Expiry Date – 7/10, EOT 12/11

Development Control – Delegated Officer Report

Application Number: AWDM/1469/21 Recommendation – Grant

Site: Land west of 9 Irene Avenue, Lancing

Proposal: **Erection of a new single storey detached dwelling with car port on east side and 2 parking spaces.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 1/10

Site and Surroundings

This application relates to the rear half of the former rear garden of 9 Irene Avenue. No. 9 was recently sold with only half its rear garden. The site in question is overgrown and has several dilapidated outbuildings on it including a garage in the north west corner and greenhouses adjacent to the access road.

There is an unmetalled access road between Nos. 9 and 11 Irene Avenue which serves the rear of houses between 9 and 73 (odd) Irene Avenue. There is also an access between Nos. 41 and 43. Most of these house have outbuildings/garages in their rear gardens abutting the access road. The access between 9 and 11 is narrower at its entrance and appears less well used than the other.

There is a block of flats to the south of the site, Crabtree Lodge, and the west boundary is shared with the rear garden boundary of the house at 10 Pratton Avenue. This garden is 21 metres deep. Opposite the access road are newer houses north of which is Globe school.

The site is not in a conservation area and is not listed. There are no protected trees on the site but there is a mature, attractive tree outside the north west corner of the plot.

Proposal

It is proposed to add a two bedroom bungalow on this plot. It would be 11.5 metres deep and 7.5 metres wide, excluding the car port. A 3 metre wide car port would sit between the side of the bungalow and the rear garden boundary of 9 Irene Avenue with tandem parking for 2 cars under it. It is a minimum of 1100mm off the south boundary, 9.73 metres off the west boundary and a minimum 1.4 metres off the north boundary respecting the side building line of No. 9.

The roof profile has been adjusted to also hip the roof front to back. It is 2.7 metres high to eaves and 6 metres to ridge.

Relevant Planning History

No. 9

AWDM/0978/21 - Proposed loft conversion (hip to gable) with 3 no. front roof lights, rear flat roof dormer with Juliette balcony and single storey rear extension. Granted.

Consultations

Technical Services:

'Thank you for the opportunity to comment upon this application. We have the following comments on flood risk and surface water drainage.

Flood risk- The application is within flood zone 1, and the site is not shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds.

Surface water drainage- the application indicates that it is proposed to discharge surface water to soakaway. This is acceptable in principle. Due to the scale of development we have no conditions to request. Surface water drainage must be designed and constructed in accordance with building regulations.'

Highways:

'This application is for the erection of a new single storey detached dwelling. The site is located on Irene Avenue, an un-classifed road subject to a speed limit of 30mph. The proposed plans demonstrate that a private access-way will be utilised for vehicle access to the property. Visibility at the access onto Irene Avenue appears sufficient for the anticipated road speeds in this location. The narrowest point of the access way appears to be at the back edge of the footway, scaling off to approximately 3.1m in width. The access appears to currently provide vehicular access to an existing garage which will be demolished as part of the application and as such, the proposal is not anticipated to result in a material intensification of use of the access.

The plans demonstrate two proposed parking spaces on site, in a tandem arrangement. Each space meets minimum specifications of 2.4 x 4.8m as set out in Manual for Streets. Vehicles would be able to turn within the private access way and exit onto the public highway in a forward gear.

Whilst not strictly a planning matter, consideration should be given at the planning stage to the ability for fire appliances and refuse vehicles to service the site. Vehicular access for fire appliances should be available within 45m of the furthest point of the dwelling. The minimum carriageway width for fire appliance access is 3.7m, which can be reduced to 2.75m over short distances providing sufficient operating space (3.7m) is provided within 45m as above. Fire appliances should not have to reverse more than 20m.

The LPA may wish to consult the West Sussex Fire and Rescue Service for comments regarding the proposal to ensure that access to the proposed dwelling can be achieved.

The plans demonstrate secure and covered cycle storage within the garden area to encourage sustainable transport methods. 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 condition and a suitably worded condition 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 111), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve the application, the following conditions should be applied:

Conditions
Car parking space (details approved)
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 thereafter be retained at all times 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 plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

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 transport policies.

Construction plant and materials
No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.
Reason: To avoid undue congestion of the site and consequent obstruction to access.

