of development but given there are many such examples across the District and it cannot be seen from the public viewpoint means that it would be difficult to justify a refusal on design grounds alone.

The effect on neighbours is therefore the key issue and it is evident that the dormer does offer a clear view to neighbouring properties rear gardens and windows. However, the distance between the respective windows exceeds 30 metres and therefore well above the Council's standard of 22 metres. The overlooking effect is perhaps exacerbated by the relatively open boundary between the respective properties but this also means that the windows and rear gardens of the neighbouring properties were clearly visible from the rear garden of the host dwelling, albeit that overlooking from a rear garden could be considered as somewhat different to overlooking from a physical building operation at first floor level. In this respect, it is therefore considered difficult to demonstrate material harm in additional overlooking as a result of the proposal. However, it is considered that some additional boundary screening could mitigate the impact upon the garden and ground floor windows of numbers 26 and 28. This could be secured by condition.

The fallback position is also relevant in the determination of the application. Were the application to be refused, and enforcement action pursued, it is possible that the applicant could remove or amend the single storey extension with the consequent result that the dormer could then remain as permitted development (as was the original position at the start of the construction of the development). This would not lead to any improvement in the amenities of the neighbouring properties, therefore.

Your officers do not believe there was any deliberate intent from the applicant to flout planning regulations although it appears there was little prior dialogue with neighbours regarding the works which is always to be encouraged where possible. However, on the strict planning merits of the proposal, it is not considered there is sufficient justification to resist the application and accordingly approval is recommended.

## **Recommendation**

**To GRANT planning permission**

### **Subject to Conditions:-**

- 01 Approved Plans
- 02 Details of screening to be submitted and approved by the LPA

