Development Management– Delegated Officer Report

Application Number: AWDM/1607/21 Recommendation – Approve

Site: Toad Hall, 1 Douglas House, 24 Brighton Road, Lancing

Proposal: Three storey side extension, including conversion of loft space and creation of rear dormer and extension to first floor balcony/terrace. Formation of swimming pool, erection of bike shed and the formation of parking area with crossover. Alterations to boundary walls. Recladding of the existing building.

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 1/10 and 10/11

Site and Surroundings

This application relates to a narrow two storey house on the south side of Brighton Road backing onto the beach and to the west of Lancing Green opposite Bessborough Terrace. The entirety of this small terrace of 3 properties used to be one house, Douglas House. It was split into 3 houses in 1949. No. 2, the central house, was further split into 2 one bedroom flats in 2004.

The house is narrow and has a hipped roof and sits below the level of the road. No. 3 or now called Beach Lodge at the eastern end also has a hipped roof but also has a prominent forward projecting front gable feature.

The property has a large side garden and smaller rear garden. It adjoins a public footpath on its west side to the beach and there are a row of beach huts between the site and two more recent detached infill houses at 18a and 18b Brighton Road. On Brighton Road outside the site to the immediate west is a pedestrian refuge which lines up with the footpath down to the beach. The footpath outside the site is a shared surface with cyclists.

All 3 houses in the terrace have first floor rear terraces and the back garden boundaries are relatively low.

The property is not in a conservation area and the building is not listed.

Proposal

Planning permission is sought to extend to the side at two storey level and up into the existing and extended new gable-ended roof to create a large rear dormer with small 2nd floor terrace. The dormer would have an oversailing roof and east side projecting wall to

prevent overheating and to provide shade. On the west elevation would be a large triangular window. The existing ground floor extension is to be removed and a new full width rear extension to the same depth created. The roof of this extension would create a first floor terrace to the depth of the existing terrace.

Also proposed are external stairs on the new side wall and a terrace off of the first floor kitchen proposed. The extensions are to be timber clad. A crossover and parking space are proposed for the frontage and a swimming pool is shown in the rear garden. Solar PV panels are shown on the dormer roof.

Relevant Planning History

None.

Consultations

Environment Agency:

'The proposed development falls within Flood Zone 3, which is land defined in the Planning Practice Guidance as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to for certain types of application. This proposal falls within this category as the proposed extension falls within the definition of householder minor development.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at -

https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice

https://www.gov.uk/guidance/flood-risk-assessment-standing-advice

We recommend that the Local Planning Authority views our standing advice in full before making a decision on this application. We do not need to be consulted. The Local Planning Authority may wish to consider whether bedrooms on the ground floor are appropriate in this location as part of the consideration of our standing advice.

Advice to the Applicant

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 requires a permit (called a 'Flood Risk Activity Permit') to be obtained for any activities which will take place:

- *On or within 8 metres of a main river (16 metres if tidal);*
- *On or within 8 metres of a flood defence structure or culvert (16 metres if tidal);*
- *On or within 16 metres of a sea defence;*

- *Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert; and/or*
- *In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it is a tidal main river) and you do not already have planning permission.*

For further guidance, please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits.

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit.

*To enquire about the permit application process, the Applicant should contact our National Customer Contact Centre on **03708 506 506** (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. We would advise the Applicant to contact us at the earliest opportunity.'*

Technical Services:

Comments received in response to FRA submitted 5/11/21 – *'not ideal but will have to do.'*

4th comments:

Glad to see surface water flood risk included within the FRA. 114 old fort road is not very close to the site, I would prefer site specific product 4 data is obtained to ensure that the flood elevation stated is correct.

3rd comments:

Yes a flood risk assessment should be proportionate to the scale of development. The FRA should discuss the other sources of flooding at site and I would recommend that it considers the use of flood resilience measures.

2nd comments:

The national guidelines are clear that an FRA is required for development in flood zone 2 or 3, including minor development or change of use. The EA standing advice refers to (in a roundabout fashion) the requirement for a flood risk assessment.

I would suggest in the first instance that you request the applicant submits an FRA as per the requirements which are set out here: https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications and here: https://www.gov.uk/guidance/flood-risk-assessment-standing-advice. The development will I believe be classified as a more vulnerable minor extension.

I believe that in Arun a few applications for change of use have been refused on similar grounds.

Initial comments:

'Flood risk- The application is within flood zone 3, and the site is shown to be at risk from surface water flooding. A flood risk assessment should be submitted as part of this application. We note that bedrooms are proposed on the ground floor. We OBJECT to the application on flood risk grounds, a flood risk assessment should be submitted. Sleeping accommodation should not be located below predicted flood levels.