Southern Water: No objection, usual informatives required.

Private Housing – Health: *No objections in principle but the bedrooms are inner rooms and so the bedroom windows must comply with fire escape window requirements.*

Lancing Parish Council: Neither support nor object.

Representations

10 objections summarised as:

1. Lime tree outside the site will be affected along with its bio diversity.
2. Precedent for future back garden development
3. Overlooking of neighbours
4. Disruption to 9 and 11 during and after build.
5. Loss of access or disruption to use of access during build unacceptable to Irene Road residents who have garages in their back gardens.
6. If this bungalow is extended into the roofspace it will overlook neighbours.
7. Unacceptable backland development out of keeping with the area
8. Access is private, the applicant has no right over it.
9. Inadequate width access for lorries etc.
10. It is shown to connect to a sewer in the garden of the house of No, 9. Again not in the applicant's ownership or control.
11. No explanation of how services are to be connected?
12. Inadequate manoeuvring space for accessing the parking or turning space within the access road. Tandem parking, as proposed, will require more vehicle movements. Both will increase noise, disturbance and pollution to neighbours.
13. Poor access to site for cars will result in cars being left in the access road and blocking it.
14. Irene Avenue is already heavily parked and lorries, particularly school deliveries frequently block entrances. And yet visitors to this bungalow are expected to park in the street.
15. Bins would have to be taken to the carriageway for collection as refuse lorries could not access the site.
16. If approved PD must be removed and a construction management plan preventing deliveries during school opening and closing times conditioned.
17. Loss of natural habitat along access road.
18. Access inadequate width for Fire appliances therefore cannot comply with Building Regs.
19. Loss of light to No. 9's garden, overlooking.
20. Damage to garden of No. 9.
21. Loss of view out of Crabtree Lodge flat windows
22. Loss of property values.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2021

Adur Local Plan 2017 Policies 1, 2, 3, 15, 20, 28, 29, 31, 34 and 35 including 'Development Management Standard No. 1 Space Around Dwellings'.
WSCC Guidance on Parking at New Developments (Sept 2020).
Technical Housing Standards – nationally described space standard (DCLG 2015)
Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)
Sustainable Energy SPD (August 2019)

Planning Assessment

The principle of development can be supported as it creates a new dwelling within the built up area boundary albeit in a backland back garden position. For particular consideration is the impact of the proposals on the character and appearance of the area, neighbour amenity and the highway network.

Housing Supply

In February 2020 the Government published the results of the Housing Delivery Test. Adur failed the test and delivered 56% of its housing delivery target. Therefore, the Council has applied a 20% buffer to its five year housing land supply calculation. Taking this into account, as at 1st April 2020, Adur (Adur Local Plan area) had a 4.8 year land supply. Subsequently, in February 2021 the Government published the Housing Delivery Test 2020 measurement results. Adur delivered 48% of its requirement, and therefore the presumption in favour of sustainable development applies.

The presumption that planning permission should be granted unless there are 'adverse impacts which would significantly and demonstrably outweigh its benefits' is known as the 'tilted balance' and it has been held that such balance should be expressly considered in the determination of any relevant application. This however, does not make the policies of the development plan irrelevant. The policies of the development plan, in this case the Adur Local Plan 2017, may still be taken into consideration by the decision-maker even after issues of housing supply initiate the presumption in favour of sustainable development. If a development causes harm to the character of an area or to residential amenity, contrary to development plan policy, it follows that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the presumption in favour of sustainable development (the so-called 'tilted balance') would not be engaged in support of the application.

Character

There are no other dwellings built in the rear gardens of Irene Avenue or Pratton Avenue and so in the very immediate vicinity this proposal would appear to be out of character. However, many of these properties have large outbuildings at the end of their gardens accessed from the shared access road, indeed there is a garage on site in the north west corner as well as various shed and greenhouses elsewhere.

A recent appeal decision rear of 88 Crabtree Lane is relevant to this case.

