Expiry Date – 30/11/12

Development Control – Delegated Officer Report

Application Number: AWDM/1247/12 Recommendation – APPROVE

Site: 36 Eastbank, Southwick

Proposal: **Retention of detached garden building in north east corner (revised proposal showing one window removed, another obscurely glazed and the partially constructed raised deck removed).**

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to a detached bungalow at the eastern end (banjo head) of Eastbank. The property has a large triangular shaped rear garden and in the north east corner of it a garden outbuilding has been erected.

This outbuilding has an internal floor level above ground level with 4 or 5 steps up to the main entrance. As a consequence it exceeds the permitted development limits for outbuildings in terms of its height relative to neighbouring boundaries, (it is greater than 2.5 metres in height within 2 metres of the boundary). The building has three rooms, one of which is a functioning bathroom. At the time of my site visit (24/1/13 with PD) the other two rooms were in domestic use as additional living accommodation and for domestic storage purposes. No beds were visible and nor was there a kitchen, though there was a water heater on the wall. The applicant is adamant that the unit is not used as a self contained residential unit or even for occasional sleeping purposes. He asserts that his family use it as additional living space for purposes incidental to the main residence only and that nobody ever sleeps in it.

Maximum dimensions for the structure are 9.85 metres in depth, 6.05 metres in width and 3.38 metres high. The site includes sloping ground.

This application was received following a complaint from a neighbour last Summer. Enforcement officers visited the site in June 2012 when it was noted that the applicant advised he had commenced construction 18 months previously following advice that planning permission was not required. (The applicant was unable to confirm the name of the officer who supplied this advice or the date the advice was sought). At the time the enforcement officer's noted that the larger of the two rooms included a small kitchen. The applicant advised it was not currently being used as a separate unit of accommodation but that it had been built with the potential for separate and self contained annexe use in the future should his parents or parents in law require it.

The property is not in a conservation area and is not a listed building and there are no protected trees on the site.

Relevant Planning History

0220/09 – Loft conversion with part hipped/gabled rear roof extension over existing flat roof, part front gable and side dormers. Granted 24.7.09

135/06 – Single storey rear extension.

Consultations

The ***Environmental Health*** officer advises:

'I am assuming the structure would not comply with Building Regulations for a habitable dwelling and therefore I would suggest that conditions be attached prohibiting the use of the Garden Room as a habitable living space or use as a separate dwelling. My concern is future owners or occupants of the property may consider it a granny annex or additional living space.'

Representations

Two objections received to the initial consultation from 24 Ridgeway Close behind summarized as follows:

i. this is a gigantic bungalow not an outbuilding;
ii. It has been built closer to our property than his own and its height and the position of windows has reduced our privacy;
iii. It is an eyesore;
iv. We have had to put up with light pollution at night from the windows that overlook our property. This is especially problematic as a dependent relative sleeps in the back living room.
v. This building first commenced three or four years ago and despite our complaints at the time only now has an application been received.

No additional neighbour representations received in response to the revised proposal and reconsultation.

Relevant Planning Policies and Guidance

National Planning Policy Framework (DCLG 2012)
Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7.and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space Around New Dwellings and Flats' and No.3 'Extensions and Alterations to Dwellings'.
South East Plan (GOSE 2009): BE1, CC1, CC6

Planning Assessment

Principle

This is a large garden building built very close to the boundary of three neighbours, 34 Eastbank and Nos. 22 and 24 Ridgeway Close at the rear. Providing the outbuilding is not used to form a separate and self contained unit of residential accommodation it only needs permission because of its height relative to the boundary. As this building exceeds 2.5 metres in height and is within 2 metres of the boundary planning permission is required. An outbuilding of this scale in this position which is no more than 2.5 metres in height and used only for purposes incidental to the main dwelling does not need planning permission.

Residential amenity

This building was originally built with two windows in either flank wall and a window and the main entrance in the front wall which looks west towards the back of the main house. The rear wall (east) which runs along the boundary with No. 22 Ridgeway Close is imperforate. The building has a partially built decked platform either side of the main entrance.

