



**ADUR DISTRICT
COUNCIL**

**Planning Committee
5th October 2020
Agenda Item 6
Ward: ALL**

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

**Application Number: NOTICE/0014/20 Recommendation – Refuse
Prior Approval**

Site: Penhill Court, Penhill Road, Lancing

Proposal: Application for Prior Approval for construction of two additional storeys of 5no. new dwellings immediately above the existing detached block of flats.

2

Application Number: AWDM/0989/20 Recommendation – Approve

Site: Land South Of 17 To 19 Victoria Road, Shoreham-By-Sea

Proposal: Construction of two-storey detached 2 bedroom dwellinghouse, with balcony to east, including 2no. parking spaces and bin and bike storage.

3

Application Number: AWDM/0975/20 Recommendation – Refuse

**Site: 26 Windlesham Road
Shoreham-By-Sea**

Proposal: Demolition of existing garage and rear extension. Proposed two-storey side and rear extension with matching roof height, to east and north elevations, rear dormer to north roof slope, single-storey front extension with porch and single-storey rear extension. Alterations to fenestration on east elevation (Amendment to previously approved AWDM/0283/20 for enlarged rear extension).

Application Number: NOTICE/0014/20

Recommendation – Refuse
Prior Approval

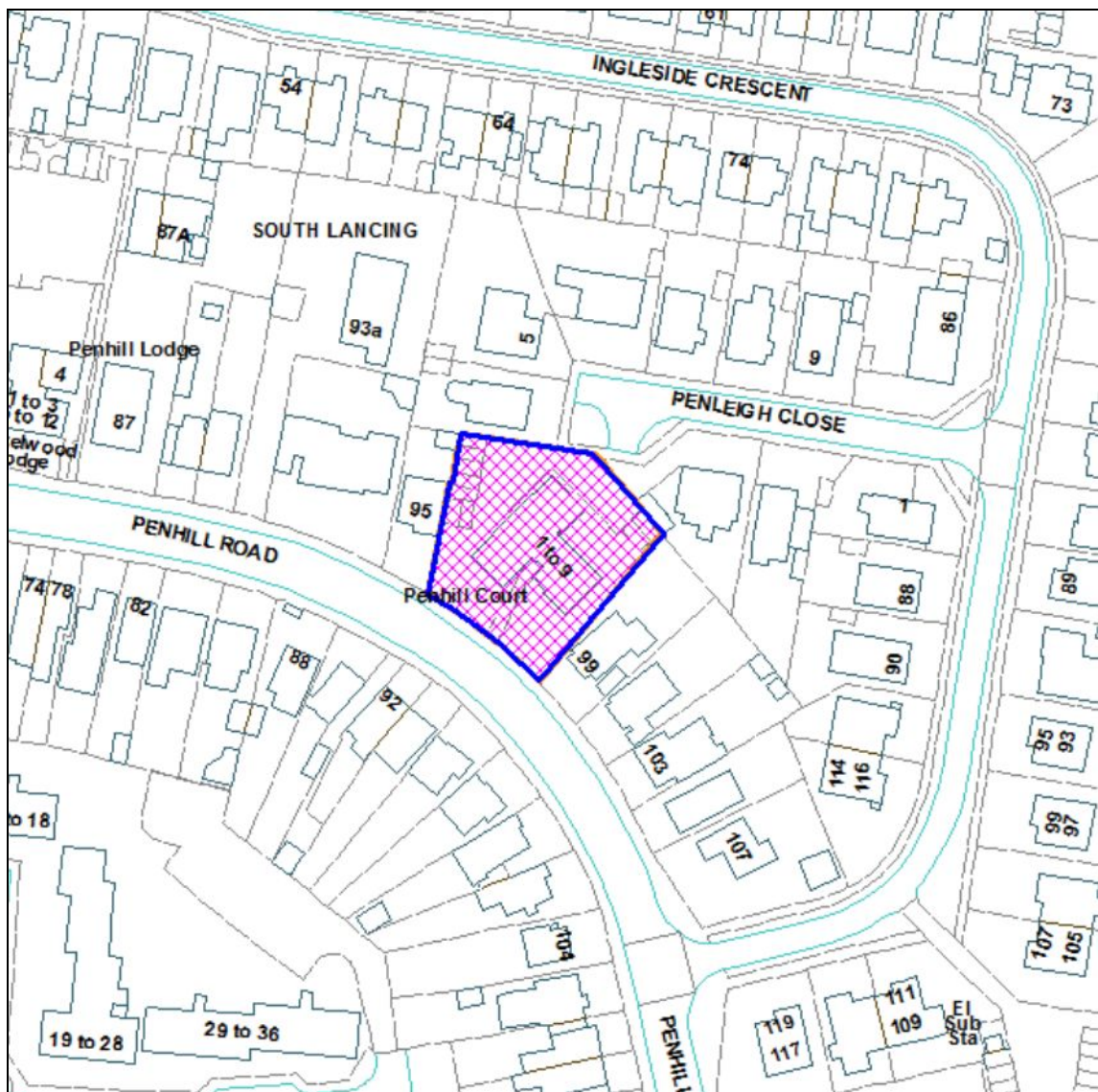
Site: Penhill Court, Penhill Road, Lancing

Proposal: Application for Prior Approval for construction of two additional storeys of 5 no. new dwellings immediately above the existing detached block of flats.

Applicant: Mr Jeremy Davies

Ward: Widewater

Case Officer: Hannah Barker



Not to Scale

Site and Surroundings

The application site is a purpose built three storey flat roof building accommodating 9 flats. It is on Penhill Road where in general there is a mixture of houses, flats and bungalows of various style and appearance. The building is in a T-shape in two main blocks linked by a central section. There is off street parking provision to the front and rear of the building with garages and shared amenity space within the site. There are two vehicular accesses from Penhill Road. Two storey dwellings are directly opposite the site and bungalows in Penhill Road are either side and to the rear in Penleigh Close.

Proposal

This application is made following the recent change to the second schedule of the General Permitted Development Order, introduced by the The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, extending permitted development rights.

