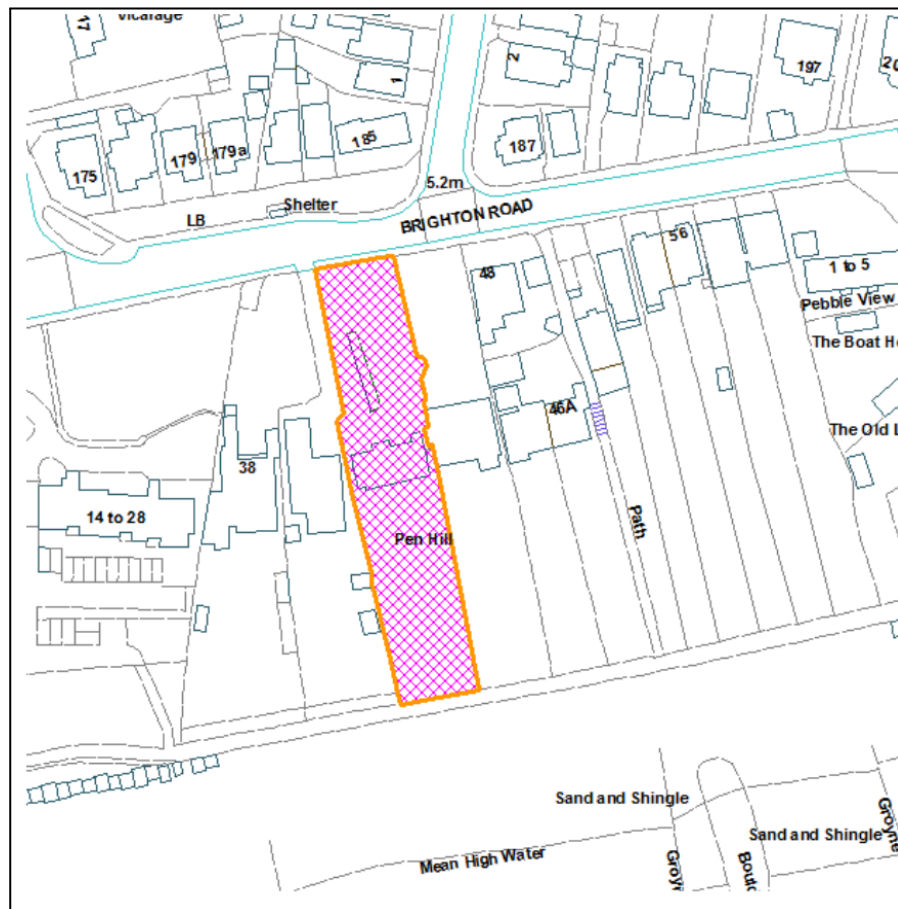


Application Number:	AWDM/0163/24	Recommendation - APPROVE
Site:	42 Brighton Road, Lancing	
Proposal:	Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Inclusion of a trellis/privacy screen along the area of terrace next to the sunken seating as part of proposed landscaping scheme	
Applicant:	Mr Mario Bernard	Ward: Widewater
Agent:	Domus Architecture Ltd	
Case Officer:	Peter Barnett	



Not to Scale

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Proposal, Site and Surroundings

