Development Management - Delegated Officer Report

Application Number: AWDM/1080/16 Recommendation – Refuse

Site: 29 Kings Walk, Shoreham-By-Sea

Proposal: Erection of 2no. three-storey detached houses with associated parking and turning to replace existing bungalow and annex accommodation.

Date of site visit: Seen previously

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site comprises a detached hipped roof bungalow with rooms in the roof served by front and rear dormers, and which sits between two storey dwellings on Kings Walk on a plot 20m wide. It is set further back into the site than its neighbours. At the rear there is a two storey dwelling in Havenside with bungalows either side, one of which has rooms in the roof served by a rear dormer.

The application proposes to demolish the existing bungalow on the site and erect a pair of detached three storey dwellings with mono-pitched roofs, integral garages and front balconies at first and second floors. The buildings will be brought forward with the westernmost dwelling (plot 1) in line with 28 Kings Walk but Plot 2 to the east sitting forward of 30 Kings Walk by 0.5metres.

Plot 1 would have 3 bedrooms with a kitchen at first floor level. Plot 2 would have 4 bedrooms. Neither house would have living accommodation on the ground floor. They would be 8.5m high at their highest point with an eaves height of 6.7m. They are to be finished in a mixture of brickwork, render and cladding with metal roofs.

Relevant site history

AWDM/1302/15 - Erection of 2no. three-storey detached houses with associated parking and turning to replace existing bungalow - withdrawn.

Consultations

Southern Water – Request informatives

Environment Agency – No objection

West Sussex County Council – The **Highway** Officer has no objections subject to conditions to secure parking

Adur & Worthing Councils – The **Environmental Health** Officer has no objection but recommends hours of construction are controlled by condition and requests an informative advising to contact EH for demolition and to advise of PFA.

The **Drainage Engineer** recommends surface water disposal details are reserved by condition.

Representations

14 letters of objection received from the occupiers of 28, 30, 31, 41 Kings Walk, 2, 6, 8 (2 letters), 9A, 10, 12, 14, 15, Havenside, 2 Mardyke:

- Size, height and proximity will be overbearing, exacerbated by short depth of rear gardens of properties in Havenside
- Flank and rear elevations will be bold and stark and would add to perceived mass and visual dominance of the buildings
- Loss of light and privacy
- Contrary to findings of Daylight Study, light loss will be considerable
- Out of character
- Would set a precedent for similar development in Kings Walk
- No significant change from previous scheme
- Eaves height is still well above those of neighbouring properties
- Overdevelopment
- 2 x 3 storey dwellings will be cramped and unsatisfactory
- Contrary to policies
- Neighbourhood Plan seeks to prevent redevelopment at higher densities
- Previous appeal decisions have rejected replacement of bungalows with 2 x 3 storey dwellings in Old Fort Road
- Irrelevant to refer to other examples in Old Fort Road and West Beach which are very different in character to Kings Walk
- Increased traffic and parking demand on road
- Loss of trees and landscape
- Existing bungalow is below street level whereas new houses will be raised
- Development should be 2 storey only
- 30 Kings Walk is only 2 storeys not 2.5 storeys as it does not have a room in the roof
- Increased pressure on services
- Will sit forward of 30 Kings Walk

5 letters of support received from the occupiers of 11, 17 Havenside, 11, 26 Kings Walk, 33 Beach Green:

- Proposals are consistent with a number of recent developments in the area
- Would enhance the area
- Shoreham Beach is renowned for its mix of architectural styles
- Existing building is an eyesore

- Will bring dwellings forward to be in line with neighbours which is beneficial to properties at rear
- Will enhance value of surrounding properties
- Will match roof height and building line of neighbours

Relevant Planning Policies

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space Around New Dwellings and Flats' National Planning Policy Framework (March 2012)

Planning Assessment

Principle

The proposal comprises new housing development 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 site and its surroundings.

The Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

Paragraph 215 of The National Planning Policy Framework (NPPF) states that in the case of policies adopted prior to 2004, "due weight should be given to relevant polices in existing plans according to their degree of consistency with (the NPPF)."

It is the Council's contention that the relevant policies are fully consistent with the NPPF and should be afforded significant weight. This is confirmed in the Council's recent assessment of the saved policies which confirms that the policies referred to are in conformity with the NPPF, namely that Policy AH2 supports new housing development provided there is no harm to residential amenity, i.e. it is sustainable development.

The NPPF seeks to achieve sustainable development, defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 60 of the NPPF states that "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

Paragraph 64 of the NPPF states that “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.”

Visual amenity

The existing bungalow sits within a considerably wider plot than its neighbours. It also has a lower roof height and sits deeper into the site. Its demolition and replacement with a larger building, or pair of buildings, is considered to be acceptable in principle given the size of the plot and the character of development along Kings Walk, which consists predominantly of 2 storey dwellings. There are no 3 storey buildings in the street.

