Expiry Date - 04/10/2013

Development Control – Delegated Officer Report

Application Number: AWDM/0293/16 **Recommendation – Approve**

Site: **108 Downsway Southwick Brighton West Sussex**

Proposal: **Retrospective application for conversion of existing playroom (10 years old) to a self-contained unit for a dependant relative.**

Site and Surroundings:

The property is an extended semi detached, early post war bungalow on the very urban fringe of Southwick in as purpose built generously spaced estate on the lower slopes of the Downs.

The plot is on a marked slope.

The bungalow is adjoined to the NW by another pair of bungalows set slightly forward and beyond its paired neighbour is a terrace of bungalow set back from the road by a large green. Opposite on lower ground are chalet houses. To the rear is the Downs but adjo9ng the edge of this whole suburb is a dense belt of mature trees.

The bungalow has added a gable to the hip and a large box dormer at the rear along with rooflight as part of a loft conversion as well as a single storey rea extension across the width of the bungalow which incorporates French doors and several windows facing north. Building Regulations records indicate the loft conversion dates back to 2005, the rear extension may be later - 2012. A dedicated hardstanding for parking up to two cars has been cut into the slope in the front garden. The area behind this is on a slope and very open but large and lawned.

Access to the bungalow is via a path on its western boundary abutted by a tall timber fence which also runs the depth of the plot.

The rear garden has been excavated at a level to align with rear extension and internal floor levels of the bungalow. The garden is hard paved/synthetic grass with a small shed and trampoline seated on it and is no more than 4 ms deep.

Behind the garden on higher ground (around 1 metre) and accessed by 5 steps on the western side close to the NW neighbour, is the out building subject of the application. This is flat roofed and extends virtually the width of the garden. It comprises 3 rooms- a WC/shower, a bed room and living room kitchen.

Description of Development

The proposal is as described above. It has all the facilities for independent living.

It has been occupied for some two years by the brother of the sister whose family live (partner and three children) in the main bungalow. It is reported that the brother is separated from his partner and moved in the annexe with his then girlfriend and baby who would, otherwise, have been homeless. Since then, it is understood he now lives in the annexe alone.

The outbuilding has been fitted out for living accommodation but has no Building Regulations approval. It is reported that it replaces or is a refurbished version of a similarly sized out building that had previously stood on the same site for at least 10 years, having been erected at the same time as the rear extension and excavated garden. This, it is reported, was used as a gym. It was reportedly upgraded and extended to the west a couple of years ago, specifically for the brother and girlfriend/baby.

There is no planning record of the outbuilding in any form prior to the current application and no Building Regulations approval has been granted.

Following negotiations the applicant has confirmed that the heat and smoke detectors have been installed as prescribed by the Environmental Health Officer.

Date Of Site Visit:

15.4.16

Neighbours Checked: Y

Relevant Planning History:

See above.

Representations and Relevant Consultation Responses:

Southern Water: No objections.

Head of Building Control

Following a recent joint site meeting with a representative of our Planning Team and Environmental Health team; it was found that an annexe for the house has been formed in the garden from a detached outhouse, currently inhabited by a family member.

The original building and current annexe would have required a Building Control Application at the time the work was undertaken, as such this work is considered unauthorised.
The owners may seek to resolve this by making a regularisation Application, however, from initial inspection, if this is to remain as an annexe, this building

will need to comply fully with the Building Regulations and significant investigation/alteration may be required.

I have outlined items below as initial guidance which will require addressing to but this list is not exhaustive at this point.

I would also recommend that a planning resolution under planning legislation is sought prior to submitting this application.

The applicants are also advised to consult with Environmental Health who may have additional requirements to this guidance.

I wrote to Mr and Mrs Ray after our joint inspection outlining to them what was required. I have heard nothing since then (as the legal owners).

List of works specified:

• Foundation and structure —This has been constructed on a raised retained wall and will need assessment. Full structural details will be required of how this annexe has been constructed.
• Fire Safety —This building is timber clad and within 1 m of the boundary of the property as such it exceeds the unprotected area and space separation for the this building, Manufacturer's details will be required of the roofing material demonstrating what designation the roofing material achieves.
• What provision has been made for damp proofing?
• It is unclear what insulation has been installed and whether or not this achieves the required U values?
• The drainage will need to be tested.
• Confirmation of where the surface water from the roof discharges to will be required.
• Confirmation that the mechanical ventilation (terminating to the exterior) for the shower room and kitchen has been installed is required.
• Confirmation of how this Annexe is heated and hot water provided is required.
• The current means of escape although satisfactory with Building Control is not considered compliant with the requirements of Environmental Health.
• An Appropriate Electrical Installation certificate will be required.

