Expiry Date - 03/06/2010

Development Control – Delegated Officer Report

Application Number: ADC/0108/10 **Recommendation – Permit Application**

Site: **7 Middle Road Shoreham-by-Sea West Sussex BN43 6GA**

Proposal: **Rear porch (retrospective)**

The Application

The application relates to a fast food take-away 'Best Kebabs' located within a small parade of six commercial shops on the north side of the road, directly to the east of the junction with Park Avenue.

Retrospective permission is sought for a porch to the rear of the building. The porch is 4.5m in width (the whole width of the building), by 3.5m in depth stepping back to 2m where the access stairs to the flats above are located to the east of the building, by 2.8m in height. The building is a timber construction with a slightly sloping felt roof with no fascia. The exterior of the timber structure has been coated in roofing felt.

The porch appears to be used as a staff area for the employees of the take-away, as there are two sofas located within it. The porch is currently open to the kitchen area, which is located at the rear of the restaurant. It also has access to a w.c. in the rear of the original building.

The other shops within the parade are: Middle Road Off licence (No.1); One Stop Convenience Store (No.3); Salsa Pizza (No.5) all to the west of the site, and Tasty Take-away (No.9) ; and Blonde Ambition Hair Salon (No.11) to the east. All of the shops have flats above, with front doors and access from Middle Road, and pedestrian access via stairs to the rear.

There are a number of outbuildings and extension which serve the existing shops in the parade and all are very different in design, materials and how permanent they appear. To the rear of No's 1 & 3 is a long brick built flat-roofed extension serving the rear of the two shops, No.3 also has a detached flat-roofed garage. To the rear of No.5 it a metal clad extension, also flat roofed with Air conditioning equipment attached to the rear, it too has a detached outbuilding adjacent to that of No.3, which is clad in sheet Oriented Strand Board (OSB), and has a faded black paint finish. To the rear of No.9 is a detached garage in brick construction, likewise to the rear of No.11, a detached flat roofed brick outbuilding.

The site currently has a detached garage also clad in mineral felt, and a garden shed directly to the south.

Consultations and Representations

Consultations/Comments

Adur District Council: The Environmental Health Officer states that the porch requires damp-proofing in order to make it suitable for its intended use.

The Building Control Officer states that it is a building that is non-compliant in nearly every way and should be demolished and rebuilt. However if the original external door is replaced, it could be considered a porch and would be exempt from the Building Regulations.

Third Parties: There have been no objections to the proposals.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AS5.
PPS1 Delivering Sustainable Development' (ODPM 2005)
PPG24 'Planning and Noise' (DoE 1994)
Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

Planning Assessment

Policies
Local Plan Policies seek to protect and improve the District's built environment, whilst making provision for the needs of those who live and work in the district and improving their quality of life. Policy AS5 seeks to protect neighbourhood shopping facilities predominantly for the day-to-day shopping needs of residents in the vicinity, and as such in areas subject to this policy the Local Planning Authority will seek to retain a predominant shopping use, as defined by Use Class A1. It goes on to state that whilst non-retail uses at ground floor level will not normally be permitted, proposals for non-retail uses will be treated on their own merits and will be assessed in relation to the need for the proposed use compared to retail use of the particular premises concerned.

The proposals have not resulted in a change of the Use Class of the site and as such the proposals comply in principle with policy AS5. The main planning concerns are whether the proposals are out of character in their appearance or lead to a disturbance to the flats above. Policy AG1 states that development will usually be permitted within the built-up area boundary,

subject to other policies, and provided it does not detract from the existing local urban environment.

Visual amenity
The exterior of the porch has been finished in a mineral felt and is currently of a poor external appearance. The applicant has agreed to externally clad the extension in a uPVC Shiplap Cladding.

As described above the surrounding area has a number of outbuildings and rear extensions of varying quality, appearance and use of materials. The site of the porch is at the rear of a commercial parade and only visible from an access track used for the rear of the parade. The existing detached garages at the rear of No's 3 & 5 and the extension at the rear of No.1 would adequately screen the porch from view from most areas.. It is therefore considered that the use of the uPVC cladding, although out of keeping with the design of the building, would result in the porch from having an acceptable appearance given the context of the site, its surroundings and the lack of detrimental impact on the streetscene.

Residential amenity- noise and smells
The proposed porch is not for the use as additional cooking or preparation area, and as such it will not put any further pressure on the existing extraction or ventilation systems. The proposals will not in turn result in their being any additional disturbance through noise and or smells.

Residential amenity- disturbance
The construction of the porch is single ply timber with no form of internal insulation, the use however is only for a staff area. It is considered that there would be no external increase in noise disturbance to the flats above.

It is evident that both Building Control and Environmental Health have concerns with how the structure has been built, however there is separate legislation which cover the Building Regulations and Environmental Health that would cover such concerns. The building could be made to be taken down if it were found to be structurally unsound under building regulations, and/or the premises could be closed down if the structure was found to breach the terms of the Licence issued by Environmental Health.

Recommendation

APPROVE for the reason that: -

1PPi

Subject to:-

Expiry Date - 03/06/2010

1. Within two months of the date of this permission the exterior of the porch shall be clad in Wickes Shiplap PVCu Cladding product code 162609, with a matching fascia as per the manufactures installation instructions, unless otherwise agreed in writing by the Local Planning Authority.
Reason: *In the interests of visual amenity and to comply with policy AS1 of the ADLP.*

Case Officer Carlos Hone Date 20-05-10

[redacted]
21/5