Development Management - Delegated Officer Report

Application Number: AWDM/0054/19 Recommendation – Approve

Site: **39 - 41 High Street, Shoreham-By-Sea**
West Sussex, BN43 5DD

Proposal: **Ground floor rear (South) extension to restaurant with storage underneath (amendment to permission reference AWDM/1459/14)**

Date of site visit: 25 January 2019 and 14 March 2019

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the rear of Tosca restaurant on the south side of the High Street, within the Shoreham Conservation Area. Permission was granted in 2014 for an extension to the restaurant to provide additional seating with a larger store and bin store underneath.

Construction has commenced but the design of the extension has changed. The extension has a projecting canopy which overhangs the ground floor stores below and projects beyond the line of the adjacent Town Quay Apartments to the west, closer to the river and the newly completed flood wall. The footprint of the extension has also increased to the west and is now closer to the side of Town Quay Apartments at 1.2m from the previously approved 1.6m. External stairs will provide access to the extension on its east side.

As originally submitted, the wall on the west side was to be replaced with fixed obscure glass panels. The glazing on the east elevation was to be enlarged to be full height. Bifold doors were proposed along the south elevation. The roof design had also been amended to a retractable aluminium roof system.

Following objections, the design has been amended. The extension no longer projects beyond the line of the Town Quay Apartments, a solid wall has been reinstated on the west elevation and a solid roof with non-openable roof windows has replaced the retractable roof. The windows on the east elevation have been reduced in size. The projecting canopy is to remain but is to be used as a planting area, to contain fixed planters only, with no railing or public access to that area. An internal fixed barrier is to be installed to prevent use of the space as a balcony. The extension is shown as being 5.3m high and 11.4m wide (at two storeys), 15.7m wide overall. There is a distance of 1.2m to the side of Town Quay Apartments. This compares with the previously approved plans which showed a height of 4.9m, a two storey width of 10.5m and an overall width of 13.5m. There was a distance of 1.6m between the end of the extension and the side of Town Quay Apartments.

The site is within a mixed commercial and residential area with flats in a 4 storey building directly to the west. It sits within the Shoreham Conservation Area.

Relevant site history

AWDM/1459/14 - Ground floor rear extension to provide terrace with storage underneath

Consultations

West Sussex County Council: The **Highways** Officer has no objection.

Adur & Worthing Councils: The **Environmental Health** Officer has no objection to the amended plans

Environment Agency: No objection

Representations

Original Plans: 7 letters of objection received from a representative of the freeholder of 43 High Street and their solicitor, plus occupiers of 1, 2, 4 Town Quay Apartments, plus an unspecified address

- Extension has been built over a right of way and has severely impacted right of access and potential for development to rear of 43 High Street
- Loss of aspect
- Narrowing of access to 43 High Street, worsened by overhang on west side
- Require extension to be demolished
- Legal advice is being sought
- Object to retractable roof due to increased noise
- Increased height which extends closer to adjoining flats
- Loss of light and amenity
- Significant change from approved plans
- Increased footprint
- Increased demand on sewers and water facilities

Amended Plans: 4 letters of objection received from a representative of the freeholder of 43 High Street and their solicitor plus from the occupiers of 1,4,5 Town Quay Apartments:

- Reiterate that extension is built over land on which 43 High Street has a right of way
- Impacts on wheelchair and fire brigade access
- Previous objections still stand
- To allow this would demonstrate that commercial interests override long-established social and domestic amenity
- Harmful impact on peaceable enjoyment of homes

Letter received from the occupier of 2 Town Quay Apartments:

- No objection provided roof windows are unopenable, there are no extractors on western wall and adequate surface water drainage
- Plans do not bear any resemblance to what has been built on site – it does not taper but is a true rectangle
- Roof is still higher than approved

Relevant Planning Policies

Adur Local Plan 2017 Policies 11, 15, 17, 27
National Planning Policy Framework (CLG 2019)

Planning Assessment

Principle

The proposal comprises an extension to an existing business within the High Street and can be supported in principle subject to consideration of the impact on visual and residential amenities and ensuring that it would preserve or enhance the Conservation Area.

Visual amenity

The proposed extension would sit at the end of a flat-roofed extension at the rear of the restaurant. It would not be visible from the High Street but would be seen from across the river and from the riverside path immediately to the south.

Its design has changed from that approved in 2014, increasing in width, coming closer to the side of Town Quay Apartments and increasing in height. A projecting planted area at the front is also now included. The impact of these changes on residential amenity is discussed below but in visual terms it is considered that the design of the extension is reasonable and would not cause harm to this part of the Conservation Area.

With regard to accuracy, the architect has re-measured the building on site and confirmed that the plans are accurate.

Residential amenity

There are flats within the buildings fronting the High Street but they are generally considered to be unaffected by the proposal. The owner of No.43 High Street has objected on the grounds that the extension obstructs access to the rear of his property. While his comments, and those of his solicitor, are noted, it is not considered that there are planning grounds to require the footprint of the building to be reduced in width. The objection appears to be principally about the encroachment over a right of access and, as such, is a civil matter.

To the east there is a car park which provides good separation to the nearest buildings. To the west, there is a 4 storey residential building which will be within 1.2m of the refuse store and 3.8m from the restaurant extension (a reduction from the previously approved 4.6m separation). There are no windows at ground floor facing the site but there are windows on the other

floors, positioned towards the rear. The previous plans showed a solid wall on the west elevation and this has now been reinstated. The solid roof has also been reinstated and the proposed roof windows are to be fixed shut. As such, there are no concerns that the proposal will result in a material increase in noise compared with the previous scheme.

While the extension has been brought closer and is approximately 0.4m higher, the amended plans have brought the extension back in line with the front of the adjoining flats. While the objections and concerns of residents are noted, it is considered that sufficient separation between the extension and the flats will remain and residential amenity will not be harmed with regard to loss of outlook, light, privacy and noise.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Contaminated land
3. Details of materials including windows
4. No windows in west side wall
5. Roof windows to be fixed shut
6. No access to front balcony

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

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.

Case Officer: Peter Barnett Date: 10 June 2019

Authorised by: Gary Peck Date: 10 June 2019