11<sup>th</sup> March 2019

Application Number: AWDM/0125/19

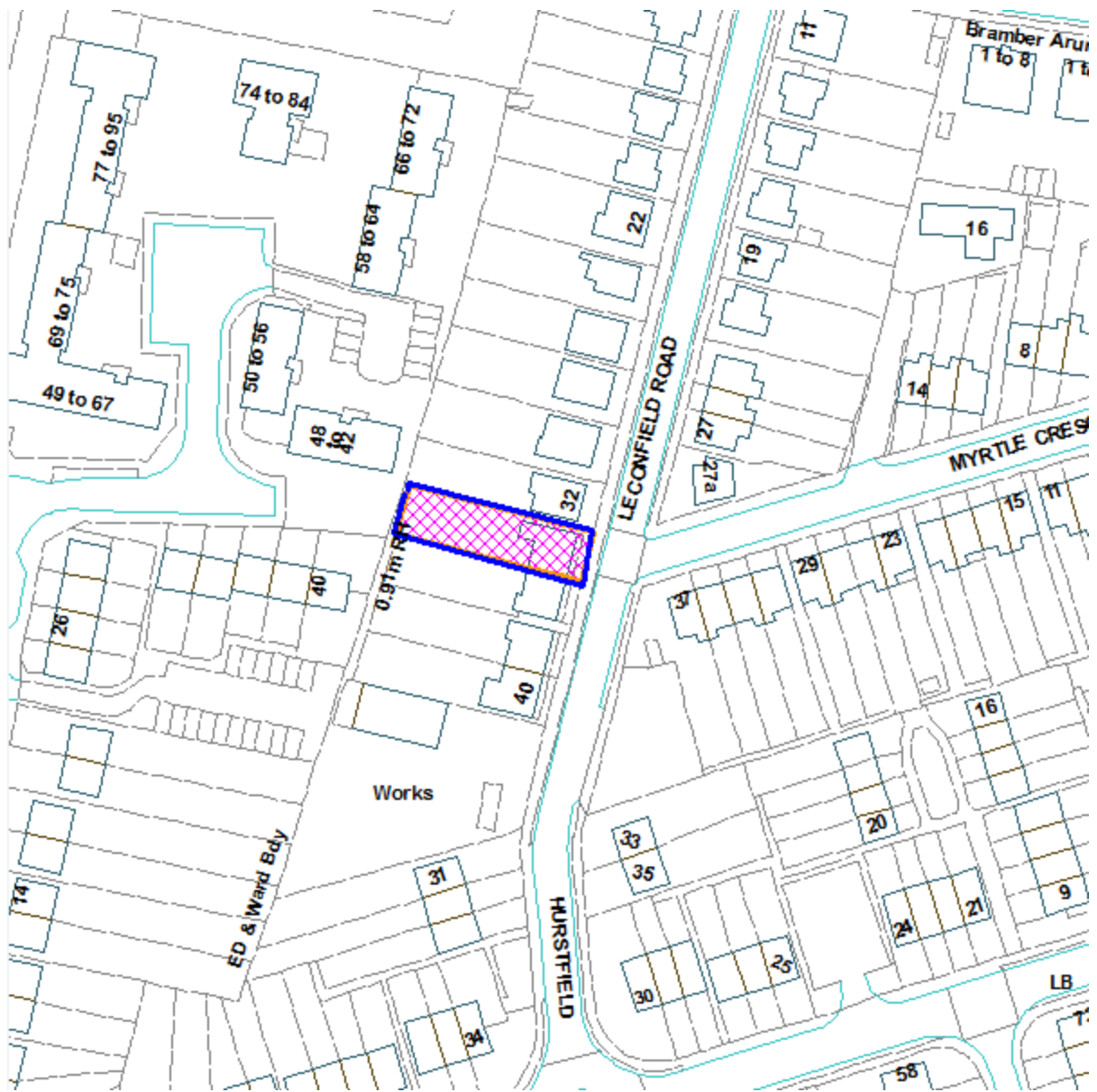
Recommendation – APPROVE

Site: 34 Leconfield Road, Lancing, BN15 9JB

Proposal: Access ramp and platform to front entrance

Applicant: Mrs Angela Marchant  
Case Officer: Eve Hearsey

Ward: Churchill



Not to Scale



This application is presented to the Committee as it has been submitted by Adur District Council with regard to a Home Improvement Assistance Grant.

**Proposal, Site and Surroundings:**

The proposal seeks permission to provide a ramp with a platform directly from the front door, across the site frontage and then down to the pavement area. The ramp will be positioned within the confines of the existing dwelling. Railings will also be supplied on the outside edges of the ramp

The application site relates to a semi-detached bungalow located on the west side of Leconfield Road, Lancing. Leconfield Road comprises a mix of housing types.

**Relevant Planning History:** None

**Consultations:** None undertaken

**Representations:**

**Lancing Parish Council**

No comment

**Relevant Planning Policies and Guidance**

Adur Local Plan 2017  
'Supplementary Planning Guidance' No.2 'Extensions and Alterations to Dwellings'  
National Planning Policy Framework (2019)

**Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Principle***

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

### ***Visual amenity***

The proposed ramp from the front gate to the platform outside of the front door will not be excessively high; it would be to purely to provide an incline to combat the step up to the front door, for ease of access for wheelchair use.

The ramp and platform together with the railings will be within the confines of the existing dwelling next to the pathway and thereby will not compromise the visual amenities of the locality.

### ***Residential amenity***

It is not considered that the access ramp, platform and railings will have any material effect on the residential amenities of neighbouring properties.

