expired

Development Control – Delegated Officer Report

Application Number: ADC/0228/09 **Recommendation – Permit Application**

Site: **11 Firle Road Lancing West Sussex BN15 0NY**

Proposal: **Raising of rear garden level by 1m, new retaining wall 1m high and new fence and trellis 1.7m high on side and rear boundaries**

The Application

The application property is a detached bungalow located on the south side of Firle Road. It is positioned on sloping ground which drops from north to south quite steeply. Consequently, the rear garden is at a substantially lower level than the ground floor of the bungalow.

At the bottom of the garden the land level drops by 1m into an area that was formerly part of an access road at the rear of the dwellings in Firle Road. Several properties have encroached onto this road over the years although it still exists further to the east and west.

It is proposed to formally incorporate this area into the garden, raising the ground level by 1m to match the level of the existing garden. A new block retaining wall 1m high has already been constructed with a 1.2m high fence above. In order to overcome overlooking concerns from properties behind in Derek Road, the application has been amended to include a 0.5m high trellis on top of the fence. A 1m wide strip of land in front of the wall/fence is to be turned into a landscaped border with screen planting to further minimize overlooking.

Following concerns over the stability of the wall, the applicant instructed a structural engineer to assess it. He has recommended that a new wall be constructed in concrete blocks rather than hollow blocks, the footings of which should be set below those of the garden wall at 17 Derek Avenue to the south. A concrete backfill between the new and existing wall is also recommended. This would result in a more stable wall which will not threaten the stability of the neighbour's wall.

Consultations and Representations

Consultations/Comments

None

Third Parties

Original Plans – 1 letter of objection received from the occupier of 17 Derek Road raising the following points:

- Retaining wall is of inadequate width and strength to support raised garden. The new wall abuts the garden wall of No.17
- Raised garden level will enable overlooking and a loss of privacy
- A number of shrubs have been removed
- Fence is unsightly

Amended Plans – no representations received

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993 – 2006 (ADC 1996): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development (ODPM 2005)

Planning Assessment

Policies

Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general.

Visual Amenity and Character

The development is at the rear of the dwelling and will not be readily visible from the street. The fence is visible from the adjoining dwellings and does have a 'new' appearance. However, it will weather down over time and it is not considered necessary to require it to be stained a darker colour. The addition of the 0.5m high trellis should not have a significant visual impact, being a non-solid structure that will enable plants to grow through, thereby softening its appearance.

Residential amenity

The raising of the garden level by 1m will increase the potential for overlooking to neighbouring dwellings. At the rear, the dwellings in Derek Road are at a lower level and would be visible from the raised ground. Of the two dwellings immediately behind the site, No.19 is reasonably well screened by existing vegetation within its garden and will not suffer undue overlooking. Its neighbour, No.17 is more open, however, and would be overlooked.

The applicant has therefore agreed to affix a 0.5m high trellis to the top of the 1.2m high fence and to provide a 1m wide planted border on the inside of the fence to screen any views towards the properties in Derek Road. The trellis will continue around the side boundaries to protect the neighbours in Firle Road to the east and west.

It is considered that, with this amendment, the development will not harm the residential amenities of neighbouring occupiers.

Other matters

Concern has been expressed at the stability of the retaining wall. This is not strictly a planning consideration and is not covered by the Building Regulations either. However, following an independent assessment by a structural engineer, the existing wall was found to be potentially unstable and a new, stronger wall is to be built in its place.

Recommendation

APPROVE for reason that:

1PPi

Subject to:

1. C1Ci
2. The garden level shall not be raised until a new 1.2m high retaining wall with 0.5m high trellis has been constructed in accordance with the details submitted by Philip Goacher Associates in their letter to Mr G Matthews dated 4 September 2009 and the amended plans received on 20 July 2009.
   Reason – To ensure that the wall is structurally sound in the interests of public safety and to protect the residential amenities of neighbouring occupiers having regard to policy AH7 of the Adur District Local Plan
3. The garden level shall not be raised unless and until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason – In the interests of the residential amenities of neighbouring occupiers having regard to policy AH7 of the Adur District Local Plan

Case Office[redacted] Date. 14/9/09

Planning Services Manager[redacted] Date. 14/9/09.

Chair of DC Comm[redacted] Date. 14/09/09