Development permitted by Class A of Part 20 consists of works for the construction of up to two additional storeys on existing dwellinghouses and on purpose built detached blocks of flats, together with engineering operations reasonably necessary to construct the additional storeys and new flats, replacement and new roof plant that is reasonably necessary to service the new flats, works for the safe access/egress to the new and existing flats, and any works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new flats, subject to the limitations of Part 20 and conditions as set out below in this assessment.

This application seeks prior approval for the construction of two additional storeys to the building to provide an additional 5 flats. The agent's covering letter states that the development includes works allowed by Part 20 Class A paragraph A. a)-d) to allow for the construction of the dwellings, safe access and egress and the provision of facilities reasonably necessary to support the new dwellinghouses.

The application includes provision for five additional car parking spaces.

The additional storeys are of flat roof design and set in from the sides of the building in a tiered affect. Balconies are proposed to the front elevation. The building will be increased in height by 6 metres.

Relevant Planning History

AWDM/0177/19 March 2019 – Approval for the replacement of all existing balcony balustrades with new powder coated handrails/posts and opaque glass panels.

AWDM/0578/20 July 2020 – Withdrawn – Upward extension to roof to form fourth floor comprising 1 no. 3 x bedroom flat and 1 no. 2 x bedroom flat; amended vehicle access, 4 no. additional parking spaces and new landscaping.

This application was withdrawn following advice from officers that the additional storey could not be supported due to the overbearing and uneighbourly impact of the increased height of the building upon the adjacent residents. It was also considered that in terms of character and street scene the works would give rise to development inconsistent with the adjacent built environment. The immediate setting of the site is that of single storey bungalows. Other flatted development within the street does not exceed three storeys.

Consultations

Brighton City Airport: - The above application is within 3km of Shoreham Airport, it is approximately 1.5km from our aerodrome boundary. A copy of the 'Aerodrome Licence' has been submitted with the consultation response. It is issued by the UK Civil Aviation Authority (CAA) on submission of a satisfactory Aerodrome manual that meets the requirements laid down in CAA Document CAP 168 'Licensing of Aerodromes' to the Aerodrome Standards Department of the CAA. A copy of all UK Aerodromes licences are published on the UK CAA website. Rob Cooke has confirmed that he is the designated Aerodrome Accountable Manager for Brighton City Airport.

The **Highway Authority** does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109) and that there are no transport grounds to resist the proposal. Conditions relating to car parking spaces, cycle parking and Electric Vehicle Charging Spaces are required.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development area required. This should not involve disposal to a public foul sewer. If any sewer be found during construction works an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Adur & Worthing Councils:

The **Environmental Health** Officer has confirmed no comments for this application.

The **Engineer** comments that the application is within Flood Zone 1, the site is not shown as being at risk from surface water flooding. We therefore have no objections to the proposal from a flood risk perspective. Surface Water Drainage: - Small alterations to the impermeable area are proposed as part of this application, with a new parking area proposed. This parking area must be of a fully permeable construction, i.e. permeable surface and sub-base (no type 1.) Due to the small changes in impermeable area we have no conditions to request. Any proposed alterations to surface water drainage must be designed and constructed in accordance with building regulations, any opportunities to reduce run off should be considered.

Lancing Parish Council: - Objection due to design and over development. The application should be refused on the grounds that the proposal is an overdevelopment, overbearing in nature and not in keeping with the surrounding area.

Representations

13 representations have been received from owners and occupiers of the flats at Penhill Court and those from neighbouring dwellings in Penhill Road, Penleigh Close and The Haven Brighton Road. Objecting on the following grounds:

- Overlooking, loss of light and privacy
- Noise from garages
- Out of keeping
- Increased wind due to funneling affect.
- Within 3 km of airport
- Does not relate to the floors below
- Building in poor state of repair
- Very high building dwarfing surrounding development
- Sewers and drains inadequate.
- Overdevelopment
- Parking inadequate.
- Traffic issue/parking issue/highway safety concerns.
- Noise/dust/ construction traffic
- Additional bin stores required.
- Current building infrastructure insufficient.
- Impact on trees
- Insulation poor within existing building, noise issues.
- Supporting statement misleading.
- Worsening of previously withdrawn proposal.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 1, 2, 3, 15, 18, 19, 20, 21, 22, 28, 30, 34, 36

'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'

Sustainable Energy SPD (August 2019)

SPD 'Guide to Residential Development' Nov 2013

Revised National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance (CLG)

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

The application is made under the Prior Approval procedure and the consideration is restricted to the limitations, restrictions and conditions set out in respect of Class A, Part 20, Schedule 2 of the General Permitted Development Order 2015 as amended which states:

Permitted development

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all —

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access and egress to the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

A.1. Development is not permitted by Class A if—

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;

(b) above ground level, the building is less than 3 storeys in height;

(c) the building was constructed after 1st July 1948, or after 5th March 2018;

(d) the additional storeys are constructed other than on the principal part of the building;

(e) the floor to ceiling height of any additional storey is—

(i) more than 3 metres in height; or

(ii) more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally;

(f) the new dwellinghouses are not flats;

(g) the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant);

(h) the extended building (not including plant) would be greater than 30 metres in height;

(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i)strengthen existing walls;

(ii)strengthen existing foundations; or

(iii)install or replace water, drainage, electricity, gas or other services;

(k) in the case of Class A.(b) development there is no existing plant on the building;

(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

(n) development under Class A.(d) would—

(i)extend beyond the curtilage of the existing building;

(ii)be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii)be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

(o) the land or site on which the building is located, is or forms part of—

(i)article 2(3) land;

(ii)a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

The application meets the permitted development criteria of class A (a) to (d) since the existing building was constructed since 1948 as a purpose built detached 3 storey block of flats and the proposal is for an additional two storeys for new flats and associated works as described above.