Permission was refused for a chalet bungalow in the rear garden of 88 Crabtree Lane last year, AWDM/1953/19 refers, 300 metres away. The development was subsequently allowed on appeal (PINS ref: APP/Y3805/W/20/3260455). In allowing the appeal the Inspector referred to the mixed vernacular of Crabtree Lane and the mixed sizes of surrounding gardens. The Inspector concluded that it would not be out of keeping or character to sub divide the plot as it is not read in the same context as the narrower gardens of terraced houses further to the north not least as they are separated from it by an access road. The same argument must apply in this case too.

Each application must be assessed on its own merits. Approving a bungalow here does not necessarily set a precedent for further houses to be built in the garden of the houses to the north.

9 Irene Avenue is a hipped roof bungalow as are 1- 7 (odd). The revised design of the proposal would also therefore not be out of keeping.

Materials proposed are indicated to be a slate roof tiles, grey buff multi facing bricks with some timber cladding and grey aluminium windows. Final details are reserved by condition.

Neighbour amenity

The remaining garden of No. 9 Irene Avenue is at least 13 metres in length. Abutting the rear garden boundary of No. 9 is proposed a car port, which is 2.6 metres in height and extends to the eaves line. The main wall of the bungalow itself is a further 3.2 metres off this boundary. Development Management Standard No. 1 requires a minimum separation distance from the back of one house to the side of a single storey obstruction to be a minimum of 11 metres. This proposal more than meets this requirement.

A single bathroom window faces east towards No. 9. This will be obscurely glazed.

Crabtree Lodge is to the south of the site. It has stacked windows in its north elevation set well back behind the line of the build which overlook the end of the garden. The bungalow will sit forward of the front wall of Crabtree Lodge flats by about 6.2 metres but at a distance of at least 3 metres. It is proposed due north of the flats. No significant light will be lost and nor will an obstruction to outlook occur.

To the rear, west, is the 21 metre deep garden of 10 Pratton Avenue. The bungalow is a further 9 metres off this shared boundary.

The proposed dwelling will result in a slight intensification of the use of this shared access road. However, neighbours either side are used to vehicles using this access road and the level of intensification is not so great that a refusal could be justified.

Overlooking of neighbouring properties will not occur as this is a bungalow.

Future Occupiers Living conditions

The proposed two bedroom, 4 person bungalow, has a floor area of 70.3 sqm just above the minimum 70sqm required by the Technical Housing Standards. It has a rear garden in excess of 160sqm. This garden will be overshadowed by Crabtree Lodge for large parts of the day but does have a direct west facing aspect. The garden will also be overlooked by a flank window in Crabtree Lodge, believed to be a kitchen window. Nonetheless, it is not considered that these points make the proposal unviable or an unattractive prospect for somebody's new home.

Highways

The highway authority does not object to the use of this shared driveway for access purposes to a new dwelling. They consider the parking provision and turning available adequate also. They have raised the issue of whether the access is adequate for fire and refuse vehicles. West Sussex Fire and Rescue has not responded to the consultation. This matter will be dealt with at Building Control stage. Refuse vehicles do not use this access. It will be for the future occupier to take their bins to the kerbside on the day of collection.

Drainage

Surface water drainage is shown within the site. Foul drainage is shown to be connected to the existing drains at No. 9. The owner of No. 9 has advised that permission will not be given for this. Neighbours also claim use of the private access will not be granted to the developer. These are private, civil matters and not within the control pf the planning process. Prior to the application being made the applicant advertised the application in the local paper.

Tree

The lime tree outside the site is 10 metres from the building. It is not expected to be harmed at this distance. Other trees on the site are to be retained, according to the application form. A hard and soft landscaping condition is also recommended.

Conclusion

This proposal would add create a new dwelling in a sustainable location close to services and bus routes that would not cause significant harm to local character or neighbour amenity. .

Recommendation APPROVE subject to the following conditions:

1. *Approved Plans*
2. *3 years*
3. *Samples of materials*
4. *Details of Construction Management Plan*
5. *Details of landscaping*

6. *Walls and fences erected prior to occupation*
7. *PD removed*
8. *No new windows walls and roof*
9. *Car and cycle parking, refuse storage and EV charging provided prior to occupation*

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. SW sewer connection
3. SW possible sewer on site

Is recommendation contrary to any representations? Yes.

Case Officer signed:	MOK	Date: 9/11/21
Authorised and signed by:	Peter Barnett	Date: 9 November 2021