<u>Environmental Health Officer</u>

I have some comments regarding fire safety within the unit .

The inner room arrangement is not ideal and poses a serious risk to the health and safety of the occupants. In order to mitigate this risk to such a level that it can be accepted the following works will be required:

- *The partition between the living area and bedroom must be constructed to afford a minimum of 30-minutes fire and smoke separation. Care must be taken to the edges of the partition to ensure that there are no gaps.*

- *A certified fire-resisting door having an integrity of 30-minutes and incorporating intumescent strips and cold smoke seals (FD30S) hung on 3 x steel butt hinges is to be fitted to the opening in the above partition wall. Door frames should have a minimum depth of rebate of 12.5mm which can either be formed from the solid or built up. Door stops must be a minimum of 12.5mm x 35mm. The door frames must not have any substantial cracks and/or gaps. The gap around the top and side edges of the door must not exceed 3mm. A self-closing device should not be fitted to this door.*
- *The bedroom window must fully comply with escape window requirements.*
- *A Grade D: LD3 detection system should be installed, comprised of a mains-powered heat detector in the living area and a mains-powered smoke detector in the bedroom. The detectors are to be interlinked and should have a battery back-up.*
- *The front entrance door must have a Yale-type lock/latch that can be opened from the inside without the use of a key.*
- *A fire blanket complying with BS EN1869 is to be supplied in the kitchen area. The fire blanket container should be positioned so as to allow the blanket to be withdrawn quickly and easily. In this respect the base of the container is to be positioned not less than 1.5 metres from floor level. Fire blankets are to be located in the vicinity of the fire hazard they are to be used on, but in a position that can be safely accessed in the event of a fire i.e. not above the cooker.*

The above provision would sufficiently reduce the risk from fire to a level that could be accepted under the provisions of the Housing Act 2004 provided that the occupancy of the property was ancillary to the main dwelling house i.e. an annexe that would only be used by members of the household. I would expect a condition in any Planning consent to reinforce this.

106 Downsway: I fully support the application I cannot think of any reason why it should not be passed

Relevant Planning Policies:

Adur Local Plan Policies 3, 12, 15 and 20: Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space Around New Dwellings and Flats'
Good Practice Guidance Note: Internal Space Standards for New Homes' (ADC 2010)
National Planning Policy Framework (CLG 2012)

Planning Assessment:

The principal issues raised by this proposal are:-

- Principle of development
- Impact on the amenity of neighbours

• Impact on the integrity of the design of the property and character of the townscape and setting of the National Park. .

The proposal is presented as an ancillary outbuilding, albeit providing all internal facilities for independent living but tied to dependents of the parent house at No 108.

The first matter to be determined is whether it should be assessed as a independent unit of residential accommodation or as an annexe.

Certainly it could theoretically be used as an independent unit with bedroom/ living room/kitchen and WC/shower. Shared access along a side path and on the edge of the rear garden across also supports this, avoiding use of the parent chalet house itself.

However, there is no history of such use and it continues to be used effectively as an annexe.

The practicality of wholly independent use is also highly questionable as the annexe faces directly into the rear windows of the chalet in terms of its orientation, fenestration and access and is very close to the said parent house. The intervening space is the only private and secure amenity space available to the parent house. Direct views across this narrow space to the large expanse of windows in the facing parent house all serving principal habitable rooms underline the intimate very close relationship between annexe and parent house. Independent use would in my mind create an untenable and invasive relationship between the two which would ordinarily deter such future use.

As an independent unit the outbuilding would fail the tests of SPG and National Technical standards for a one bedroom unit by some degree. It also lacks any independent outdoor amenity space and fails the relevant tests here as well, not tot mention the erosion of the chalet house's principal private rear garden space. Additionally it lacks any off street parking though there is, no doubt, capacity on street.

This all points to the outbuilding being de facto an annexe which should be assessed as such.

In this vein, the annexe is somewhat large for an outbuilding, let alone an annexe. Likewise the range of facilities for an annexe is untypical providing all those required for independent living. Even so, it is not without precedent.

As an annexe, the size of the unit is not unacceptable and lack of private amenity space irrelevant whilst adequate amenity space is retained for the parent house.

As an annexe it is clearly separate to the chalet house and positioned as far away as practicable from the parent house within the plot and does not impact on living condition, since the occupier of the annexe is a relative and a

practical solution to intervisibilty has been achieved by the annexe having its net curtains closed.