Surface water drainage- no details have been provided regarding proposals for surface water drainage. There are no public surface water sewers in the vicinity. We request that the following condition is applied to ensure that the site is adequately drained and does not increase flood risk elsewhere:
"Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity."

and the accompanying informative:
"Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

Southern Water:

Please find the attached extract from Southern Water records showing the approximate position of public foul sewer close to the existing development. Any new external works proposed within the standoff distance of public apparatus the applicant will be required to contact Southern Water.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.'

Highways:

Thanks for your email and follow up queries.

With regard to the pedestrian refuge:
It is noted that there is a pedestrian refuge crossing point located immediately west of the proposed access point. This may prejudice the ability for a vehicle to right turn into the new access point approaching form the west on Brighton Road. We could make a request that the pedestrian refuge is plotted on the layout plan and that swept path tracking is undertaken to demonstrate that this manoeuvre is possible. However it is accepted within Manual for Streets that a vehicle making a perpendicular turn requires 6.0 metres manoeuvring room (in this case from the position of the stopped vehicle on Brighton Road to the edge of carriageway / kerb line at the new access point. Using WSCC Mapping this manoeuvring room does seem available, please see below. On balance I would be comfortable that a right turn manoeuvre, around the pedestrian refuge into the site is possible.

It is appreciated that a vehicle waiting to make this turn would be obstructing the pedestrian crossing point, however giving this access is serving a single dwelling, it is likely that it will only attract 2-3 'in' movements per day, and not all of those will be right turn in movements.

With vehicles turning left out of the access it is noted that the access is aligned in such a way that it facilitates / encourages a left turn out of the site and as such it is not anticipated that the full 6 metre manoeuvring room will be required to make this manoeuvre.

While a turn on site is always beneficial there is a balance to be had whereby we can consider them to create an 'unacceptable highway safety' issue.

For single dwellings in urban areas, particularly where there are other examples of similar access points in the immediate vicinity without a turn on site, which in this case there are multiple, we find resisting on this issue alone very difficult to substantiate.

I note with this one that the constraints on site are such that even if we advised for a turn on site they could not achieve it so have to accept that reversing movements will happen and consider it on that basis.

Therefore on balance I would be minded to conclude that requesting swept path tracking, while beneficial, would be difficult to insist upon in this case. Similarly citing this alone as an unacceptable highway safety concern I believe is going to be difficult to substantiate.

With regard to the share pedestrian footway / cycle way:
Manual for Streets 2 advised on situations regarding visibility along the street edge in paragraphs 10.6.1 – 10.6.3, please see screen grab below.

In this situation the anticipated frequency of vehicles emerging from the site access is anticipated to be low, circa up to 3 per day. While there is likely to be reasonable quantity pedestrian and cycle activity along the footway / cycle path, the footway / cycle path is a reasonable width in this location, circa 3.0 metres. As per Manual for Streets guidance it is anticipated that vehicles will emerge cautiously from the access point.

It is noted that the adjacent wall either side of the access will be reduced in height to 0.9 metres. The standard height of a drivers eye is 1.05 metres, so theoretically a stopped vehicle will be able to see over the wall to see approaching pedestrians / cycles. However it does seem that there is a downward gradient into the site and therefore in reality a drivers eye may be lower than 1.05 metres when compared to the height of the adjacent footway. Without specific topographic level data within the site this is difficult to comment on further. It seems that an improvement could be made whereby the adjacent walls either side of the access point be reduced in height to 0.6 metres to provide maximum available pedestrian / cycle visibility across the site frontage for a vehicle exiting the site. Given the guidance within Manual for Streets this would be difficult to insist upon but would be advised.

Other Access Matters
I note that previously I had interpreted 'Proposed Floor Plans' numbered 0638.PL.001 Revision A on the basis that the access was to take the form of a dropped crossing access point as annotated. On refection the plan shows annotation for dropped crossing either side of the access effectively through the footway. This could indicate that a bell-mouth style access in being proposed with kerb radii, this incidentally would require tactile paving either side of the access which has not been demonstrated. In urban situations for small scale proposals, such as this, the access should take the form of a dropped crossing access similar to that serving the adjacent property Beach Lodge, Brighton Road. This would maintain and prioritise pedestrian and cycle movements across the site frontage, any vehicles making use of the access into or out of the site would then need to give priority to footway / cycle path users.

To ensure this is the case I would be minded to suggest that the particular details of the access can be secured via a suitably worded condition or this matter can be clarified with the applicant and amended plans submitted prior to approval.