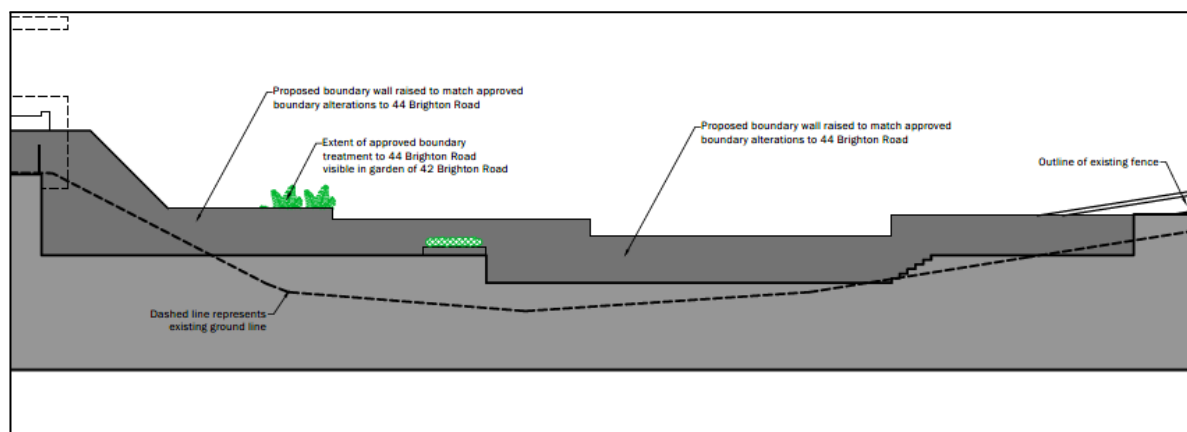
The application site is on the south side of Brighton Road backing onto the beach. Planning permission was granted in 2022 for the demolition of an original bungalow on the site and the construction of a 4-bedroom 2 storey flat roofed dwelling (when viewed from Brighton Road) with a lower ground floor at the rear, resulting in three storeys at the rear. At the rear, there was to be a raised terrace adjacent to the house with a lower garden level beyond, leading to a sunken garden room sited towards the southern end of the garden. At the front a two storey detached garage with guest accommodation above was proposed (AWDM/0923/21). Work is well underway on the construction of the new house and garage/guest accommodation and it has become apparent that the development is not being built in accordance with the approved plans. A separate application considers the amendments to the house and garage only and is reported elsewhere on this agenda (AWDM/0970/23).

This current application seeks approval for the landscaping only.

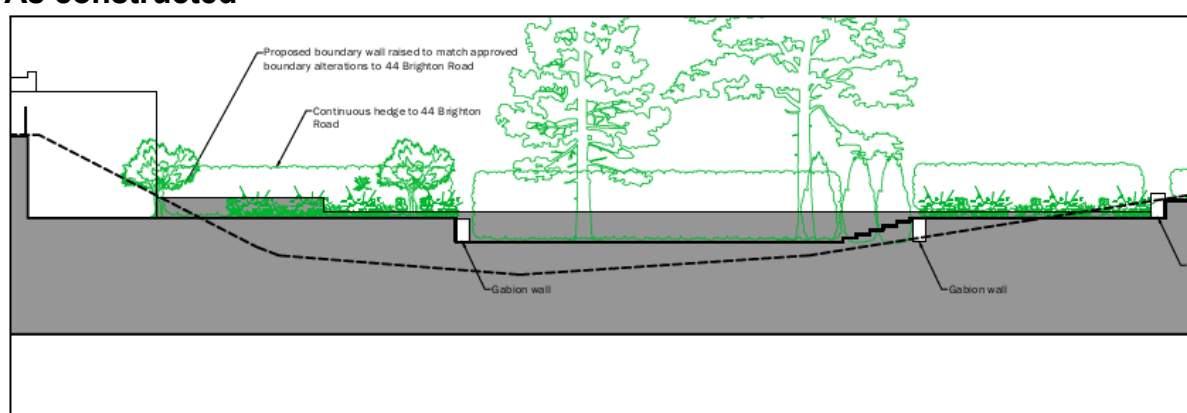
The most significant impact from the approved plans is from the increased level of the rear garden. The approved plans under AWDM/0923/21 did indicate that the levels were to be altered as there had previously been a steep drop in ground level at the rear before it rose up again towards the beach. While an indicative line showing the new level was included on the approved plans, the planning permission also included a condition which stated:

“There shall be no alteration to ground levels within the site unless and until details have been submitted to and approved in writing by the local planning authority. These details shall include proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed levels to existing. Any such works shall be carried out in accordance with the agreed details and completed prior to occupation of the dwelling or in accordance with an implementation programme approved in writing by the Local Planning Authority.”

The works that have been carried out were done so without the submission of further details and originally appeared to be far more extensive than originally shown. The images below show the proposed garden levels relative to the boundary wall with 44 Brighton Road to the east. The approved plans suggested that the garden level at No. 42 would sit between 1.3m - 1.7m lower than the top of the wall on the boundary with No.44. However, the wall at No.44 was not built to the height shown on the original plans and, as a consequence, as constructed, the garden level is almost at the top of the wall, allowing clear views down onto the rear garden and pool at No. 44.



