Expiry Date - 08/04/2014

Development Control – Delegated Officer Report

Application Number: AWDM/0379/15 **Recommendation – Approve**

Site: **Little Vines West Street Sompting Lancing**

Proposal: **Annex outbuilding to rear (south west) of house**

Site and Surroundings:

The property subject of the application comprises the detached house Little Vines; its long more established, deep rear garden; a more recent enlargement of the rear garden to the east.

The application site lies in Sompting village at the eastern end of the historic part of the settlement and is adjoined to the west by the Old Post Office – an attractive, older detached house. This is set behind Little Vines and its garden is oddly shaped, doglegging away from Little Vines beyond its shallow patio area. This patio area is enclosed by substantial walls, vegetation and an existing garden shed inside Little Vines Garden which abuts the southern and eastern boundaries of this patio. Views of the patio are obtainable through a set of French doors from the house. The main aspect is however from another set of rear French doors at the back to the west which commands views along the depth of its long garden which merges into the countryside (reportedly in part acquired from a now defunct nursery - see beyond). The common boundary with Little Vines along the bulk of The Post Offices rear garden is a 1.5 ms tall timber fence.

A short Victorian terrace of cottages with shallower rear gardens is situated to the east.

The Marquis of Granby PH stands to the north east, virtually opposite at the junction of West St with Church Lane.

To the south and east of the site is functional countryside, typified by a patchwork of open fields and hedgerows with sporadic small outbuildings, chiefly serving the horseyculture uses in the immediate area and larger more open arable fields to the south. The area was historically used for horticulture, typically watercress beds.

The track to the east of the extended garden is unmade for all the first few metres and unadopted. It serves a large livery stable (approved under AWDM/0464/11) based around a large modern building and the grazing fields in the immediate area, as well as a small electricity substation opposite the garden annexe and a pair of detached garages linked to a pair of 190s semis to the east of the track and the adjacent fields. The track peters out to the south. The livery stable replaced some large semi derelict former agricultural buildings.

The character of the area is rural fringe countryside, albeit containing the historic Sompting village.

The ground slopes gently from north to south.

Little Vines is a large house with car port at the side and hardstanding in front. It was originally built as Keewatin in 1968 under outline permission S/21/64 and approval of reserved matters S/61/66 in association with an adjacent nursery.

Its functional separation from the nursery as a discrete dwelling was recognised under a 2009 Certificate of Lawfulness (ADC/0255/09) as it had not been use as such since 1988 and no condition was imposed on the original planning permission to restrict such occupation. The curtilage of the dwelling as defined in the issued certificate was restricted to only the immediate area behind the house in recognition of the actuality of use. The remainder and the part to the east (subject of the refused application AWDM/0016/14- i.e. garden annexe, including the (former packing) shed) were excluded. Part of the nursery area to the west had been previously separated and sold off to the house to the west.

A wholly glazed small conservatory has been added at the rear of Little Vines

A poplar tree protected by a Tree Preservation Order was felled in the garden annexe in 2007 on the eastern side of the land close to the proposed site of the new building and a replacement tree required to be planted (unimplemented). The large stump is a feature of the site, close to the proposed new building.

The southernmost part of its current garden is more informal and less domesticated than the more managed area immediately behind the house, and more akin to a field and accommodates play equipment.

The extended garden to the east was a later addition to the rear garden defined under ADC/0255/09 in 2010, by means of ADC/0298/10. A condition was imposed removing Permitted Development rights for the construction of any incidental building to preserve the rural setting. This does not apply to the rear garden.

The eastern garden is linked to the main rear garden by a small grassed bridge over a small stream which runs underneath West St and emerges in the garden annexe and runs align the boundary between the main garden and the garden annexe. The eastern garden is somewhat overgrown with the character of a separate field rather than a garden. It is separated from the main garden by a fence and hedgerow and the derelict remains of the former aforementioned packing shed.

Little Vines itself and around half of its established rear garden including the eastern garden are within the Sompting Village Conservation Area. All of the

village including the application site is designated as countryside – outside the built up area and forms part of the strategic gap between the settlements of Worthing and Sompting.

Description of Development

The application has been revised twice in the face of officer concerns over the visual and neighbour impact of the proposal.

It was originally submitted as: *Detached outbuilding in rear garden to be used as annex to main dwelling.*

This sat as a detached building, deep in the rear garden and adjacent to the bridge over the stream and close to the back garden of 1 South View Terrace. This was a shallow asymmetrically pitched building comprising bedroom, living room and shower/WC to be used as an annexe by a relative.