The main consideration is whether the scale and form of the proposed dwellings is in keeping with the overall street scene. A previous application in 2015 proposed a very similar form of development on the site and this revised application has maintained the form and design of that proposal but with a reduction in height by 1m. The houses have also been brought further forward.

The previous application was withdrawn following an indication by Officers that the proposal was considered to be unacceptable in terms of its height, scale and form. The current application is broadly similar and, despite the 1m reduction in height, it is not considered that the development would be in keeping with the form and scale of development in Kings Walk. The street scene is generally quite traditional in nature, with pitched tiled roofs and a largely consistent eaves height. The proposed dwellings, by contrast, would have mono pitched metal roofs and an overtly 3 storey form with an eaves level significantly higher than its neighbours and houses in general within the street. The overall height of the buildings would not be higher No.28 but would be higher than No.30. It is considered that the proposal would not respect the character of the street and, by reason of its height, form and scale, would cause harm to its appearance.

The applicants have referred to a number of examples which in their view have set a precedent for such development. However, the examples relate to developments in West Beach and Old Fort Road which are different streets and therefore are not directly comparable to the site and its surroundings. Reference is also made to 39 Kings Walk but that property has a two storey pitched roof form and is not considered to be out of keeping with the street scene of Kings Walk.

Residential amenity

The proposed buildings have been brought forward in an attempt to reduce the impact on the occupiers of the dwellings to the north (rear). Plot 1 will be 16.9m from the rear boundary while Plot 2 will be 16.2m away. The nearest property at the rear is 8 Havenside which has a very short rear garden of only 5.5m, which has been reduced further following the construction of a conservatory which leaves a distance of only 2.9m to the boundary. The distance between the proposed 3 storey buildings to the conservatory is therefore only 19.1m at its closest point. This is less than the 22m distance required by the Council’s DC Standard No.2. It is therefore considered that,

while there are existing first floor windows facing the dwellings to the north, the proposed buildings will cause increased overlooking to 8 Havenside in particular, the impact of which will be exacerbated by their 3 storey form, with bedroom windows at 2nd floor level and, in the case of Plot 1, a kitchen window at 1st floor level.

The bulk of the buildings at 2nd floor level, with their vertical emphasis, will also have an overbearing impact on the dwellings at the rear. While the existing bungalow is closer to the rear boundary, it has a lower roof height and less bulky form which ensures that it does not have a harmful impact on the amenities of neighbouring dwellings.

At the front of the site, the proposed dwellings will have an increased impact on 28 and 30 Kings Walk, reducing light to and outlook from several side windows. The applicants have commissioned a Daylight and Sunlight Study which has found that any losses of light satisfy the BRE requirements and it concludes that the development will have a low impact on light to neighbouring buildings.

It would appear that affected windows are largely secondary in nature or serving non habitable rooms and, on balance, it is not considered that an objection on loss of light can be sustained. However, the forward position of Plot 2 is likely to have some impact on the balcony of No.30 and it is considered that, in the interests of visual and residential amenity, the dwellings should be in line with their neighbours, rather than project forward. A reduction in their depth and bulk, particularly at upper floor level, will also help to reduce any overbearing impact that the dwellings would otherwise have on the adjoining occupiers.

Flood Risk

The application is accompanied by a Flood Risk Assessment which identifies that the site falls within flood zones 1, 2 and 3 but that the actual dwelling itself is within flood zone 1. The proposed dwellings would also be within flood zone 1 with all habitable accommodation on the upper floors. The application suggests that that the development will incorporate flood mitigation measures and will adopt flood warning procedures.

As such, there are no flood risk concerns with the development.

Parking and Access

The site currently has 2 vehicular crossovers and these will be utilised to serve the proposed dwellings. Each dwelling will have an integral garage and 2 parking spaces in front of each of the buildings.

There are no highway safety or parking concerns with the development.

Recommendation

REFUSE for the following reasons:

1. The proposed dwellings, by reason of their scale, height and form would give rise to an unneighbourly form of development which would be detrimental to the residential amenities and environment of the locality, resulting in an overbearing effect, overlooking and loss of privacy for existing dwellings contrary to the saved policies of the Adur District Local Plan (AG1, AH2) and the relevant policies of the National Planning Policy Framework.

2. The proposed dwellings are unacceptable in that they do not relate sympathetically in design, form, scale and massing with the existing character of Kings Walk, to the detriment of the visual amenities and residential environment of the area. The proposal therefore conflicts with saved policies AG1 and AH2 of the Adur District Local Plan and the relevant policies of the National Planning Policy Framework relating to good design.

Is recommendation contrary to letter(s) of representation? Y

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Case Officer: Peter Barnett Date: 8 September 2016

Authorised by: Gary Peck Date: 8 September 2016