As constructed



The approved plans were misleading and gave the impression that there would not be significant overlooking of the neighbours' garden. In this respect the approved drawing included a note that the boundary screen would be at the same height as the neighbours when in fact as indicated on the current cross section it is a lot lower. In cases such as this where there is a significant change in levels a planning condition was imposed requiring details of levels to be submitted prior to the commencement of development on site but this condition was not discharged prior to the rear terrace being formed.

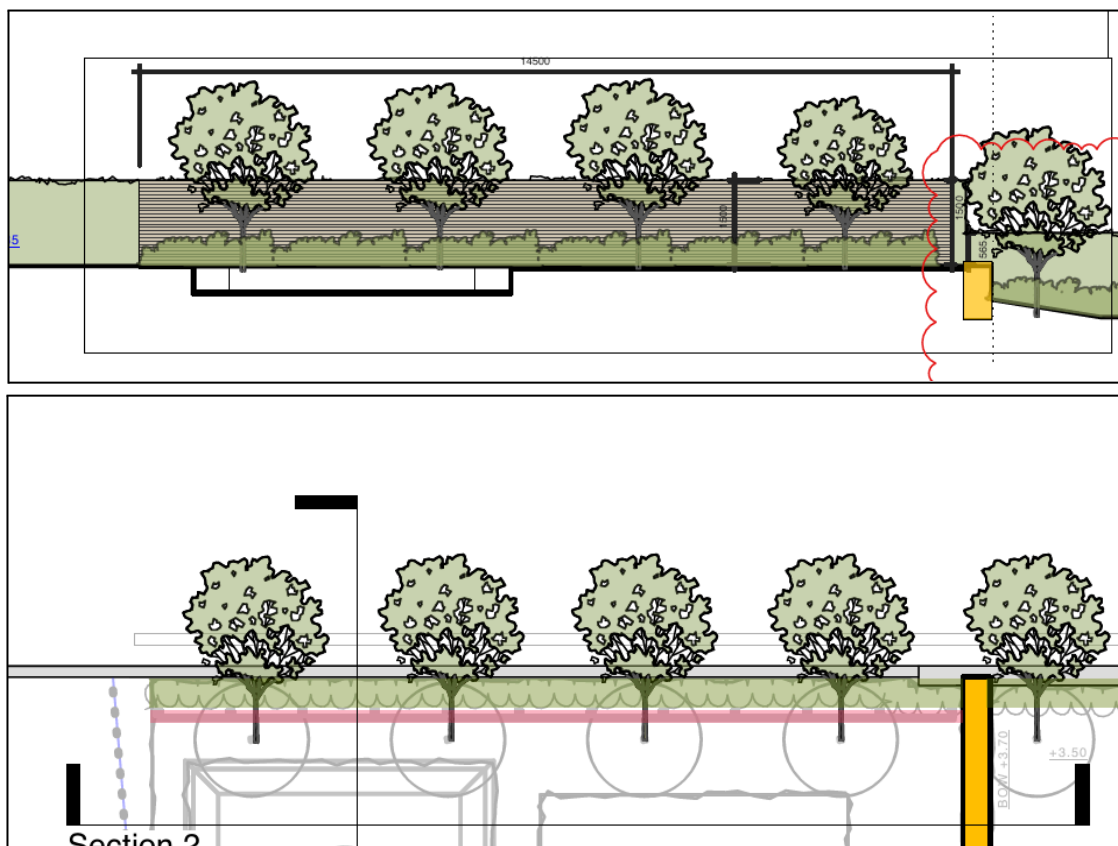
Unfortunately, the impact on the neighbouring property to the east is far more significant than originally anticipated. The garden levels have been raised as indicated on the originally approved plans and are not higher as first thought (albeit the relevant levels condition was not discharged).

The photographs below show the raised garden levels in relation to the neighbouring property.



Clearly, this has resulted in an unacceptable situation in respect of overlooking and discussions have taken place with the applicant and their planning agent to seek some form of amendment to mitigate the impact on the occupiers of No. 44. The current application has therefore introduced a 0.7m wide strip of hedge planting adjacent to the boundary for a length of approximately 15m with a 1.5m high vertical timber trellis.

AWDM/0163/24



Relevant Planning History

AWDM/1288/20 - Demolition of existing bungalow and construction of 2 detached 4 bedroom dwellings over 3 storeys each with detached garages and associated landscaping works - approved but not proceeded with.