Overall I would be minded to conclude that out initial conclusion still stands and in principle Local Highways Authority does not consider that the proposal would have and 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.

I trust this assists with the determination of the application, if you have any further questions or concerns please let me know.

Below I have provided a summary of the conditions and informative note advised if the application is to be determined on the submitted plans.

Conditions

Access (Access to be provided prior to use of parking area)
The use of the parking area shall not commence for the parking of vehicles until such time as the vehicular access serving the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety

Car parking space (details approved)
The use of the access point by vehicles shall not commence until the car parking space has been constructed in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

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.

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.

Informative Note

Vehicle Crossover – Minor Highway Works
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee

that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/
Online applications can be made at the link below, alternatively please call 01243 642105.
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

Initial comments from Highways:

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on highways matters for this application and provided comments dated 21/09/2021. A modification was requested to ensure a suitably sized car parking space could be accommodated on site. Subsequently revised plans have been submitted, the comments provided below have been prepared after review of the latest submitted documents.

The proposed seeks a 3-storey residential side extension at 24 Brighton Road, Lancing. The proposal also seeks the implementation of an access point to provide an off street car parking space.

Access
The proposed access point will be located onto Brighton Road, which is an 'A' classified road subject to a 30-mph speed limit.

From inspection of the plans there appears to be no apparent visibility issue at the point of access onto Brighton Road. Suitable visibility splays appear to be achievable using land wholly considered to be public highway.

The access will take the form of a dropped crossing access point. Any access works must subsequently be implemented under licence to a specification obtained from WSCC Highways.

Parking
The latest plans demonstrate that a standard car parking space measuring 2.4 x 4.8 metres can be accommodated within the site. It is also noted that it is intended to install as EV charging point, this is welcomed.

Conclusion
The Local Highways Authority does not consider that the proposal would have and 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 Local Planning Authority is minded to gain planning consent the following conditions and informative note would be advised:

Access (Access to be provided prior to use of parking area)
The use of the parking area shall not commence for the parking of vehicles until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Floor Plans' and numbered 0638.PL.001 Revision A.
Reason: In the interests of road safety.'

Environmental Health:

'Defra Noise Mapping indicates that this site could be exposed to daytime road noise of up to 69.9dB LAeq and up to 59.9dB LAeq during the night time period. Without appropriate mitigation these noise levels could negatively affect the amenity of the proposed residential extension, particularly within the roof space as the roof structure typically provides less noise attenuation. I would recommend the following condition:

Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from road noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise - New Residential Development 2017, the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.'

Due to the close proximity of neighbouring properties I would also recommend the addition of the following conditions:

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Dust
Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.'

Lancing Parish Council:

'No objection but the council reiterates its previous request to protect the cycle path.'

Representations

4 letters of objection received

Objection received from the occupier of 24B, the adjoining first floor flat as follows:

1)Your planned Extension will negatively impact natural light and view on the back on both my balcony and roof in the afternoon and evening,
2) Your 2nd floor balcony will overlook my balcony and Dean's back garden to an extent.(when I applied for planning, I was limited to a Juliet balcony on the roof extension)
3) Your new side elevation and dormer will reduce natural light at the front of the house for a period of time during each day.
5) I would also ask for the highways referral as the crossing would have to be moved (on the main road) on a stretch of road that has seen a number of accidents over the years(including one where a car upended against your current side elevation),
The car parking space would reverse or drive directly to the island pedestrian crossing.
6) The pavement to the pedestrian footpath to the Beach could also be compromised to an extent.
7) I would still want to see a structural management plan to take into account the age of the buildings and would suggest also your side elevation cladding be removed, so you could understand the nature of the wall beneath.

Objections also received from the occupiers of 43 Brighton Road, 2 Lancing Park and 1 Bessborough Terrace:

- Is parking space large enough?
- Vehicles cannot see the oncoming traffic/cyclists/pedestrians to the right as you come out without pulling out onto the pavement/cycle path. I have been hit by a cyclist as I crossed from the island opposite 24 Brighton Road who did see me but couldn't brake in time.
- The parking space will be too close to the island.
- The current property is being used as an air b and b and there are not enough parking spaces for the residents of Lancing Park and Bessborough Terrace - and air b and b guests as it is. A larger family home (if indeed that is the true purpose) will put pressure on already inadequate parking - particularly in the summer months.
- Loss of view

- Where will the builders vehicles and the builders merchants park when dropping of tools and making deliveries?
- The No 24 plot would have made an ideal site for a beach hut.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2021
Adur Local Plan 2017 Policies 1, 2, 3, 15, 18, 19, 20, 22, 28, 31, 34, 35, 36 including 'Development Management Standard No. 1 Space Around Flats and Houses' and 'Development Management Standard No.2 Extensions and Alterations to Dwellings'.
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The principle of development can be supported as it upgrades a dwelling within the built up area boundary. For consideration is the impact of the proposals on the character and appearance of the area, neighbour amenity, highway and pedestrian safety and flood risk.