Having viewed the application from 22 and 24 Ridgeway Close and discussed it with the two objectors on site at No. 24 the applicant was asked to revise the proposal. The revisions were considered necessary to minimize the loss of privacy experienced by occupiers at No. 24. The revisions secured are as follows:

- The removal of one window on the south east elevation;
- The remaining south east elevation window to be obscurely glazed;
- The removal of the raised deck around the front of the building

The alterations to the windows in the south east elevation will remove the direct overlooking which currently can occur between the building and the garden and house at 24 Ridgeway Close. The removal of the raised deck will ensure overlooking into the garden at 24 Ridgeway Close and the garden at 34 Eastbank does not occur. These revisions are considered sufficient to overcome the problem of overlooking of neighbouring gardens and a condition is recommended that requires the changes to the windows and the removal of the deck to be completed by 30th June 2013.

The windows in the north west elevation serve a bathroom, which is obscurely glazed and the second smaller room. This window is clear glazed and looks towards the boundary with No. 34. It is not considered necessary to obscurely glaze this window as the fence does obstruct the most direct view and this window is over the least sensitive area of the neighbour's rear garden. The neighbour at No. 34 has not responded to either consultation.

An acceptably sized garden for the parent dwelling is retained and the loss of the garden space involved does not unacceptably harm any environment resource.

Visual amenity

This is unquestionably a large and conspicuous building tucked as tightly into this corner of the garden as possible, as close to neighbours in Ridgeway Close as the parent building. By reason of its size and siting, it is not an attractive addition. Whilst it is not visible from the street, it is clearly visible above neighbouring garden fences and is in an unfinished state with a breeze block appearance. It has a flat felted roof. The applicant intends to render and paint the building.

The building is a minimum 14 metres from the rear wall of Ridgeway Close properties and at this distance the revised proposal, once finished, will not be so unsightly and as a consequence not considered to be refuseable in visual amenity terms. A condition is recommended which also requires the rendered finish of the building to be added and for it to be painted by 30th June 2013.

Use of the building

Prior to the application being received two enforcement officers visited the site and noted that the outbuilding included a small kitchenette in the larger of the two rooms. This kitchenette had been removed at the time of my site visit in January and there were no obvious signs at that time that it is being used to form a separate and self contained unit of residential accommodation. Planning control cannot be used to prevent its use for ancillary domestic purposes.

If such use leads to nuisance in the form of noise and disturbance, as has been alleged by the neighbour, then it would become an issue for the pollution control team within Environmental Protection.

However, planning controls may reasonably be used as a precautionary measure to prevent future use as an independent dwelling, bearing in mind its detachment from the parent dwelling; its size and scope for providing all the facilities necessary for independent habitation and the unsuitability for such use given its proximity to the gardens and dwellings of the neighbouring properties.

Recommendation

APPROVE for the reason:-

Subject to the timely completion of this development in accordance with the revised plans it is considered that the principle of an outbuilding incidental to the use of the parent dwelling is acceptable and development would not detract from the local environment and can take place without resulting in unacceptable harm, including overlooking to neighbouring properties. Domestic ancillary use cannot be prevented but a condition is justified to prevents its use as a separate and self contained unit of residential accommodation. Noise and disturbance from its use for domestic purposes incidental to the parent building will be a matter for Environmental Protection. It would consequently not conflict with the National Planning Policy Framework, the ‘saved’ policies of the Adur District Local Plan (AG1 and AH7) and Appendix 11 ‘Supplementary Planning Guidance’ comprising: Development Control Standard No.2 ‘Space Around New Dwellings and Flats’ and No.3 ‘Extensions and Alterations to Dwellings’ and South East Plan policies (CC1, CC6 and BE1).

Subject to Conditions:-

1. The removal of the window from the south east elevation and its blocking up and the obscure glazing of the remaining window in this same elevation and its fixing shut below a height of 1.7 metres from finished floor level together with the removal of the partially complete raised deck as shown in revised drawing 1882/1 received 14/2/13 shall be completed by 30th June 2013.

2. The building shall be rendered and painted in a colour to be agreed in writing by the Local Planning Authority by 30th June 2013.

3. No new windows added to any elevation.

4. The garden building shall not be used to form a separate and self contained unit of residential accommodation and shall only be used for purposes ancillary to the residential use of the dwelling known as 36 Eastbank.

5. Approved drawings

Informatives

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.

Is recommendation contrary to any representations? Y

Case Officer signed: MOK Date: 20/3/13

Authorised and signed by: P Devonport Date: 20.3.13