In this case the limitations or restrictions of A.1 have been met, have not been exceeded, or do not apply. The additional storeys would be constructed on the principal part of the building, and the supporting statement has confirmed that floor to ceiling heights would be 2.5 metres. There existing internal heights are 2.25 metres therefore complying with (e). The overall height increase is 6 metres therefore not exceeding the 7 metre limit. No visible support structures are proposed on or attached to the exterior of the building, engineering operations, roof plant, access/egress storage, waste and other ancillary facilities would be within the defined limitations. The site is not on article 2(3) or SSSI land, a listed building, scheduled monument or within their curtilage, and is not a safety hazard area, or military explosives storage area.

In terms of (vii) the Council consider the site to be within 3km of the perimeter of Brighton City Airport therefore contrary to this requirement and therefore cannot be considered as a prior approval application. The following definition has been used in this case as sited in “The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002.” Updated 22nd Dec 2016. This is referred to in the current regulations “The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulation 2020” under Conditions C Interpretation of Part 20 C. For the purposes of Part 20 –

“Technical sites” has the same meaning as in Annexe 1 of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Area) Direction 2002 (12)”

‘Aerodrome’ means any area of land or water designed, equipped, set apart, commonly used or in prospective use for affording facilities for the landing and departure of aircraft and includes any area of space, whether on the ground, on the roof of a building or elsewhere which is designed, equipped or set apart for affording facilities for the landing or departure of aircraft capable of descending or climbing vertically.

In addition the consultation response from Brighton City Airport which includes a copy of their Aerodrome Licence further confirms that the airport is defined as such and therefore this application cannot be considered under this Prior Approval process and the site is within 3km of the boundary of an Aerodrome.

The applicant’s agent is advising that they dispute this definition and seek to test this at appeal so therefore the application has been processed on this basis with consideration given on all other matters. In addition a legal opinion has been sought and will be reported to Committee.

Consideration of the planning merits of the application is restricted solely to those set out in the conditions of A.2 as set out below:

(1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

(b) air traffic and defence asset impacts of the development;

(c) contamination risks in relation to the building;

(d) flooding risks in relation to the building;

(e) the external appearance of the building;

(f) the provision of adequate natural light in all habitable rooms of the new dwelling houses;

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and

(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

Paragraph B includes the requirement for the LPA to have regard to the NPPF so far as is relevant to the subject matter of the prior approval, as if the application were a planning application.

The recent change to permitted development rights, in particular, the upward extensions of dwellings and blocks of flats has the potential to profoundly change the character and appearance of a street or settlement. The change to permitted development rights fundamentally alters how the Council can now deal with this proposal to add additional floors to this existing building. As the principle of additional floors is now established by permitted development rights the prior approval can solely be judged on the above criteria only and these are considered below:

(a) Transport and highways Impacts

Five parking spaces are indicated to serve the proposed flats. The Highway Authority has raised no objection to the proposals subject to conditions requiring cycle storage and Electric Vehicle Charging Points.

(b) Air traffic and defence asset Impacts

None relevant

(c) Contamination

The Environmental Health Officer has confirmed no adverse comments in relation to the application.

(d) Flooding

The building is in Flood Zone 1, where there is a low probability of flooding. No flood risk has been identified in relation to this property. Permeable construction will be required for the new parking spaces, drainage would need to comply with Building Regulations requirements.

(e) External appearance of the building

The previous scheme at this site which was withdrawn AWDM/0578/20 sought consent for one additional storey. It was considered, amongst other things, that this development would give rise to a building which was inconsistent in height with the adjacent built environment.

Following the changes to permitted development rights, it is no longer clear whether the previous concerns (in relation to the withdrawn scheme) relating to the setting of the building and the impact of the increased building height upon the street scene can now be taken into account. Indeed, in terms of solely considering the external appearance of the building, the proposed additional storeys and fenestration details relate sympathetically to the existing building form. The reduction in footprint and set in of each storey limits the bulk of the building as it increases in height. In light of the new legislative framework, therefore, there does not appear to be justification to resist the scheme when looking at external appearance only, when being considered in isolation of character and street scene.

Provision of adequate natural light in all habitable rooms of the new dwellinghouses

Adequate natural light for habitable rooms in the proposed flats has been demonstrated in the submitted drawings with new flats benefiting from balconies.

Impact on the amenity of the existing building and neighbouring premises

Having regard to the intensification of the use of the building from the resultant increase in flats, in the context of the existing 9 flats it is considered that the level of activity associated with 5 new flats will give rise to increased activity, use of communal areas and car parking however on balance this will not give rise to a significant harm to amenity sufficient to warrant a refusal of the prior approval on such grounds.

As stated above the current building is positioned within a street of lower density dwelling houses and bungalows in the immediate vicinity. The building as existing is already of a much greater scale than the bungalows either side of the site in Penhill Road and to the rear in Penleigh Court. It is considered that despite efforts made by the applicant to retain the balcony features to the front elevation and to avoid windows to the side elevations there will be increased overlooking to the rear. The rear elevation faces onto Penleigh Close. The building can clearly be seen from the highway and from the adjacent bungalows and gardens. The rear windows will serve habitable rooms and due to the increased height will result in a loss of privacy to adjacent dwellings. The additional two storeys and associated windows will therefore be detrimental to the amenities of surrounding properties. In addition, the height increase onto an already imposing building relative to the adjacent bungalows, will give rise to a detrimental loss of amenity both to the residents of Penleigh Close and the dwellings either side of the site in Penhill Road.

Whilst it is acknowledged that the construction phases of a development are likely to be disruptive to existing residents as noted in the representations, Condition A.2. (3) requires the developer to provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated. It is not considered that the prior approval can be resisted on these grounds therefore.

Impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State

None relevant

Conclusion

The recent changes to government policy, effectively resulting in the principle of developments such as this now being considered acceptable must be taken into account which the Committee must be mindful of in making a decision. However the new legislation still allows the Council to take into account the impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and loss of light when making a decision. Given the clear concerns in this respect, your Officers feel it is justifiable to resist the proposal on amenity grounds.

