DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: Land east of 228 Findon Road WB/09/0417/FULL/NMA2

DATE OF SITE VISIT: Various during and after determination of original application

NEIGHBOUR NOTIFICATIONS: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS: N

PROPOSAL, SITE AND SURROUNDINGS:

Planning permission was granted on 4 August 2009 under WB/09/0417/FULL for a new attached 2 bedroom dwelling with attached garage, together with 2 velux rooflights in connection with a loft conversion to the existing first-floor flat at 228 Findon Road to provide a 3-bedroom maisonette (above the ground-floor retail premises).

An application for a non material amendment WB/09/0473/FULL/NMA1 for alterations to the fenestration including the insertion of patio doors in the south elevation and a clear-glazed, opening window in the first-floor east elevation serving a bedroom was part approved and part refused on 22 November 2010:-

- The amendments to Window 7 in the first-floor east elevation were refused on the grounds that the proposed alterations would materially affect the residential amenities of a neighbouring occupier.
- The remainder of the alterations to the fenestration – other than those affecting Window 7 – were approved.

An application for a non material amendment WB/09/0473/FULL/NMA2 for the omission of the loft conversion to the existing first–floor flat and alterations to proposed roof of attached new dwelling was approved on 7 December 2010.

The dwelling is currently under construction and substantially complete (all but conditions 12 and 15 of WB/09/0417/FULL have been agreed).

Permission is now sought (part retrospective) for an amendment to the scheme approved under WB/09/0417/FULL for an attached 3-bedroom dwelling. The differences compared to the approved scheme consist of:-

(i) Slight enlargement of the first-floor window in the east elevation, fitted with clear glass and with opening side casement and top-hung fanlight to serve a third bedroom.

(ii) Use of the single-storey side element as a dining room instead of an attached garage.

(iii) The inclusion of a pair of garages on the opposite side of the access road to provide parking to serve the existing flat and the proposed 3-bedroom dwelling.

RELEVANT PLANNING HISTORY: Described above.

RELEVANT PLANNING POLICIES

Saved Worthing Local Plan: policies BE1, TR9 and H18

Submission Core Strategy: policies 7, 8, 9, 15, 16, 17.

South East Plan: policies SP3, CC1, CC2, CC4, CC6, H1, H2, H4, H5, H6, T4, W2, BE1

CONSULTATION RESPONSES AND REPRESENTATIONS:

Environment Agency: No comment.

Executive Head of Housing, Health & Community Safety: recommends a condition to deal with unsuspected contamination as a precaution.

No representations have been received from third parties.

PLANNING ASSESSMENT:

The principle of an attached dwelling on this site has previously been established (and substantially completed) under WB/09/0417/FULL. The main considerations are the proposed changes to the previously approved scheme.

(i) The current proposal would provide a 3-bedroom dwelling instead of a 2-bedroom dwelling utilising the same building footprint as previously approved. This is supported in principle by SCS policy 8 which endorses provision of family housing.

The internal layout would provide a satisfactory standard of accommodation in terms of the size and shape of habitable rooms. A first-floor window in the east elevation previously shown on the approved plan as serving a bathroom and fitted with obscure glass with a fanlight opener has been replaced by a larger, opening window fitted with clear glazing and serving a bedroom. The window in question faces east over the service road, towards the rear garden of 2 Cissbury Avenue. The latter comprises a detached dwelling fronting onto the south side of Cissbury Avenue. It has a generous rear garden that extends southwards. There is a distance of 15 metres between the first-floor window in the east elevation of the new attached dwelling and the west site boundary of No.2. The approved scheme sought to safeguard the occupiers of 2 Cissbury Avenue from potential adverse over-looking by requiring the window to be obscure-glazed and fixed shut (except that part above 1.7 metres). If refusing the previous application for a non-material amendment (WB/09/0417/FULL/NMA1) it was considered that notwithstanding no objection had been received from the occupier of No.2, the proposal would materially differ from the approved scheme because the safeguards against potential overlooking would no longer be in place. The reason for imposing the condition is still relevant. However, having regard to the separation distance, combined with the screening effect of vegetation on the boundary

and the absence of any representations from the occupier, the proposed larger, clear-glazed, opening, bedroom window is, on balance, considered acceptable.