## **Recommendation**

### **APPROVE**

#### **Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit

11<sup>th</sup> March 2019

Application Number: AWDM/0127/19

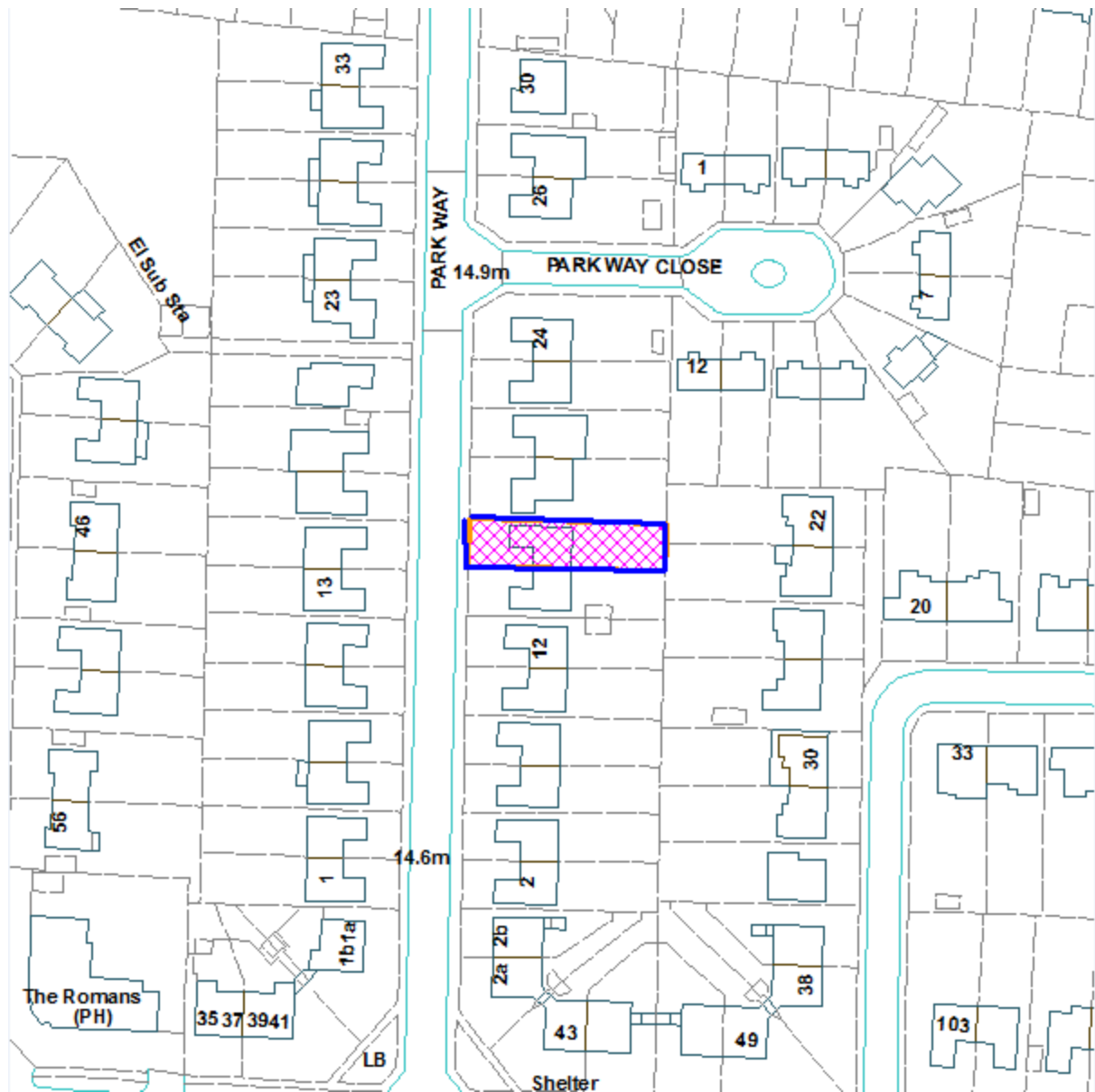
Recommendation – APPROVE

Site: 16 Park Way, Southwick

Proposal: Provision of ramp to front (west) elevation

Applicant: Mr Paul Witchell  
Case Officer: Eve Hearsey

Ward: Eastbrook



Not to Scale

This application is presented to the Committee as it has been submitted by Adur District Council with regard to a Home Improvement Assistance Grant.

**Proposal, Site and Surroundings:**

The proposal seeks permission to provide a ramp with a platform directly from the front door down to the gate at the front of the property. The ramp will be positioned within the confines of the existing railings.

The application site relates to a semi-detached bungalow located on the east side of Park Way. Park Way comprises predominantly semi-detached bungalows. Currently the property has railings positioned on either side of the path leading from the gate to the door of the front porch. The porch will be removed in order to provide the level platform in front of the entrance door. The existing door is located to the side of the proposal, and thereby, in order for ease of access for the wheelchair user, the front door is being relocated to be fronting onto the new ramp area.

**Relevant Planning History:** None

**Consultations:** None undertaken

**Relevant Planning Policies and Guidance**

Adur Local Plan 2017

'Supplementary Planning Guidance' No.2 'Extensions and Alterations to Dwellings'  
National Planning Policy Framework (2019)

**Relevant Legislation**

The Committee should consider the planning application in accordance with:  
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and  
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

**Planning Assessment**

***Principle***

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

### ***Visual amenity***

The proposed ramp from the front gate to the platform outside of the new relocated front door will not be excessively high; it would be to purely to provide an incline to combat the step up to the front door; and is being provided for ease of access for wheelchair use.

The ramp and platform will be within the confines of the existing railings next to the pathway and thereby will not compromise the visual amenities of the locality.

### ***Residential amenity***

It is not considered that the ramp will have any material effect on the residential amenities of neighbouring properties.