Visual amenity

The extensions and alterations are large and will change the character of the property, increasing its width, roof design and with the use of different external materials. However, it will have a contemporary appearance in keeping with the beachfront location and will not be out of character in the context of the modern pair of dwellings (18A and B) close by to the west.

The property does not have any neighbouring buildings immediately to the west and the sense of space between the site and 18A and B will remain.

The rear dormer is also large and will give rise to an overt three storey form. However, there are 3 storey buildings to the west and the overall height of the building is not increasing.

The proposals are considered to have an acceptable visual impact overall.

Residential amenity

The most affected property is the attached unit, containing a pair of flats. The occupier of 24B has objected on the grounds of loss of light and view and overlooking. Loss of view is not a valid planning consideration but light and privacy are and are assessed below.

24B is the upper floor flat and it has a first floor balcony. The proposed obscure glazed first floor balcony screen at 1.8m high will provide privacy between balconies and may reduce some light but, being glazed, it will not be as overbearing as a solid screen. Views to and light from the south will remain unobstructed for the occupier of 24B.

The new dormer and terrace at second floor level is set in from the edge of the roof on both sides and will be approximately 1.5m off the boundary with 24B. The side wall along the east side of the terrace will be 0.8m deep only and, being at roof level, it is stepped back from the line of the first floor balcony at 24B to the east. The side wall will prevent direct views onto the adjoining balcony below. It should be noted that privacy at the rear of these properties is already compromised by people walking along the beach.

Overall, the proposals are not considered to result in a serious harm to the amenities of the neighbouring occupiers.

Parking and Access

Concern has been expressed by the neighbours about the safety of cars accessing onto and from Brighton Road due to the proximity of the pedestrian refuge close to the proposed new crossover. Lancing Parish Council are also concerned at the possible conflict with users of the cycle path that runs in front of the property.

WSCC Highways have considered these matters and have advised that while the refuge may prejudice the ability for a vehicle to right turn into the new access point approaching form the west on Brighton Road, it is accepted within Manual for Streets that a vehicle making a perpendicular turn requires 6.0 metres manoeuvring room and it would appear that this manoeuvring room is available. They consider that it would be difficult to substantiate a reason for refusal on this basis (full comments are included earlier in this report).

With regard to the cycle path, the anticipated frequency of vehicles emerging from the site access is likely to be low, up to about 3 per day. The footway / cycle path is a reasonable width in this location, circa 3.0 metres and vehicles are likely to emerge cautiously from the access point.

However, they do advise that an improvement could be made whereby the adjacent walls either side of the access point be reduced in height to 0.6 metres to provide maximum available pedestrian / cycle visibility across the site frontage for a vehicle exiting the site.

It has been agreed with the applicant that this detail can be secured by condition and, on this basis, there are no highway safety concerns.

Concern has also been raised about whether sufficient parking space will be available for the property which is allegedly in use as an Air B and B. The planning agent has subsequently confirmed that it has previously been used occasionally for that purpose but that it will be used as a family home when the works are completed.

Currently there is no off street parking at the property and the proposal will therefore improve the situation by providing 1 space. The property is increasing from a 2 bed to 3 bed house but cycle storage is also to be provided and the property is in a sustainable location, close to bus stops and a railway station.

West Sussex Highways are satisfied with the parking arrangements and have not raised an objection.

Flood risk and drainage

The site falls within Flood Zone 3. While the Environment Agency has questioned the siting of bedrooms on the ground floor in this case, the submitted FRA does explain that the ground floor level of the extension is 6.2m AOD which is no lower than the existing floor level and 0.76m above the worst case 1 in 200 year modelled flood level. Flood resilience measures are also to be implemented.

On this basis, there are no flood risk concerns.

Recommendation APPROVE subject to the following conditions:

1. *Approved Plans*
2. *3 years*
3. *Materials*
4. *Access*
5. *Car parking*
6. *Cycle parking*
7. *EV charging space*
8. *CMP, including dust control*
9. *Drainage*
10. *Acoustic protection*
11. *Hours of construction*
12. *In accordance with FRA*
13. *Balcony privacy screen*

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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: Peter Barnett Date: 13 December 2021

Authorised and signed by: Gary Peck Date: 13 December 2021