Notwithstanding the above, the Council considers the application site comprises *land within 3 kilometres of the perimeter of an aerodrome* and accordingly the proposal does not constitute permitted development and therefore prior approval can also be refused for this reason.

Recommendation

REFUSE Prior Approval for the following reasons:-

The proposed development would, by reason of its large scale and height result in an imposing development which would be detrimental to the amenities of the occupiers of the adjacent dwellings in terms of loss of light, privacy and overbearing impact. It would therefore be contrary to Policy 15 of the Adur Local Plan.

The application site is within 3 kilometres of the perimeter of an aerodrome and therefore the proposal does constitute permitted development under Class A, Part 20, Schedule 2 of the General Permitted Development Order 2015

Application Number: AWDM/0989/20

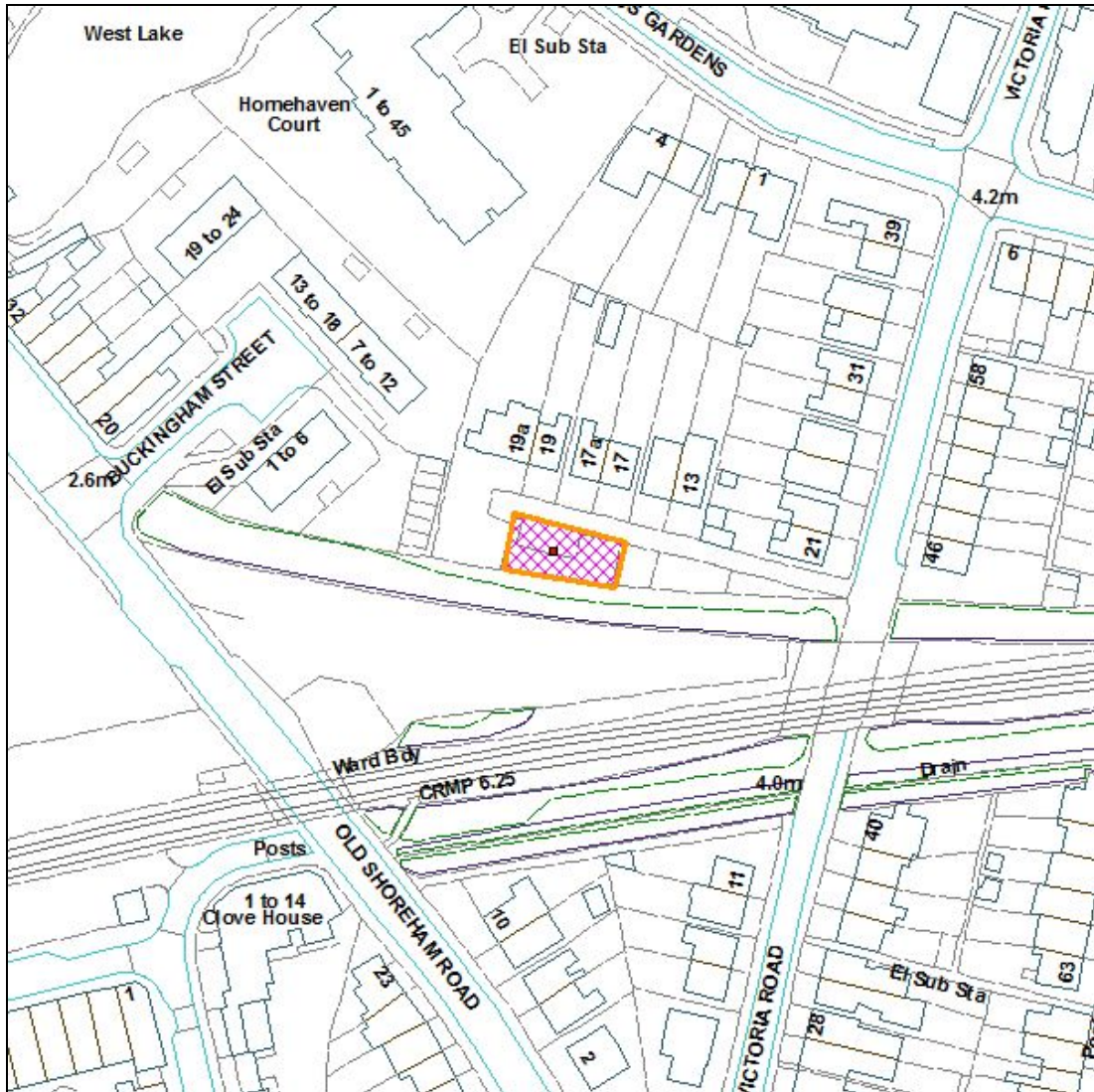
Recommendation – APPROVE

Site: Land South Of 17 To 19, Victoria Road, Shoreham-By-Sea

Proposal: Construction of two-storey detached 2 bedroom dwellinghouse, with balcony to east, including 2no. parking spaces and bin and bike storage

Applicant: Mr & Mrs Abbott
Case Officer: Peter Barnett

Ward: St. Nicolas



Not to Scale

Proposal, Site and Surroundings

The site relates to a site of 190sqm on the south side of a private road/cul-de-sac, off Victoria Road. It is overgrown and unused other than for the parking of cars. To the south there is an embankment of a disused railway line, with the main South Coast Railway line beyond, separated by an area of land which forms part of the Riverside development off Old Shoreham Road.

The cul-de-sac contains 3 pairs of semi-detached houses on its north side. There is a semi-detached pair on the north side of the access onto Victoria Road with a railway bridge to the south where the road narrows. To the west of the site there is a block of garages serving three storey blocks of flats beyond.

It is proposed to construct a contemporary two storey, 2 bed house on the land in an east-west orientation, with amenity space to the east and two parking spaces. A first floor balcony is proposed on part of the east elevation. First floor openings on the north side facing the existing houses are limited to one high level window serving a bedroom.

The first floor has angled walls and a butterfly roof with white render on the ground floor, sweet chestnut cladding at first floor and green zinc around the balcony extension on the east elevation.