AWDM/0923/21 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north - approved

AWDM/0776/22 - Application for Approval of Details Reserved by Condition 6 (Drainage) of previously approved AWDM/0923/21 - approved

AWDM/0970/23 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Increase in height of house by 0.85m, addition of first floor balconies to front elevation, addition of lightwells to front. Increase in height to garage block by 0.37m; addition of cladding to garden room - under consideration

Consultations

Drainage consultant: We request further information on the proposed drainage strategy for the new plans. The applicant should provide a new drainage strategy drawing for the proposed changes. Therefore, we would recommend the objection of the application until further information is received that addresses the above point.

Lancing Parish Council: To be reported

Representations

The following representations were submitted in connection with application AWDM/0970/23, considered elsewhere in the agenda, but relate to the rising of ground levels. Any additional representations on this application and the latest landscaping scheme will be reported verbally at the meeting.

- Rear garden sits significantly higher than that of No.44
- Question whether garden levels comply with approved plans
- A new wall is required, set 1m from the boundary with No. 44, in order to reduce overbearing impacts and to prevent overlooking
- Increase in height of house results in significant overbearing and overshadowing impacts on No.44, particularly to patio area of that property
- No boundary treatment proposed between site and No. 44
- Landscaping to rear likely to lead to loss of light
- Drainage strategy not approved prior to work commencing

- Levels have not been approved by LPA
- Landscaping works not approved prior to commencement
- Concerns at increased flood risk

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 15, 30, 36

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'

National Planning Policy Framework (December 2023)

Relevant Legislation

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

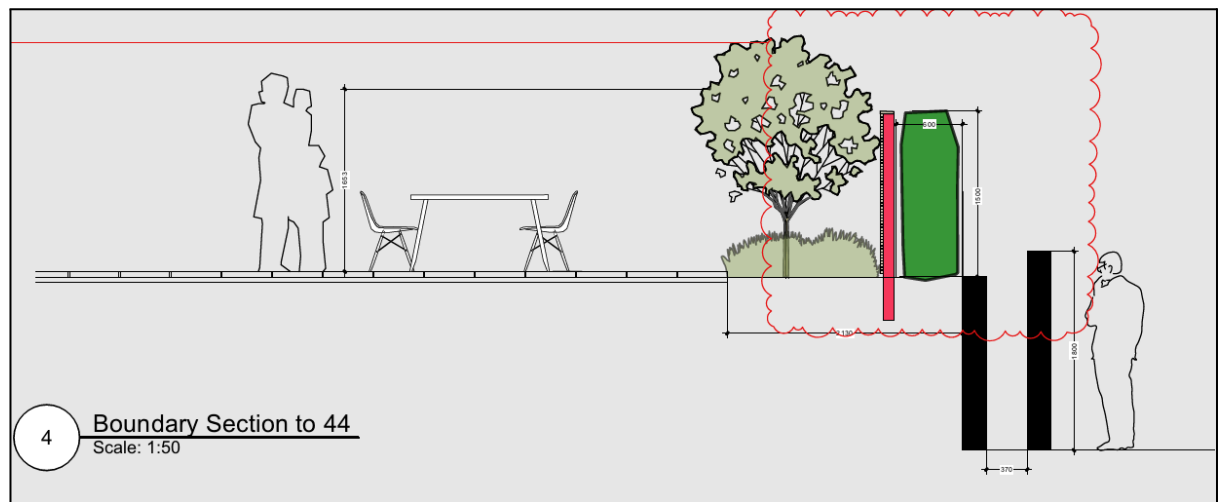
The rear garden and the changes to the ground levels has resulted in the greatest impact to neighbours, particularly the occupiers of No.44 to the east. That property underwent its own development recently which included changes to ground levels and the construction of new boundary walls. However, the changes to the rear garden level at No.42 has resulted in an increase in the height of the garden, particularly in the area adjacent to the rear of the house where it is possible to stand at almost the same height as the top of the boundary wall with clear views down onto the neighbours' patio and pool area.



The plans for the rear garden of No. 42 show a sunken seating area close to the boundary with an outdoor dining area on higher ground beyond that. There is a swimming pool on the west side of the garden. The garden then steps down to a lower central area before stepping up again to a garden room and pergola at the end of the garden.

The landscaping plans show a new hedge being planted along the boundary with a new 1.5m high trellis and then an area of landscape planting between the raised

dining area and the boundary to prevent people from standing right up to the boundary.