The occupier is arguably a dependent as it is reported he has insufficient funds to secure appropriate accommodation elsewhere. He is also a relative (sibling) of the owner/occupier of the parent house.

The dependency was reinforced whilst his partner and baby lived with him in the annexe.

The quality of the annexe as living accommodation has been assessed by the Environmental Health Officer. A heat and smoke detector- has been fitted as required.

The annexe has been built without Building Regulations Approval. The Building Inspector has identified the necessary works to achieve this and pressed for these to be carried out either independently or alongside the application. The necessary works have been specified as follows:

• Foundation and structure —This has been constructed on a raised retained wall and will need assessment. Full structural details will be required of how this annexe has been constructed.
• Fire Safety —This building is timber clad and within 1 m of the boundary of the property as such it exceeds the unprotected area and space separation for the this building, Manufacturer's details will be required of the roofing material demonstrating what designation the roofing material achieves.
• What provision has been made for damp proofing?
• It is unclear what insulation has been installed and whether or not this achieves the required U values?
• The drainage will need to be tested.
• Confirmation of where the surface water from the roof discharges to will be required.
• Confirmation that the mechanical ventilation (terminating to the exterior) for the shower room and kitchen has been installed is required.
• Confirmation of how this Annexe is heated and hot water provided is required.
• The current means of escape although satisfactory with Building Control is not considered compliant with the requirements of Environmental Health.
• An Appropriate Electrical Installation certificate will be required.
In view of the use of the annexe, compliance with the measures set out to achieve a sustainable, safe, usable and efficient living accommodation is justified and may be secured by condition.

The agent has indicated that *the owner is willing to carry out all the necessary works by building control but only if he can be assured that planning permission will be granted otherwise the additional work will be wasted.*

In terms of visual impact the annexe is well screened from any neighbour and there is no overlooking. The additional activity associated with annexe

appears not to have been significant. No noise complaints have been received.

The annexe is barely visible from the street and reads as a large out building in any event. The impact on the setting of the National Park is minimal , set on lower ground and well screened by the belt of trees.

The fact that a large building has been in the positon of the current annexe for around 10 years supports the case that a building of this size and in location does not and has not of itself give rise to any problems for any neighbour or harm visual amenity or even the amenities of the parent house occupiers.

However, clearly the function of that building changed a couple of years ago when refitted as the current annexe and this material change in its form and use militate against any reliance on acquisition of immunity from enforcement through a 10 years presence and hence any claim of lawfulness.

On balance, the proposal may be supported.

Recommendation that:

APPROVE Subject to Conditions:-

1. This permission relates to the following approved plans, subject to any other conditions imposed:-

2. Within six months of this consent, the following measures shall be completed to the satisfaction of the Local Planning Authority:

•. Provision of full structural details of how this annexe has been constructed and any consequential remedial works specified by the Local Planning Authority .
• Provision of Manufacturer's details of the roofing material demonstrating what designation the roofing material achieves and any consequential remedial works specified by the Local Planning Authority .
• Provision of details for damp proofing and any consequential remedial works specified by the Local Planning Authority
• Provision of details of insulation has been installed and whether or not this achieves the required U values and any consequential remedial works specified by the Local Planning Authority
• Provision of details of the drainage, including confirmation of where the surface water from the roof discharges and any consequential remedial works specified by the Local Planning Authority
• Confirmation that the mechanical ventilation (terminating to the exterior) for the shower room and kitchen has been installed and any consequential remedial works specified by the Local Planning Authority
• Confirmation of how this Annexe is heated and hot water provided and any consequential remedial works specified by the Local Planning Authority
• Details of the means of escape and any consequential remedial works specified by the Local Planning Authority .

• Provision of an Appropriate Electrical Installation certificate and any consequential remedial works specified by the Local Planning Authority .

3. Notwithstanding the description of the proposal, the unit hereby approved shall not be used for independent living or as a self contained unit. It shall only be used as annexe to the parent dwelling (108 Downsway) and in no circumstances occupied by anyone other than a dependent relative. No physical works to the curtilage of the parent dwelling which would facilitate the use of the unit as an independent dwelling shall be undertaken and no separate passageway to the annexe independent of the parent dwelling shall be formed or delineated by any means.

Is recommendation contrary to any representations? N

Case Officer signed: P. Devonport Date: 17.4.18

Authorised and signed by: Gary Peck Date: 23 April 2018