Relevant Planning History

SU/204/56 – 10 garages - refused

SU/404/79 - Outline Application for construction of 3 Garages and Bungalow 2 Bedroom - refused

SU/63/94 - Detached Dwelling (Outline) – refused on grounds of overdevelopment, deficient standard of residential amenity, harm to neighbouring amenity, parking problems, highway safety concerns

Consultations

West Sussex County Council: The **Highways Authority** has no objection. The proposal is for the construction of a 2-bedroom dwelling with 2 parking spaces and bike storage. The application site is located on Victoria Road a privately owned road, the nearest publicly maintained highway is Victoria Road a low trafficked, 'C' classified road subject to a 30-mph speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

Access

An established access point will serve the proposed dwelling and currently serves 4+ dwellings. No changes to the access are proposed.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there has been a recorded injury collision within the vicinity of the site; Sussex Police do not however consider this the result of the presence of the

existing access or road layout. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.

With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

Vehicle Parking and Cycle Parking

Under WSCC Car Parking Guidance (adopted August 2019), the LHA would expect that 2 parking spaces would be enough for a development of this size and location.

For the LHA and MfS to consider parking spaces towards the provision of a site they must first meet the minimum requirements of,

- Single bay parking space or carport - 2.4 x 4.8 metres,
- Single garage space - 3 x 6 metres,
- Single parallel parking space - 2 metres (obstruction free i.e. fence) or 2.4 metres x 6,
- Disabled Bay parking - 2.4 x 4.8 metres with a 1.2 metre hatched area located to the side.
- Disabled Tandem parking - 2.4 x 6.6 metres

With the above guidance, the LHA provides the following comments.

The applicant proposes a parking provision of ## spaces for the new dwelling(s).

These are in the arrangement of:

- 2 unallocated Bay parking space(s),

The dimensions of the space(s) are,

- Bay Parking Spaces – Measures 4.8 x 4.8 metres,

For the LHA to consider bay parking spaces towards the parking provision of the site they must first measure 2.4 x 4.8 metres (as per MfS guidance). The applicant has demonstrated such. As a result, the LHA would consider the parking spaces to provide a provision of 2 spaces.

From inspection of these findings the LHA provide the following comments.

The above findings show that under WSCC and MfS Guidance the development will provide 2 parking spaces towards the provision of the site. This is in line with the minimum recommendation made by the PDC.

The applicant proposes that cycle parking will be located within garden shed. This conforms to requirements set out by Manual for Streets (MfS) and WSSC guidance for covered, lockable storage.

To summarise the LHA raises no concerns over the Parking.

Electric Vehicle (EV) Parking

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New

Developments) and Adur Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition which is advised below.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions:

Conditions

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable policies.

Parking

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use

Cycle Parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Adur and Worthing Councils: The Environmental Health Officer (Private Sector Housing) has no objection

Public Health comments that a Noise Assessment (A3933/N/001 dated 27.04.20) has been submitted in support of this application. This is a thorough report which, due to Covid-19 restrictions, has used noise data from surrounding development sites together with recent rail timetables etc to predict noise levels on the development site. I agree with the findings of the report but I would recommend noise testing upon completion of the development to demonstrate that the guidelines levels are complied with.

Recommends conditions relating to noise, control of any external plant, vibration, contamination, dust and hours of construction.

Technical Services: Flood risk- The application is within flood zone 2, the site is not shown as being at risk from surface water flooding. The Environment Agency should be consulted. The site is not at risk of flooding in the defended scenario. The FRA proposes finished floor levels of 4.65m AOD, we would prefer these to be set higher, above predicted undefended flood elevations.

Surface water drainage- the proposed development is small in scale and not in an area at risk of surface water flooding. The FRA indicates that it is proposed to use infiltration as a means of surface water drainage. The parking spaces must be fully permeable. Surface water drainage design must be designed and constructed in accordance with building regulations. Surface water must not be disposed of to the foul sewer.

Trees and Landscape: If the recommendations of the Arboricultural report are used there are no concerns

Southern Water: request usual informatives

Environment Agency: This site is in Flood Zone 2, and just outside Flood Zone 3. The application falls within the scope of our flood risk standing advice (FRSA)

Network Rail: Due to the proximity of the proposed dwelling to Network Rail's land and the operational railway, Network Rail strongly recommend the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Representations

5 objections received from the occupiers of 13, 15, 17A, 19 and 21 Victoria Road:

- Planning applications for this site have previously been refused because of the size constraints and its relationship to existing dwellings.
- Previous application was turned down in 1994 since then none of the points raised have changed and Shoreham-By-Sea has become more populated and congested.
- This area forms part of the road and has been used for parking by the owners of 19 Victoria Road and as a turning circle for residents and emergency/delivery vehicles for at least 35 years. As this is a single track road any new development will mean that there are no passing or turning spaces. Vehicles will need to reverse out onto Victoria Road increasing the possibility of accidents.
- Lack of parking
- Although the end of Victoria Road has been blocked off since previous refusal it is still very busy and is used by pedestrians, cyclists, and cars. It is also used for parking at drop-off and pickup times for Swiss Gardens Primary School. Due to the lack of footpath or pavement, cyclists and pedestrians often cross the road at its entrance/exit point where visibility is at its most limited. An increase in use will increase the land we would like the WSCC Highways Department to comment on this junction.