Hedge planting is proposed along the entire length of the boundary with both No. 44 and No. 40 and the landscaping scheme overall has been designed to prevent people from getting too close to this boundary.

At the front, a new hedge is shown being planted on the boundary with No. 44.

The concerns and objections of the adjoining residents are understandable as the raising of the garden level has resulted in significant overlooking. However, the comprehensive landscaping scheme proposed, including new hedge planting and trellis, is considered to provide suitable mitigation to reduce the impact of the ground level rise and to safeguard the privacy and amenities of the neighbouring occupiers.

Views towards the neighbouring garden will still be possible from the rear balconies of the new house but there is mutual overlooking between the dwellings from balconies on both Nos 42 and 44. Views are also possible from the beach path to the south.

It should also be remembered that the original ground level was also high at the point nearest to the rear of the house and would have resulted in overlooking at that time, albeit it was heavily planted with shrubs.

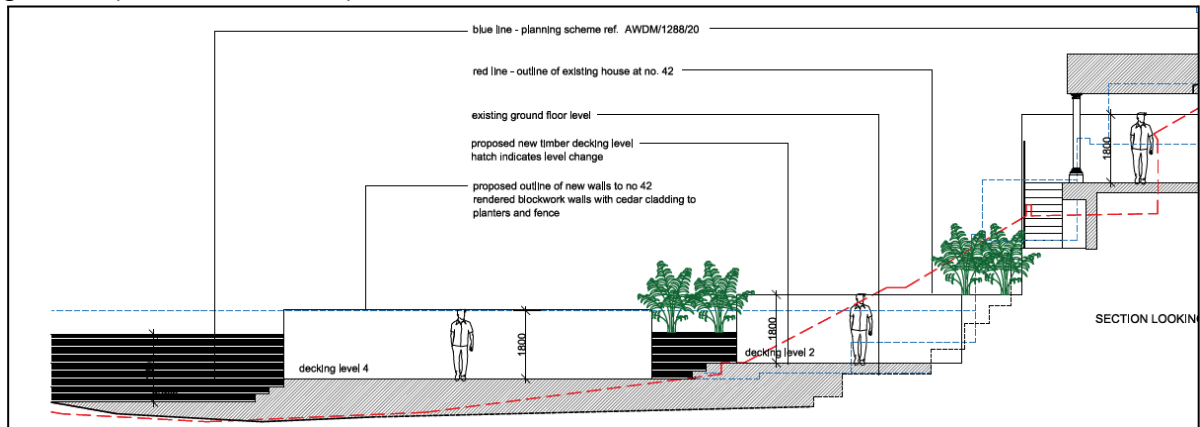


There were also clear views across to the neighbouring garden due to the lack of solid boundary fence.





The neighbouring property, No. 44, has recently undergone its own significant extension and changes to garden levels with stepped terraces introduced (AWDM/1941/21) and is also constructing a detached 2 bedroom dwelling in the front garden (AWDM/1394/21).



Overall, while a significant change, the change in ground levels has already been approved (in principle) under AWDM/0923/21 and this application seeks only to mitigate the impact from the changes in levels (and effectively discharge the levels condition). The proposed landscaping scheme is considered to be a reasonable and effective solution which will help to safeguard neighbouring amenity.

Flood Risk and Drainage

The Environment Agency has assessed the works as carried out and has no objection subject to compliance with the previously approved FRA. The objection from the Council's drainage consultant is noted. However, the surface water drainage details have been approved under a separate application for approval of details reserved by condition (AWDM/0776/22). As explained in the report above,

there has been no change to the approved levels since the original application and a new drainage strategy is therefore not required.

Recommendation

Approve

Subject to conditions:-

1. Approved Plans
2. Car parking to be provided
3. Cycle parking to be provided
4. EV charging to be provided
5. Drainage scheme to be implemented as approved
6. Construction Management Plan to be adhered to at all times
7. To be constructed in compliance with Flood Risk Assessment
8. Removal of PD Class A, AA, B
9. Balcony screens to be installed prior to first use
10. Obscure glaze side windows
11. Landscaping and fencing to be completed prior to occupation
12. Noise assessment for guest accommodation to be completed prior to occupation
13. To be carried out in accordance with previously approved energy statement and water efficiency statement
14. Garage and guest accommodation to be used ancillary to dwelling
15. No access to planted flat roof areas at first floor at front of dwelling at any time other than for maintenance