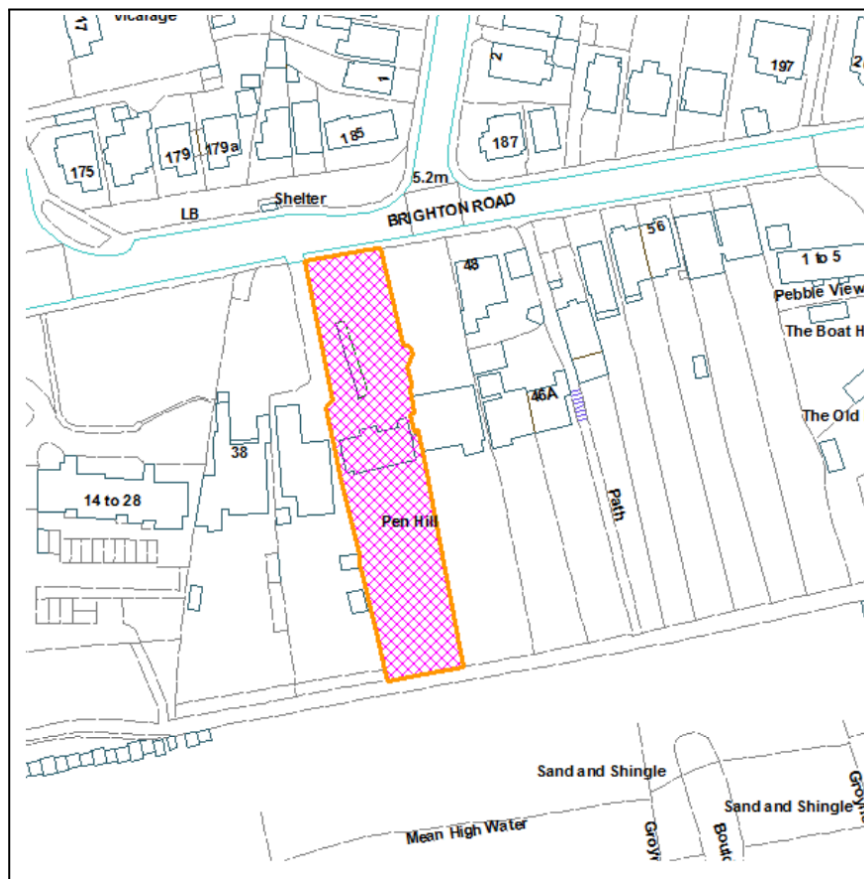


Application Number:	AWDM/0970/23	Recommendation - APPROVE
Site:	42 Brighton Road, Lancing	
Proposal:	Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: 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	
Applicant:	Mr Bernard	Ward: Widewater
Agent:	Mr Paul Smith - Domus Architecture Ltd	
Case Officer:	Peter Barnett	

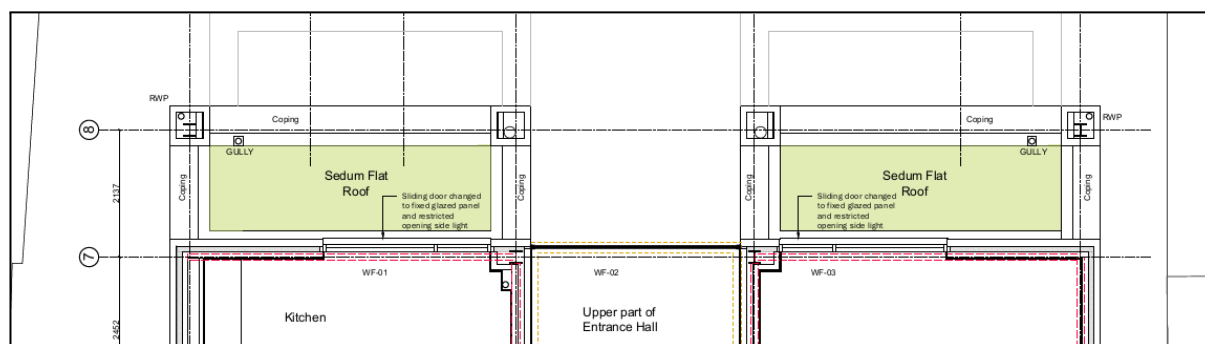


Not to Scale

Update since March 4th Planning Committee

This application was considered by the Planning Committee on 4th March when Members resolved to approve the increase in the height of the dwelling, the addition of lightwells to the dwelling, the increase in the height of the garage block and the addition of cladding to the garden room. They also required the patio doors on the front of the dwelling at first floor level to be replaced with fixed glazing with ventilation, with details to be agreed.

Amended plans have been received showing the patio doors removed and replaced with a fixed glazed panel and restricted side opening light.



This should be sufficient to prevent access to the sedum flat roof and its use as a balcony but further details are required of the extent of the restriction to the opening and this can be secured by condition.

This report is therefore simply to update Members on the receipt of the amendments to the glazing and to seek their approval to these changes. All other matters relating to the house were approved at the March Committee meeting.