- Visibility from the private road onto Victoria Road is substandard and cannot be improved within the land ownership available. There is no supporting Highway Engineering Report or Road Safety Audit to support the Application, but it is clear to see that the junction is too narrow for passing and the visibility particularly to the right (south) is obscured and very short. The sightline to the left (north) is also substandard. This is a significant road safety issue which will be exacerbated by adding additional development traffic thereby intensifying the use of the junction
- The road currently has no drainage and is already prone to large volumes of standing water that take time to drain away. The existing sewage pipe for this road is narrow and runs at the back of houses, joining the main sewer on Victoria Road. It has historically backed up and gets easily blocked having to be either rodded out by the residents or by the local authorities. Any increase in use from further development will add to this problem.
- This small turning consists of three 1920s semi-detached houses of a similar style and the new development not in keeping with the existing properties. The materials and design are overtly different to the other dwellings and will change the look of the road substantially.
- This is a narrow road and a new building will be very close to the existing properties. The maximum distance it will be is 9.8 metres although it could potentially be closer. It will overlook numbers 19A, 19 and 17. Any windows in the new building that are facing the existing houses will overlook bedrooms and living rooms causing a loss of privacy. A two storey building will block the light to the fronts of the existing homes.
- Balconies will cause overlooking and disturbance
- There is a mature Willow tree in the corner of our land at 19A Victoria Road. Although an arboreal survey has been undertaken, this is a healthy tree and we are concerned that building work in such close proximity especially the laying of foundations will cause damage to our property and a loss of habitat for wildlife. It is apparent from the plans that the new dwelling would be to the western end of the site and therefore very close to the tree as well as our property boundary lines.
- There is no space for turning of large vehicles (including refuse collection, ambulances, fire tenders, removal vehicles or other deliveries) which will necessitate reversing in the private road and reversing back onto Victoria Road. The distance to the site from the highway does not allow for refuse collection and fire access in accordance with the Building Regulations.
- Overdevelopment
- Restrictive covenant states that the land should be 'maintained in a neat and tidy condition and properly planted, rolled and mowed'. I.e. it should be a domestic lawn and garden. Current owners have ignored that covenanted obligation, created the appearance of 'waste land' and allowed long term parking of untaxed vehicles by non-residents. If respecting the covenant is a burden there are neighbours who would be pleased to do so.
- Request that this application is considered by the Planning Committee

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 2, 3, 15, 18, 20, 22, 28, 34, 34, 36

'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'

West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 2019)

National Planning Policy Framework (February 2019)

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

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 proposal will increase the existing housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers, the effect on the character and appearance of the area, parking and highway safety.

Visual amenity and character

The proposed building will be very different in form and character to those opposite. Its position on the south side of the private road will also be unique. However, it is not considered that these are reasons in themselves to warrant a refusal of the application in principle. There are examples throughout the District of contemporary design sitting alongside more traditional forms of housing and such design can add visual interest and enhance an area.

Paragraph 130 of the NPPF states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

Para 131 states:

“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

It is considered that the proposed dwelling is of a modest size (7m high, 102sqm, 2 bedrooms) which makes good use of the land. It provides a reasonable amount of amenity space (72sqm) and, while abutting the embankment on its southern side, it is not considered to be overly cramped.

It will be glimpsed in views from the entrance to the cul-de-sac but will not have a significant street presence in the wider area. It is not considered to be of excessive height or bulk and its impact will be softened by the use of timber cladding and the backdrop of the embankment to the south.

Victoria Road is a narrow road and the houses to the north will face the side of the new house at a distance of 9.7m at the closest point of the chamfered roof. This is the equivalent of houses in West Street, for example where they face each other at a closer distance across the street. While introducing new development opposite the existing houses where there was previously none, it is not considered that the new dwelling would have a harmful visual impact.

It is acknowledged that it will introduce a form of building and use of materials not seen elsewhere in the street, but the development is not trying to replicate the style of the existing houses and it is not an extension or infill within an established line of houses. Instead it is a stand-alone development which, while opposite existing development, is able to be of a different design and form without harming the established character of the street overall. On balance, it is considered that this proposal is an acceptable addition to the street scene.



Residential amenity – for proposed dwellings

The proposed dwelling has a floor area of 102sqm which comfortably exceeds the national minimum standard for a 2 bed dwelling (which is between 70-79sqm). The amenity space comprises 72sqm garden area and 6sqm balcony space which, at 78sqm total, is just short of the 85sqm specified in the Council's SPD for small detached dwellings. Despite this minor shortfall, it is considered that the proposal provides a good standard of accommodation for future occupiers.

Residential amenity – effect on existing dwellings

The proposed dwelling will be on the opposite side of the road to the established dwellings in the street, which lie to the north of the site. The dwelling will sit directly opposite 19 Victoria Road which is in the same ownership as the applicants. It will have an east-west orientation so that the side of the house will face the houses to the north at a distance of approximately 9.7m at the closest point of the chamfered roof. As stated above, such distances can be found elsewhere in Shoreham across streets and it should be noted that this is not a front to front relationship so direct overlooking will not be an issue. One side window at first floor is proposed, serving a bedroom, but that room will also enjoy an outlook to the east and, as such, the north facing window can be required to be obscure glazed.

The east elevation contains the dwelling's main outlook and this will be towards the entrance to the cul de sac. The angled form of the first floor of the building means that windows face slightly south-eastwards, away from the existing houses and towards the bank. The proposed balcony is at the furthest point from the existing houses, in the south-east corner of the dwelling, approximately 15m from the houses. Its outlook will be eastwards but there may be some opportunity for views towards the neighbouring houses and a screen may be desirable along the north edge of the balcony.

The height of the dwelling is 7m at its highest point at the end of the chamfered roof, dropping to 6.2m at the centre of the butterfly roof. At this modest height, and because of the design of the roof with its lower central section, there will be no adverse loss of light to neighbouring properties. Overall, it is not considered that the proposed building will result in a harmful loss of privacy, light or outlook for neighbouring occupiers.

Trees

The site abuts a former railway embankment and there are number of trees close to the site. The application is supported by an arboricultural report which advises that no trees need to be felled in order to carry out this development but that some cutting back and crown lifting is recommended. Tree protection measures including barriers and 'no-dig' areas are also recommended.

The proximity of the trees to the proposed house may lead to pressure to prune or remove the trees in the future as they may cause overshadowing. However, the design of the dwelling minimizes openings facing the embankment and has the main outlook towards the east. While some overshadowing will occur, it is not considered that this will be to the detriment of the amenities of future occupiers. A suitable condition will be imposed to ensure that tree protection measures are in place both during and after construction.

The Council's Tree and Landscape Officer has not objected to the proposal.

