Expires 21/5

Development Control – Delegated Officer Report

Application Number: ADC/0575/08 **Recommendation - Application Refused**

Site: **2 Oxen Avenue Shoreham-by-Sea West Sussex BN43 5AF**

Proposal: **Three-bedroom dwellinghouse and garage (to north of No.2)**

The Application

The application relates to the side garden of 2 Oxen Avenue which lies to the north of the existing detached bungalow with rooms in the roof. A footpath runs along the rear (east) boundary with dwellings beyond, the nearest of which is 1 Oxen Court to the north east. To the north of the site is a parking area serving the dwellings at Oxen Court.

The site measures 22m wide and 18m deep, narrowing to 14m at the northern end. It is enclosed by a mature hedge and there are a number of trees and shrubs around the boundary of the site. The site presently contains a small summerhouse.

It is proposed to erect a detached 3 bedroom dwelling and detached garage. The dwelling will be in a chalet style with first floor accommodation served by dormer windows located within the eaves. It will have a low ridge, 6.5m high, with a tiled roof. The dwelling will have a brick finish with timber boarding to the upper floor. Access will be from Oxen Avenue, adjacent to the existing access to 2 Oxen Avenue.

In 1962 an outline application for a dwelling on the same site was refused on the ground that it would be detrimental to the character and amenities of the area, by reason of the insufficient size of the site and its unsatisfactory shape (SU/32/62). In 1970 another outline application was refused for similar reasons (SU/362/70), while in 1993 a further outline application was refused on the grounds of it being overdevelopment and out of character with the locality (SU/51/93).

Consultations and Representations

Consultations/Comments

West Sussex County Council	The County Transport Planning Officer has no highway objection. A TAD contribution of £1,680 will be required.

Third Parties

4 letters of objection received from the occupiers of 1, 2 and 3 Oxen Court and 2 Shoreham Court raising the following concerns:

- Overlooking and loss of privacy
- Loss of light
- Previous applications have been refused
- Additional highway hazard
- Loss of trees would be harmful to character of area
- Loss of view
- Out of character

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SP3, CC6, H1, H2, H5, BE1, SCT1, SCT5
Adopted Adur District Local Plan 1993-2006 (ADC 1996): (saved policies) AG1, AH2, AH5, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space around New Dwellings and Flats'
Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)

Planning Assessment

Policies

The site is located within a residential part of the built-up area of Shoreham and there is no objection in principle to infill development in order to meet the housing requirements of the approved South East Plan and Local Plan.

The South East Plan sets out the long term spatial planning framework for the region with the aim of achieving more sustainable development, protecting the environment and combating climate change. It provides a spatial context within which Local Development Frameworks and other strategies should be prepared.

Policy SP3 seeks to achieve at least 60% of all new developments on previously developed land and through conversions of existing buildings. Developments in urban areas, including infill, should be well designed and consistent with the principles of urban renaissance and sustainable development. Policy CC6 requires development to respect, and where appropriate enhance, the character and distinctiveness of settlements and

landscapes throughout the region, and to use innovative design processes to create a high quality built environment which promotes a sense of place.

Policy H1 sets out the housing delivery requirements for the region and districts while H2 sets out the factors to be considered when planning for the delivery of housing, including encouraging development of previously developed sites and realising opportunities for intensification consistent with advice in PPS3. H5 encourages positive measures to raise the quality of new housing and reduce its environmental impact. Higher densities of 40 dwellings per hectare will also be encouraged.

Policy BE1 states that local authorities should use the opportunities associated with new development to help provide significant improvements to the built environment, including the promotion and support of design solutions which build upon local character and distinctiveness and sense of place. SCT1seeks to promote the sustainable economic growth and regeneration of the Sussex Coast, including the promotion of design excellence. SCT5 reiterates the Sussex Coast's housing delivery targets.

Local Plan policy AH2 relates to new residential development (by way of infilling and redevelopment) and states that new dwellings should be designed so that their appearance, character and scale create a pleasant place in which to live and are in keeping with and enhance the existing local environment with particular attention being paid to architectural form, height, materials, density, layout of buildings and hardsurfaced areas; they do not have an unneighbourly effect due to loss of privacy; daylight/sunlight; outlook or open space, incorporating adequate standards of residential amenity for the new dwellings in terms of amenity space, daylight, outlook and privacy; access and parking provision meets the adopted standards; and they accord with the Council's DC Standard No.2 'Space around New Dwellings and Flats'.

Government policy guidance in PPS3 encourages best use of urban land for housing development, particularly affordable housing and a mixture of types to create a balanced community, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient and sustainable use of land without compromising the quality of the environment. PPS1 states:-

> "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

PPS3 also states that Councils should "facilitate good design by identifying the distinctive features that define the character of a particular local area..... ...Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric... .....successful intensification need not mean high rise development or low quality accommodation with inappropriate space.....The density of

existing development should not dictate that of new housing by stifling change or requiring a replication of existing style of form.....If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment."

Visual amenity and character

The proposed dwelling would be sited rather close to the eastern (rear) boundary, being only 1.2m away at its closest point. The main garden area will be to the side (north), measuring approximately 130sqm with a depth of 9m to the northern boundary. The proposed dwelling will have its main elevation facing towards the north. For the existing house, their private garden area is reduced to a 5.5m deep area at the rear, totalling 90sqm approximately. The Council's standard states that rear garden depth should usually be 11m, although this is primarily to enable adequate separation between dwellings. However, in this instance, the shallow garden which is partly overshadowed by tall preserved trees, would not be an attractive amenity for the occupants of 2 Oxen Avenue.

The design of the proposed dwelling is not considered to be particularly attractive and does little to enhance the street scene. The existing garden of 2 Oxen Avenue, with its hedge, shrubs and trees, makes a significant contribution to the character of the area. It is likely that a significant amount of cutting back of vegetation will be required to enable the house to fit comfortably and to give the future occupants adequate light and outlook. This will have a detrimental effect on the overall appearance of the site and make the dwelling a more prominent feature.

The site's importance is increased by virtue of the public access that is possible around three sides of the garden. Overall, the proposal is considered to be harmful to the visual amenity of the area, resulting in a cramped form of development which would detract from the pleasant open character which presently exists.

Residential amenity

A first floor bedroom window is shown within a dormer on the south elevation facing towards a dormer on the north side of 2 Oxen Avenue, just 10m away, which is likely to result in some overlooking. On the east elevation a bedroom window is shown at the southern end, furthest from the nearest dwelling to the east, 1 Oxen Court. Consequently, while there would only be approximately 13m between the properties at that point, the acute angle involved, and the higher level of 1 Oxen Court, reduces the risk of any serious loss of privacy. The window will face toward the listed building of Shoreham Court, but that building is over 25m away. Windows on the north and west elevations of the proposed dwelling are also unlikely to cause any loss of privacy.

The dwelling has been positioned so as to not be directly in front of 1 Oxen Court. 1 Oxen Court is at a higher level than the site and while it is not

considered that the proposal will have a detrimental impact on light to that dwelling, at just 9m to the corner of 1 Oxen Court it is considered likely to adversely affect the outlook for the occupiers of that dwelling and increase the sense of enclosure for those occupants.

Recommendation

REFUSE on ground that :-

1. H13BR (amended) Delete West Sussex policies and replace with " contrary to the polides of the South East Plan (SP3, CC6, H5, BE1, SCT1) and the Adur..."

Case Officer [redacted] Date 11/5/09 [redacted]