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. This current application seeks approval for a number of amendments, which are set out below.

According to the planning agent, the amendments arose as a result of building the new house with a steel frame with composite concrete floor decks, which meant that the floor constructions were deeper than originally anticipated. The building could not be lowered further into the ground because of the requirements of the Flood Risk Assessment so the building has become higher by 0.85m. The garage block at the front has also been raised in height by 0.37m.

A number of other changes were identified including the provision of first floor balconies at the front of the house in place of previously approved planted areas and the addition of lightwells to the basement area. During the course of the application, the applicant has agreed to reinstate the planted areas at the front and the use of these areas as balconies is no longer proposed. As reported above, the front patio doors are also to be replaced with fixed/restricted opening glazing.



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

A separate application considers the landscaping and changes to the rear garden levels and is reported elsewhere on this agenda (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/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 - under consideration

Consultations

Environment Agency: No objection subject to a condition requiring development to be carried out in accordance with FRA.

Representations

5 letters of objection received from the occupiers of 38, 40, 44, 191A Brighton Road and a planning consultant representing a resident. 2 of the objections have been re-iterated following the receipt of further information.

- Strongly object to the property being any higher
- The building is not in keeping with any properties along the road
- Strongly object to the garage with flat above being any taller as it overlooks adjoining garden and pool
- The description does not include all the changes
- Increase in height is greater than stated by applicant
- House sits significantly higher than the ridge of No.44
- Appears overly dominant and incongruous, detracting from immediate surroundings
- Front balconies are incongruous and alien features
- 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
- New balconies overlook new dwelling approved at No.44
- Increased overlooking to No.44 from raised garage with balcony
- 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
- Increased overlooking and loss of light
- Poor standard of care during construction by unneighbourly contractors

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 15, 28, 36

'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'; No.2 'Extensions and Alterations to Dwellings'

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

WSSC Guidance on Parking at New Developments (Sept 2020).

National Planning Policy Framework (December 2023)

Technical Housing Standards – nationally described space standard (DCLG 2015)

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

Visual amenity

The approved plans show a contemporary dwelling which has a very different form to the neighbouring buildings, with a flat roof, 'box' form and extensive glazing. It was shown as being 0.6m taller than No. 44 but has now increased to be 1.45m higher. Its scale and design does make it stand out in its immediate surroundings but its impact is reduced by the two new buildings being constructed at the front of Nos. 42 and 44 which have more of an impact in the street scene.



In the wider context, the three storey flat roofed flats at The Haven to the west remain the dominant feature in the street scene and there is permission to build several houses in front of The Haven which will further change the street scene once built. As such, while of a significant size in comparison with its immediate neighbours, the new dwelling is not considered to cause such visual harm as to warrant refusal.

From the seafront the new house at No. 42 does appear as a large building but it is set back some distance from the seafront path and does not appear unduly overbearing for users of the path. Again, when seen in a wider context, it does not appear overly dominant.



Residential amenity

The increased height of the house does result in a more imposing building but it is not considered that there is significant harm to residential amenity as a result. The extensive glazing and balconies/terraces at the rear of the property were previously approved and are not substantially higher or have a materially more harmful impact than the original plans.



The introduction of balconies to the front had the potential to overlook the new dwelling at the front of No.44 and, following advice from Officers, the plans have reverted to the original design which was a planted flat roof projection in front of lounge and kitchen at first floor level. A sedum roof is now shown for this area and, together with the changes to the glazing, access to this area is restricted. This can be controlled by condition to prevent access or use of the area as a balcony.

As such, there is not considered to be harm to neighbouring amenity from these amendments. The increase in height of the garage/accommodation at the front of the site is considered to be minor and does not result in increased overlooking.

Flood risk

The Environment Agency has assessed the works as carried out and has no objection subject to compliance with the submitted FRA. The surface water drainage details have also been approved under a separate application for approval of details reserved by condition.

Garden Levels

In assessing this s73A application it is necessary to review whether any of the original planning conditions should be re-imposed. Condition 10 of the original planning permission (requiring details to be submitted and approved regarding

ground levels) was not discharged and given that Planning Committee considered that the landscaping mitigation would not address the impact on the neighbour a reworded condition is recommended to require the garden levels adjacent to No 44 to be reduced in height prior to the occupation of the dwelling.

Recommendation

APPROVE subject to the following 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 to be completed
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
16. The house shall not be occupied until the patio doors at first floor level at the front of the house have been replaced with fixed glazed panels and restricted side opening lights, in accordance with the details shown on drawing no.A2-03 Rev. O received 26th April 2024, and in accordance with further details to be submitted and approved by the LPA clarifying the extent of the opening of the side opening lights
17. Within one month of the date of this permission plans shall be submitted to the local planning authority for approval showing a reduction in the ground level of the upper rear garden around the sunken seating area and an associated landscaping scheme to reduce the impact on the occupiers of No.44 Brighton Road. Such works shall be carried out in accordance with the agreed details and completed prior to the occupation of the dwelling with notice given to the local planning authority to confirm that the works have been completed in accordance with the approved details.