

ADDENDUM

Application Number:	AWDM/0970/23 & AWDM/0163/24	Recommendation - Approve
Site:	42 Brighton Road, Lancing	
Proposal:	<p>(1) 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</p> <p>(2) AWDM/0163/24 - 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</p>	
Applicant:	Mr Bernard	Ward: Widewater
Agent:	Domus Architecture Ltd	
Case Officer:	Peter Barnett	

Additional Representation

A letter of objection has been received from "Objection Experts" on behalf of the occupiers of 44 Brighton Road. It relates to both applications and is attached in full below:

"Introduction:

This objection letter relates to application AWDM/0163/24, which is a section 73 application to alter the plans attached to AWDM/0923/21 at 42 Brighton Road, Lancing, West Sussex, BN15 8ET.

The description of the application relates to the inclusion of a trellis/privacy screen along the area of terrace next to the sunken seating as part of proposed landscaping scheme. The officer's response to the drainage consultee uploaded to the website outlines that this is the only alteration to the previously approved scheme, and that the levels are as previously approved.

It should also be noted that the proposed garage block elevations are noted to have been replaced, but the same copy of the plan as originally approved appears to have been submitted.

Relevant Planning History:

Reference Number:	Description	Decision:
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 04 Jan 2022
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 Open for comment icon	Decision yet to be made
AWDM/1764/23	Approval of Details Reserved by Condition 10 (ground levels) of Application AWDM/0923/21.	Withdrawn 02 January 2024

Relevant Planning Policy:

National Planning Policy:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Local Planning Policy:

Adur Local Plan 2017

Policy 15 - Quality of the Built Environment and Public Realm

Discussion of Scheme:

Procedural Issues:

It is considered that there are a significant number of procedural issues, both relating to this scheme (AWDM/0163/24), and application AWDM/0970/23, which is yet to be decided.

Firstly, both the current application (AWDM/0163/24) and application AWDM/0970/23 are Section 73 applications to alter the plans list attached to the original permission. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended.

Indeed, if both the current section 73 application, and application AWDM/0970/23 were granted, then each would create a new application, neither which would contain the full list of plans, and as such, the proposal could not lawfully proceed with the revised garden plans, as the alterations to the house have already been undertaken, and these alterations have not been included within the current section 73 application.

Secondly, it is contended that the garden levels have previously been agreed; Condition 10 (ground levels) of Application AWDM/0923/21 states that:

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.

Reason: In the interests of visual amenity and the environment and to ensure there is no change to the flood defences and to comply with policies 15, 30 and 36 of the Adur Local Plan.

This condition has not been discharged; Application AWDM/1764/23 to discharge this condition was withdrawn, and as such, it is clear that the ground levels have not been agreed in writing, and it is considered that the alterations made to the ground levels is unlawful. Furthermore, there are a number of significant piles of soil on site, which when compacted will add further height to the garden levels.

If the site levels had been approved through the original consent, this condition would not have been required as part of the post-approval process. The imposition of

such a condition would suggest that the site levels have not been agreed as part of the original consent, and the Local Planning Authority required further information to ensure that the site levels were acceptable in terms of visual amenity, the environment and flood risk. As such, it is not considered that the site levels have been approved, and require further consideration to ensure they are acceptable.

Finally, the provided plans (specifically, Proposed Site Plan A1-02 rev Q) make reference to the prior agreement of certain features with the case officer, stating “New 2M high vertical timber trellis to be installed as agreed with the planning officer”. This suggests some level of pre-determination of the application, and it is unclear how a fair conclusion can be reached, when the officer has already confirmed the acceptability of the scheme.

Residential Amenity:

Paragraph 127 of the NPPF sets out six criteria against which planning decisions should meet to deliver well-designed places. This includes criteria (f), which requires development to “create places ... with a high standard of amenity for existing and future users.”

Planning Practice Guidance (PPG) states that achieving good design “is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations.”

Policy 15 of the Adur Local Plan 2017 states that development should not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space.

Due to the unlawful alterations made to the ground levels of the proposal site, the rear garden of the application site sits significantly higher than that of No. 44. The proposal seeks to limit the impact of the significantly raised ground levels by the slight set back of the wall from the site’s boundary, and the imposition of a hedge between the wall and No. 44. However, this would still result in a significantly tall boundary feature, sitting significantly above the existing boundary wall of No. 44 (extending around 12ft above the garden level of this dwelling), resulting in significant residential amenity impacts through overbearingness and overshadowing. The images below show the new, raised ground level of No. 42, in comparison to the top of the boundary wall of No. 44; it is clear that the provision of another boundary at the new, raised ground level would result in significant overbearing and loss of light impacts to the residents of No. 44.

It is considered that the garden heights should be revisited in line with Condition 10 of the original application, which would allow the residential amenity of the occupiers of No. 44 to be retained, without any excessive overlooking or exceedingly tall boundary features directly next to their living areas.

Images showing ground level of No. 44 to the left, and the raised ground level of No. 42 to the right.





It is considered that the significant residential amenity impacts from the current application would remain, and as such, the proposed alterations would not comply with Policy 15 of the Adur Local Plan 2017 or Paragraph 127 of the NPPF and as such, should be refused.

Conclusion

It is not considered that the ground levels have been determined, and Condition 10 of the original application gives the Council the ability to further control garden levels to ensure that an acceptable level of residential amenity is maintained.

Paragraph 135 of the NPPF states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

As such, this application should be refused as it does not comply with the Policies contained within the Local Development Plan and the relevant provisions of the NPPF.”