DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

WB/ 10/0743/FULL-

Silver Birches, Gorse Lane, Worthing

PROPOSAL:

Application for a new planning permission to replace extant planning permission WB/07/0796/FULL for conversion of detached garage into residential annex including alterations to implement use

This proposes to convert the detached garage into a self-contained residential annex, which would have an open-plan living area and kitchen and separate bathroom. External changes would include the insertion of windows, doors and 2 small conservation roof lights. The garage doors would be retained. Contained curtilage space is provided around the garage.

SITE AND SURROUNDINGS:

The application relates to a modern detached two-storey house on the west side of Gorse Lane, a narrow lane serving several detached houses of varying designs set in their own grounds with mature gardens. The property sits close to the junction with West Hill in Salvington Hill, in the outer suburbs on the urban/rural fringe by the footslopes of the Downs. It is bounded by a tall hedge at the front and served by a T- shaped hardstanding for parking.

A detached garage is situated in the southwest corner of the frontage, behind the front boundary hedge.

The adjoining property to the southwest ('Faversham Lodge') sits on higher ground and has a large front balcony which has views over the garage roof at the application property. The boundary is marked by a hedge and tree at this point.

RELEVANT PLANNING HISTORY:

Planning permission granted for annexe in 2007

DATE OF SITE VISIT: 29.9.10

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N

RELEVANT PLANNING POLICIES:

Saved Worthing Local Plan 2003
BE1, H16, H13, H18

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
PPG13:Transport

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

The **Assistant Director (Health and Housing)** raises no objection, subject to precautionary land contamination condition

The **Highway Authority)** raises no objection.

PLANNING ASSESSMENT:

This is a renewal of an extant planning permission. Government guidance indicates there is a presumption in favour of such proposal, unless new material considerations indicate otherwise.

Since that time Policy H17 of the Worthing Local Plan concerning residential annexes has lapsed but the broad principles of this policy remain material and are addressed, to some degree, by saved policies and national policy. Physical circumstances have not changed materially since the approval, ~~thigh~~ though the South Downs National Park has now been declared.

The main issues remain the impact of the proposed alterations upon the character and appearance of the area, the impact upon neighbouring properties, and the appropriateness of the proposed annex in terms of scale, design, range of accommodation and subdivision of curtilage.

As an annex in connection with the main property and with the limited external alterations, the proposal would retain a subordinate and ancillary appearance, in keeping with the existing character of detached domestic-scale garages within the frontages of dwellings. The design, scale and range of accommodation would be ancillary to the main dwelling (notwithstanding its physical detachment from it). The retention of the existing appearance would prevent the building from looking like a small dwelling from public viewpoints, thus retaining the present character of Gorse Lane.

A condition continues to be required to ensure that the unit is not sold or let as a separate unit and that it is only used as an annex in association with the main house since a separate dwelling in this position would not be acceptable in planning terms. This is slightly refined to clarify and strengthen the intent that the annexe is not used as an independent dwelling in any circumstances. Conditions are, likewise, retained to remove permitted development rights for extensions, and also for boundary works around the annex building, to prevent a separate curtilage and, for clarity, new access being created.

A further condition is retained to limit construction hours in order to safeguard the amenities of neighbouring properties.

It is accepted that it would not be reasonable to require the conversion of the annex back into a garage or another ancillary use once the occupation by the dependent relative ceases, particularly given that there is more than adequate parking at the main property.

The proposed annex would not unacceptably impact upon the neighbouring property, 'Faversham Lodge' as the scheme retains the existing garage roof and includes only a window on the rear elevation (as existing) which is well screened by the tall boundary fence, with the patio doors on the south elevation, facing away from this neighbouring property.

As such, it is considered that noise impacts would not be unacceptable, particularly given the low-key use and ancillary scale of the accommodation proposed, but the new precautionary land contamination condition is required

There is adequate open parking to absorb the loss of the garage space.

RECOMMENDATION:

Approve, subject to:-

1). C.1.A. (Standard Duration)

2). The annex hereby permitted shall not be sold or let or occupied at any time as a separate unit of residential accommodation. It shall only be occupied by a dependent relative of an occupier of the main property ('Silver Birches') for purposes ancillary to the residential use of the house known as 'Silver Birches'.

Reason: To ensure that a separate unit of accommodation is not created which may be unacceptable to the Local Planning Authority in this particular case due to impact on the character and appearance of the property and area and harm to neighbour amenity in accordance with Saved Worthing Local Plan polices H18, H13 and BE1.

3). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), the annex building hereby permitted shall not be extended or altered in any way unless permission is granted by the Local Planning Authority in an application on that behalf.

Reason: In the interests of visual amenity and to retain the domestic scale of the building in accordance with Saved Worthing Local Plan polices H18, H16, H13 and BE1.

4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), no additional walls, fences or other means of enclosure shall be erected to enclose the annex building or subdivide the existing plot; or new vehicular or pedestrian access to the annexe be created within the curtilage of the application site, unless permission is granted by the Local Planning Authority in a planning application on that behalf.

Reason: In the interests of visual amenity and to prevent the creation of a separate curtilage in accordance Saved Worthing Local Plan polices H18, H16, H13 and BE1.

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5). 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 Saved Worthing Local Plan policy H18.

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.6). Build in accordance with approved plans

REASONS FOR RECOMMENDATION:

The principle of the proposed development has been previously accepted and material circumstances have not changed such that approval should be withheld. Subject to the conditions imposed, the proposal would not detract from the local environment and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties. It would consequently not conflict with the 'saved' policies of the Worthing Local Plan (BE1, H16, H13, H18).

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?

Yes, but plans have since been amended to address concerns. Letter to neighbour should advise that plans have been amended and to invite

neighbour to view the approved plans on the file, as these are different from the plans that the neighbour has commented on.

DELEGATE

Case Office
Sign..... .....Date.....30.7.10

Authorising
Sign..... .....Date.....4.10.10