### **Recommendation**

#### **APPROVE**

#### **Subject to Conditions:-**

3. Approved Plans
4. Standard 3 year time limit

11<sup>th</sup> March 2019

Application Number: AWDM/0213/19

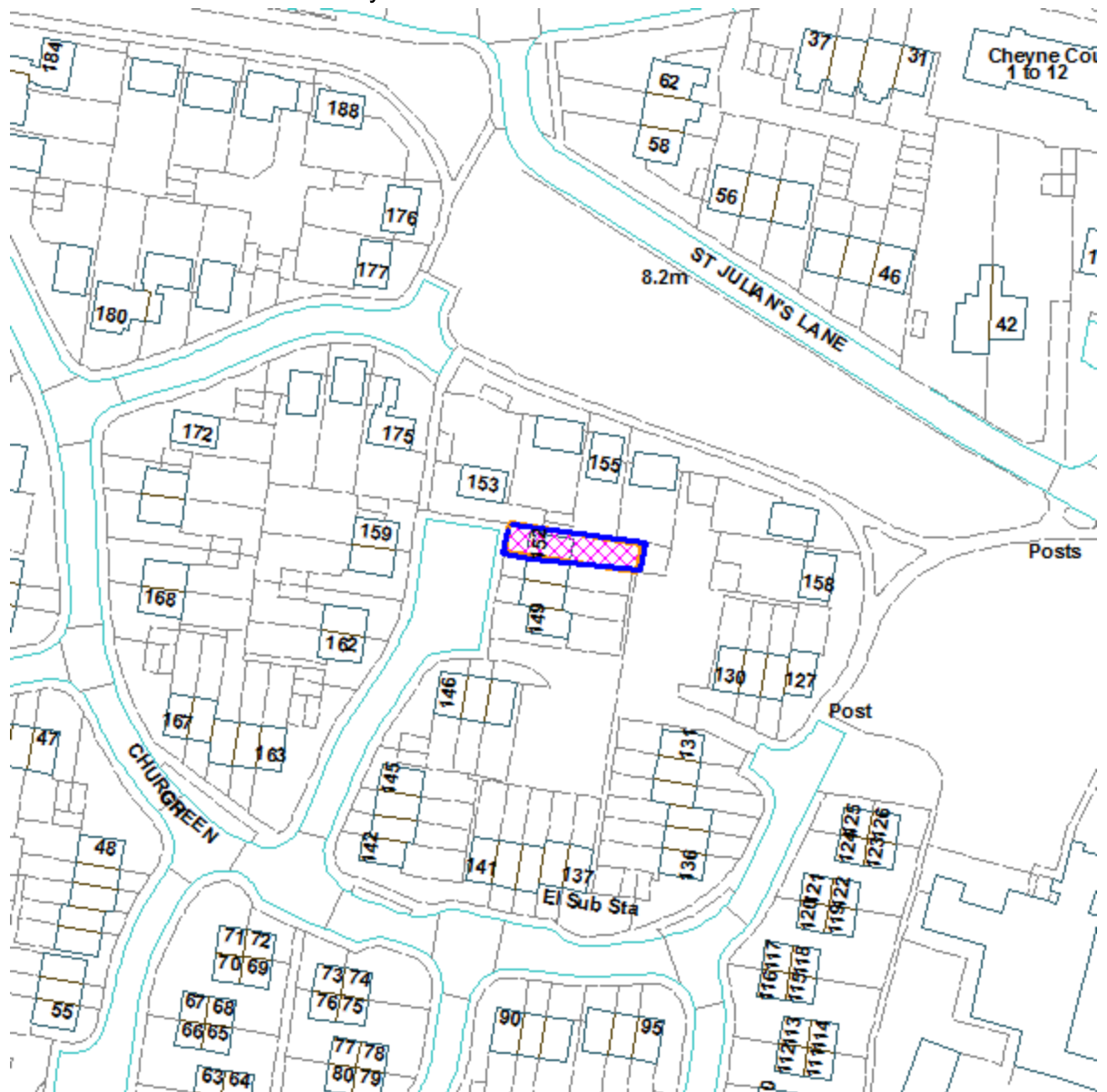
Recommendation – APPROVE

Site: 152 Church Green, Shoreham-by-Sea, BN43 6JW

Proposal: Proposed modular platform and ramp with handrails to front (west) elevation

Applicant: Mrs Betty Hedges  
Case Officer: Eve Hearsey

Ward: Southwick Green



**Not to Scale**

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This application is presented to the Committee as it has been submitted by Adur District Council with regard to a Home Improvement Assistance Grant.

## **Proposal, Site and Surroundings:**

The proposal seeks permission to provide a modular ramp with a platform directly from the front door down to the pedestrian footpath. The ramp will be made from powder coated steel. The modular platform and ramp requires no ground works and has a slip resistant surface.

**Relevant Planning History:** None

**Consultations:** None undertaken

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017

'Supplementary Planning Guidance' No.2 'Extensions and Alterations to Dwellings'  
National Planning Policy Framework (2019)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Principle***

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

### ***Visual amenity***

The proposed platform and ramp will be put into position forward of the front door to allow a wheelchair user to gain access to the pavement area, which is slightly lower than the entrance door. The entrance door will be changed and will have a level threshold suitable for wheelchair use.

The ramp will be noticeable within the street scene, but it is not considered to result in unacceptable visual harm to the amenities of the area.

Other than a side boundary between no. 152 and its direct neighbour no. 151, there is no boundary treatment to the front of the property, however, the ramp will be within the confines of the curtilage of the residential property and will not protrude out onto the public pavement area.

***Residential amenity***

It is not considered that the modular ramp and rails will have any material effect on the residential amenities of neighbouring properties.

**Recommendation**

**APPROVE**

**Subject to Conditions:-**

5. Approved Plans
6. Standard 3 year time limit

11<sup>th</sup> March 2019



## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

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Eve Hearsey  
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Portland House  
01903 221233  
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## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

## **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

## **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

## **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

## **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

## **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

## **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

## **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.