Accessibility and parking

One of the main concerns amongst residents is highway safety at the junction of the access to the cul-de-sac with Victoria Road. An earlier application from 1994 was refused due to highway safety concerns and the same concerns have been raised again by residents.

However, since that application was refused, Victoria Road has been closed off to through traffic at its southern end and traffic volumes along the road have reduced. While visibility at the access is hindered by walls on either side, West Sussex Highways has advised that this will encourage drivers to emerge more cautiously. Drivers tend to 'edge out' into a slow, low trafficked road, such as this one. This practice encourages drivers approaching the junction to slow if they see a car bonnet and not the driver. The road at this location also benefits from a narrowing by the bridge close to the entrance and the presence of on street parking, which are considered by Manual for Streets as helping to reduce road speeds further.

While a new dwelling will lead to an increase in traffic movements, West Sussex has advised that it does not constitute a material intensification in the use of the access. As 4+ dwellings use the access already, generating an anticipated 8+ trips a day, the addition of one dwelling with the possibility of generating 2 extra trips is not considered a material intensification, which would need to be at least a 50% increase over existing.

Two parking spaces are to be provided on the site, which accords with the County's Parking Demand Calculator. One of the spaces is to be provided with a charging point for an electric vehicle.

Objections have been raised to the loss of this land which has been used for parking and turning of vehicles previously. However, the land is privately owned and there is not believed to be any right for other residents to use the land for turning. It is understood that refuse vehicles do not currently access the cul-de-sac and instead stop in Victoria Road and the crew walk down the cul-de-sac to collect the bins. This arrangement would not be affected by one additional dwelling.

While the concerns of residents are understandable, for the reasons set out above it is not considered that a highway safety or parking objection can be sustained in this case.

Flood risk

The application is within flood zone 2 but the site is not at risk of flooding following completion of the Tidal Walls scheme. The FRA submitted with the application proposes, as a precautionary measure, that the ground floor level of the dwelling unit will be set 0.3m above the ambient ground level of 4.35m AOD, i.e. at 4.65m AOD. It states that no flood mitigation measures are needed or proposed. While the Council's Engineer would prefer these to be set higher, above predicted undefended flood elevations, the Environment Agency has not objected and has referred to their standing advice.

Sustainable and resource efficient buildings

The Design and Access Statement also includes a sustainability statement. It advises that the building's orientation maximises potential for natural light and ventilation while the use of materials minimises the need for future maintenance. High levels of insulation and energy efficiency measures will result in a 19% CO2 reduction against Part L of the Building Regulations. Measures to reduce water usage will be incorporated. PV panels are proposed for the flat roof and there will be a charging point for an electric vehicle.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority
4. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.
5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.
6. The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Assessment (A3933/N/001 dated 27.04.20) and all works which form part of the approved scheme shall be completed before the permitted dwelling is occupied. Following completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
7. No external plant shall be installed unless and until a scheme has been submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme.
8. The vibration dose value (VDV) shall not exceed the 'low probability of adverse comment' level contained within BS6472:2008 inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented.
9. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
 - (1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

10. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

11. Construction Management Plan
12. Foul and surface water drainage
13. External materials
14. Details of PV panels
15. Waste storage to be provided
16. Tree protection in accordance with arboricultural report
17. Details of screen to north edge of balcony
18. Window on north elevation to be obscure glazed
19. Removal of PD rights