(ii) + (iii) Two parking spaces were provided for the attached 2-bedroom house approved under WB/09/0417/FULL within an attached garage and on the drive in front with access via the rear service road off Cissbury Avenue. There was no on-site provision to serve the proposed 3-bedroom maisonette. It is now proposed to use the attached single-storey element (formerly approved as the garage) as a habitable room with windows in the north (front) and east side elevations (but omitting the door on the south side). The enlarged living area would provide a more acceptable layout for the proposed 3-bedroom dwelling. There are no adverse amenity impacts arising from the associated elevation alterations and the omission of the door in proximity to the rear of 226 Findon Road is welcomed.

In terms of parking provision, the application site area now includes a pair of existing garages on the east side of the access road. One garage would be available for use by the occupier(s) of the first-floor flat at 228 Findon Road and the other would be available for use by the occupier(s) of the proposed new dwelling. Thus, in addition to the area of hardstanding, there would be 2 spaces available for the proposed 3-bedroom dwelling, which accords with the maximum standard.

RECOMMENDATION APPROVE subject to:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans except as where specified in any other condition attached to this permission:- Drawings 2403-02 Revision K, 2403-03 Revision K, 2403-04, 2403-05 Revision A, 2403-07 Revision B, 2403-06.

   Reason: For the avoidance of doubt and in the interests of proper planning.

2. No dwelling shall be occupied unless and until the boundary walls, fences and gates have been carried out in accordance with the details shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

   Reason: In the interests of amenity and to comply with saved Worthing Local Plan policy BE1.

3. No dwelling shall be occupied unless and until the parking space and garages shown on the approved plan have been provided and made available to the occupiers of the dwellings hereby permitted (2A Cissbury Avenue, and first-floor flat at 228 Findon Road). Thereafter the parking facilities shall not be used for any purpose other than the parking of vehicles incidental to the domestic use of the dwellings.

Reason: To ensure that adequate provision is made for the parking of vehicles clear of the highway and in the interests of highway safety and to comply with saved Worthing Local Plan policy TR9.

4. No dwelling shall be occupied unless and until the secure, covered cycle storage facilities have been provided within the curtilage of the site, in accordance with the details shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage and provide for a non car mode of transport to and from the site in accordance with PPG:13 'Transport'.

5. Throughout the entirety of the remaining construction period the provision for the temporary parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, and storage of plant and materials shall be implemented and carried out in accordance with the construction site plan submitted pursuant to conditions 7 and 8 of planning permission WB/09/0417/FULL and agreed in writing by letter dated 1 October 2011 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

6. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be implemented between the hours of 8.00 a.m. and 6.00 p.m. inclusive.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

7. The soft landscaping scheme shown on the approved drawings shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner unless otherwise agreed in writing by the Local Planning Authority. 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. The hard landscaping shown on the approved drawings shall be provided prior to the occupation of the development herby permitted.

Reason: In the interests of visual amenity to be comply with saved Local Plan policy BE1,

8. The materials and finishes of the development hereby permitted shall comprise those agreed pursuant to condition 11 of planning permission WB/09/0417/FULL unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to comply with saved Worthing Local Plan policy BE1.

9. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), the dwelling shall not be extended or any incidental building erected within its curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

   Reason: In the interests of amenity and the environment and to comply with saved Policies BE1 and H18 of the Worthing Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as hereby approved) shall be formed in the east or south elevations of the proposed dwelling without the prior permission of the Local Planning Authority on an application in that behalf.

    Reason: To prevent overlooking and to comply with saved Policy H18 of the Worthing Local Plan.

11. The development hereby permitted shall be carried out in accordance with the submitted Sustainability Statement.

    Reason: In the interests of sustainability and to comply with the principles of submission Core Strategy policy 17.

12. Notwithstanding the details shown on the submitted drawings, the development shall not be occupied until an agreed surface water drainage scheme has be completed in accordance with details of the design of the surface water drainage scheme, justified by satisfactory soakage tests and calculations for the soil infiltration rate in accordance with BRE Digest 365, which shall have been submitted to and approved in writing by the Local Planning Authority.

    Reason: To ensure that the development is satisfactorily drained and to comply with submission Core Strategy policy 15.

REASON FOR APPROVAL

The proposed development is sustainably located within the built-up area and would help meet the need for family housing without detracting from the existing local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant policies of the saved Worthing Local Plan (BE1, H18, TR9), the South East Plan (SP3, CC1, CC6, H1, H2, H4, H5, T4, BE1) and the Submission Core Strategy (7, 8, 9, 15 and 16).

HUMAN RIGHTS

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that on balance, existing residential quality of life would not be significantly adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

No

DELEGATED

Case Officer
Sign.....Date.....13·4·11.....

Authorising Officer
Sign.....Date.....13 4 11.....