Development Control – Delegated Officer Report

Application Number: AWDM/0159/15 Recommendation – Refuse

Site: Land between 3-4 Holmbush Close, Shoreham-by-Sea

Proposal: Change of use land into domestic curtilage, construction of garden shed/storage and wooden fence

Date of site visit: 12.3.15

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site is an irregularly-shaped parcel of land on the outside of a bend in the short cul-de-sac. It has the appearance of highway verge.

The proposal is for change of use of this amenity land to private residential curtilage, lay hardstanding, erect a garden shed, and enclose with close boarded fencing.

The surrounding area is an outer residential suburb of Shoreham.

Relevant site history
New 3 bedroom chalet bungalow with attached garage to be construction on derelict land
Appeal Dismissed
4th Jan 2012

Consultations (summarised)
West Sussex County Council Highways:-
This area of land falls outside the extent of highway and therefore in principal no objections would be raised. However, if the area of hard standing is to allow parking for a vehicle, then further details would first need to be submitted regarding the type of vehicle, the size of the parking space and details on the vehicle crossover including widths and visibility. Please re-consult if/when this information is submitted. As it stands, WSCC is not in a position to support this application.

Representations (summarised)
Objections received from occupiers of 3, 4, 15, and 16 Hombush Close, and 41 Hawkins Crescent:-
Like industrial estate instead of pretty close. What is the vehicle that is going to be left on the hardstanding? Present open plan as are front gardens in Close. Fencing not in keeping. Trees on land have Preservation order if fenced by 6 foot close boarded fencing will not be visible to residents or passers bye and could be felled out of view. No provision for pavement crossover to gain access to hardstand. Owner of land runs a successful Landscape Gardening Business, therefore one can only assume the storage

use of the shed would be for Petrol driven machinery, chemicals, fertilizers, weed killers, sand, cement, paving slabs etc that would class as Commercial NOT domestic. Holmbush Close is used as a drop off point for Young Children attending the nearby Schools and also parking for teachers. The extra coming and going with Machinery and deliveries will be hazardous for Parents and Children. Plans show no Gates to land and fencing it off would mean no access for 3 or 4 to maintain their respective boundaries. Surely someone with 2-3 vans and trailers for a business would not be using the land for domestic purpose. Previous planning application withheld. Surely someone with 2-3 vans and trailers for a landscape gardening business would not be using the land for domestic purpose. When Holmbush Close built the front of all properties had to be kept open planned. There is also an inspection trap on the property. Access would be required. Compost and weed killer even possibly fuel for equipment there could be a fire risk. Storage unit 2 metre wide with double-door entrance. Obviously a proposed workshop. No doubt this site would become a 'Delivery point' for materials. May I remind the planning committee of some of their own Terms of Reference on Adur DC Website and two local plans that are published? Planning Committee's Terms of Reference. 20 – Power to require the proper maintenance of land. 36 – To exercise the Council's powers and duties in relation to trees. Adur District Local Plan (1996) This plan is still in place. Section 6.4 of 1996 plan states. Adur Local Plan (2014) This plan is emerging. Section 4.90 of the 2014 plan quotes. Previous decisions – this parcel of land has already been the subject of refusal. Highway safety – presumably there will be a drop kerb requirement. Please note – today 23/03/2015 the refuse collection vehicle could not service all of the properties in the close due to car parking difficulties. The site is overlooked by our bungalow from the rear and some of our garden.

Relevant Planning Policies
Adur District Local Plan saved policies: AG1
National Planning Policy Framework

Planning Assessment

Principle

Although it is now in the private ownership of 10 Holmbush Close, it is evidently the intent in the design of the original estate for the parcel of land to be deliberately set aside, both for amenity purposes but also highway visibility splays.

Changing the use of the land to residential curtilage would allow for future owners to use the land for domestic purposes. Although physically severed from 10 Holmbush Close, there would be pressure to occupy the land as conventional 'garden' with the domestic paraphernalia that comes with this type of activity.