Application Number: AWDM/0975/20

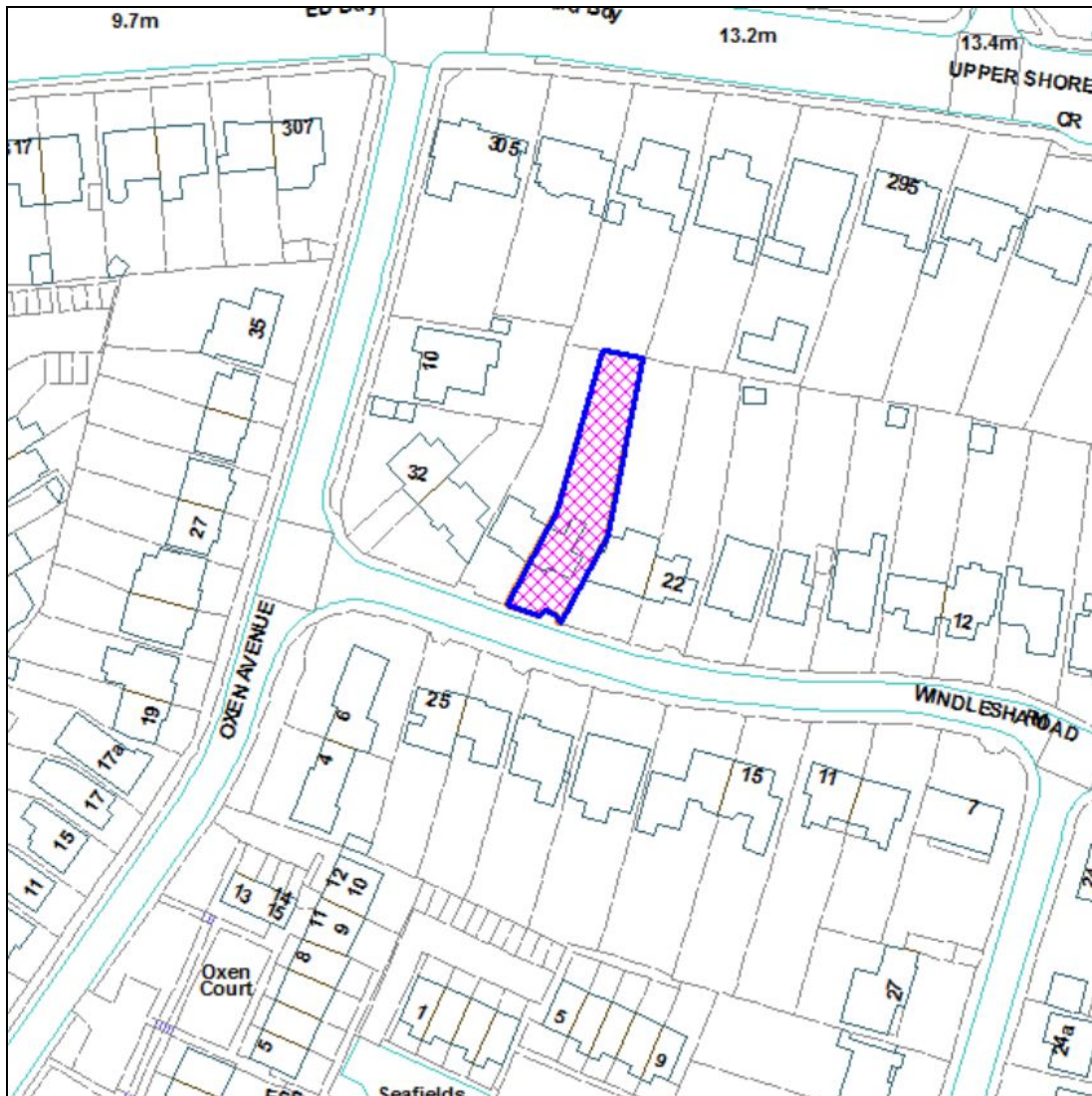
Recommendation – REFUSE

Site: 26 Windlesham Road, Shoreham-By-Sea, West Sussex

Proposal: Demolition of existing garage and rear extension. Proposed two-storey side and rear extension with matching roof height, to east and north elevations, rear dormer to north roof slope, single-storey front extension with porch and single-storey rear extension. Alterations to fenestration on east elevation (Amendment to previously approved AWDM/0283/20 for enlarged rear extension)

Applicant: Mr and Mrs Marsden
Case Officer: Hannah Barker

Ward: Buckingham



Not to Scale

Proposal, Site and Surroundings

The application relates to a semi-detached, two storey dwelling house with original linked front dormer and projecting parapeted two-storey front addition. The house is brick at ground floor and rendered and painted first floor. It is an attractively designed building and this style is replicated within the surrounding street scene. The street also comprises of various other styles of buildings. The property has a small front porch and side flat roof garage. There is also a single storey flat roof projection to the rear.

Consent was granted in June 2020 under reference AWDM/0283/20 to remove the side garage and build a two storey side extension, single storey flat roof rear extension, flat roof front extension and rear flat roof dormer. Amended plans were approved showing the rear extension reduced to 4 metres in depth and the front extension reduced by 0.3 metres in depth. The extensions provided an additional two bedrooms, an open plan kitchen dining space, utility room, play room, study and porch.

The current application for consideration here shows the same proposals as originally approved however the single storey rear extension is 6 metres in depth. Due to the angle of the eastern side boundary the extension is the full width of the house (as extended) reducing in width the further to the rear/north it extends from 8.5 metres in width to 7.1 metres.

Consultations

West Sussex County Council:

West Sussex County Council was consulted previously on Highways Matter for this location under planning application AWDM/0283/20 which sought approval for demolition of the existing garage and extension to the existing dwelling. No highways objections were raised and this application was subsequently approved. This proposal is of similar nature to AWDM/0283/20.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Representations

No third party representations have been received.

Relevant Planning Policies and Guidance

Adur Local Plan 2017

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

National Planning Policy Framework (February 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 proposal comprises upgrading the existing housing stock located within the built up area and can be supported in 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.

It must be noted that the only matter for consideration here is the increase in depth of the proposed single storey rear extension. All other extensions and alterations remain as originally approved under AWDM/0283/20.

Visual amenity

The rear single storey extension is not visible within the street scene, although deep at 6 metres and filling the width of the plot it is not considered that the extension is overly large to dominate the scale and appearance of the existing dwelling house. The garden is long and ample amenity space will remain, materials will match existing.

Residential amenity

The single storey rear extension is to be built up to the boundary with no. 28. The previous application was originally submitted with the rear extension at the depth as shown here. Officer's requested a reduction to 4 metres in depth due to the impact upon the adjacent, attached dwelling, no. 28. There is an existing single storey extension at no. 28 with a blank side elevation onto the application site.

Development Management Standard No. 2 "Extensions and Alterations to Dwellings" sets out planning principles that are used by the Council in assessing planning applications and how these are applied to different types of extension. "On semi-detached or terraced dwellings single storey rear extensions which abut, or are within 1 metre of a common side boundary with an attached dwelling, should normally be no deeper than 3.5 metres. Due to the existing adjacent extension at no. 28 when considering the previous proposal it was agreed that in this case a 4 metre projection could be supported in the light of the adjacent extension, justifying a marginal addition to the 3.5 metre depth referred to in the Development Management Standard.

The current proposals show a 6 metre depth. It is not considered that this depth adjacent to the boundary of the attached dwelling can be supported in this case. There are French doors facing to the rear at the attached dwelling which are directly adjacent to the site of the proposed extension, at the depth proposed here it is considered that the impact upon the rear of this dwelling will be detrimental. The depth of the extension adjacent to the boundary up to 6 metres is considered to be overbearing and will result in a loss of light and unneighbourly relationship. Despite any proposed boundary treatment, and the position of the angle of the boundary line the spacing between the extension and the boundary increasing slightly as the depth of the extension increase. This does not give justification for this depth of development which would have a detrimental impact and would be contrary to the Council's adopted Development Management Standards.

Recommendation

REFUSE for the reason(s):-

The depth of the proposed single storey extension is excessive and would result in an unneighbourly form of development which is overbearing and detrimental to the residential amenities of the adjoining property, thereby conflicting with policy 15 of the Adur Local Plan and Development Management Standard No. 2, Extensions and Alterations to Dwellings.

5th October 2020

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Peter Barnett
Principal Planning Officer
Portland House
01903 221310
peter.barnett@adur-worthing.gov.uk

Hannah Barker
Senior Planning Officer (Development Management)
Portland House
01903 221475
hannah.barker@adur-worthing.gov.uk

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.