Visual amenity and character

In the street scene, the parcel of land appears as an open area of incidental amenity space. As such it positively contributes to the spacious character of the suburban cul-de-sac, which consists mainly of bungalows set well back

from the street on generous plots with open frontages. Its visual value in the street scene is enhanced by the cluster of attractive preserved trees on it.

The enclosure of this land would differ markedly from the prevailing development layout pattern, and would greatly diminish the cul-de-sac's characteristic spaciousness and openness. The introduction of the proposed shed and hard standing would look visually unsympathetic in the deliberately landscaped setting of this side of the road. The impact illustrates the visual harm from domestic paraphernalia that would arise from use of the land as residential curtilage.

This harmful impact would be further exacerbated by the 1.8 metre high close boarded fencing being proposed hard up alongside the footpath, which would be highly incongruous and significantly intrusive visually. This harm would equally arise if lower height fencing were proposed, as this would reveal the domestic paraphernalia which could be placed on the land, most of which would be outside of planning control being temporary and not fixed to the land (e.g. benches, tables and chairs, trampolines etc.).

The site's current amenity value is enhanced by the numerous trees growing on it, notwithstanding that, individually, none is considered to merit and 'A' or 'B' grading; and that their exact age and the circumstances in which they were planted appear to be a matter of some conjecture. The mainly young trees are now the subject of a Tree Preservation Order. As a group they contribute positively to the visual amenity, character and quality of the surrounding area and should continue to do so as they mature. The value of these trees would be diminished by being concealed behind the fencing.

For these reasons, this would fail to accord with objectives of national policy which seeks to achieve both high quality design and development that maintains and improves the local character and distinctiveness.

Residential amenity

The use of the land for residential purposes would not be intrusive onto the gardens of 3 and 4 Holmbush Close as it would be domestic in its nature.

Highway Safety

The land has been sold into private ownership, which indicates the highway authority no longer believed it was necessary to have sole control of the land for maintaining highway visibility.

Holmbush Close is a quiet street with little highway traffic and reasonably unrestricted views along its length. While situated on a bend, the proposed fencing would not unduly restrict highway visibility to create a highway danger. The Highway Authority has not raised issue with this element of the proposal.

However, the Highway Authority has raised issue with the area of hard standing unless more detail is provided on the type of vehicle, size of parking space, and details on the vehicle crossover including widths and visibility.

As the Council is fundamentally opposed to the change of use, there is little value in obtaining this information at this point in time. Ultimately, such detail could be reserved by condition, and there is potential to reposition the hard standing elsewhere on the site if the principle of the development was considered to be acceptable.

Recommendation

REFUSE, for the following reason:-

The proposed change of use to domestic curtilage, and the introduction of visually unsympathetic and intrusive domestic paraphernalia, would result in the loss of an attractive area of amenity land to the detriment of the spacious and open character of the street scene and its landscaped setting. For these reasons, this would fail to accord with objectives of national policy which seeks to achieve both high quality design and development that maintains and improves the local character and distinctiveness, as set out in paragraphs 56 and 64 of the National Planning Policy Framework.

Informatives

1. *The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.*

2. *This refusal relates to the following drawings:-*

   Specification sheet titled SHED/STORAGE date valid 18-02-2015
   Drawing titled Floor Plan Garden date valid 18-02-2015
   Drawing titled East View Garden Shed/Storage date valid 18-02-2015
   Drawing titled West View Garden Shed/Storage date valid 18-02-2015
   Drawing titled South View Garden Shed/Storage date valid 18-02-2015
   Drawing titled North View Garden Shed/storage date valid 18-02-2015
   Specification sheet titled CLOSE BOARD FENCE date valid 18-02-2015

Is recommendation contrary to letter(s) of representation? N

Case Officer: Matthew Porter Date: 24-3-2015

Authorised by: Peter Barnett Date: 24 March 2015