This was subsequently reconceived as an attached extension to the SW corner of the main house with a shallow dual pitched roof with similar accommodation and attached by a small flat roofed lobby from the pathway running at the side of the house on its west side. This was set off the northern and western boundaries with the Old Post Office rear garden by 1 metre and 1 to 1.5 ms respectively. It was 3.8 ms wide and 7 ms long and although it faced east, contained a bedroom window in its west elevation overlooking the garden of The Old Post office.

Following concerns over the impact on the privacy and outlook of The Old Post Office this has been revised to delete the connecting lobby and become detached; delete the west facing bedroom window and raise the height of the west boundary fence with The Old Post Office's garden to 1.8 and add a 300mms trellis atop. The height of the building has been reduced to 2.1 ms at the eaves and 2.5 at the ridge.

It remains for use by a dependent relative.

The building is faced in shiplapped timber with a green felt roof.

Planning History

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
ADC/0252/07	Fell poplar tree (subject to TPO 13.53/3/97/S)	APPLICATION PERMITTED	06-06-2007		
ADC/0255/09	Application for Certificate of Lawfulness for existing use of dwellinghouse 'Keewatin' as a dwelling unassociated with horticultural nursery	APPLICATION PERMITTED	06-08-2009		
ADC/0298/10	Change of use of former horticultural land to form part of garden of dwellinghouse ('Little Vines')	APPLICATION PERMITTED	02-12-2010		
AWDM/0016/14	Demolition of existing workshop and	APPLICATION	04-04-2014		

	construction of garage/workshop accessed via lane to the east.	REFUSED
S/7/98/TP/17262	30% Crown Reduction Of Poplar Tree (Tpo 13.53/1/97/S)	APPLICATION 16-02-1998 WITHDRAWN

Date of Site Visit:

8.7.15; 20.5.15; 10.4.15; 28.4.15; 2.11.15

Neighbours Checked:

Y

Representations and Relevant Consultation Responses:

Sompting PC

The Council objects to this application as it feels that it is an infringement of the strategic gap and an additional dwelling will compound the hazards to access problems associated with West Street. It may also set a precedent for other extraneous dwellings.

Conservation Area Advisory Group : —

In view of the objection raised by Sompting P.C. members feel that this application should be referred back to the applicant for further negotiation with the planning officer as opposed to being refused outright. The strategic gaps within the Adur District have always been protected by the district planners & should continue to enjoy such protection. In this instance, where the actual annexe is located could possibly at some future date be extended to form a separate residence & impinge on the strategic gap.

Expiry Date - 08/04/2014

Environmental Health Officer: no objections

Highway Authority

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

No concerns would be raised with this application from the highway point of view.

Representations

The Old Post Office

November 2015

I have just found your letter asking for written observations from my Mother, who is 87, about a planning application from my mother's neighbours. The delay indicated was 21 days. Previous plans for an extension were refused. The letter was not sent by post or else I would have been able to react earlier on her behalf. She is very worried about the impact the project will have on the appearance and character of the property. Also would there be a loss of light to her windows on the garden side. I live in France and I hold EPA for her.

Any building out behind "Little Vines" would add to a grevious planning permission error in the past. My parents bought the Post Office and Stores from Mr. and Mrs. Evans in 1970 who themselves had bought the property from Mr. and Mrs. Atterbury. The Atterburys had sectioned off all the Land around to build "The Vines" (not the original name) and erected the present house 2 or 3 feet from the Post Office wall. This could probably have been contested at the time but never was. I have taken several photos this morning to give ample vision of the existing site as seen from my mother's property.

December 2015

I am writing to you on behalf of my mother, Mrs. Catherine Carnell, who wishes to re-iterate her opposition to the contraction of this separate self-

contained unit (measuring 35-37m2) to be built directly behind her house and which is, in principle, in the conservation area. This construction is represented as an annexe or an extension to the existing house whereas it is de facto a separate dwelling complete with all the amenities. It is her understanding that additional land, backing onto the extensive existing garden and which gives access to the lane leading to West Street, was acquired at the time of purchase of the property now called "Little Vines". If this is the case there is a real possibility of an independent dwelling.

A construction so placed would mean there would never be a possibility for a future owner to negotiate to rectify the existing boundary fence to the east and align the plot with the wall of the Old Post Office, as the property is now called, which would give better coherence to the existing layout.

I am sending you several cliches which were taken recently from my mother's house and from her garden to illustrate the positioning of this unit and evaluate the impact it would have in situ.

I think you should also know that at considerable cost and effort she managed to buy back her existing garden from Mr. Denis Peters, her immediate neighbour on the other side who bought the plot from Mr. and Mrs. Atterbury some years back. There are two fine Sussex flint walls which need some restoration. As it has been explained in a previous letter, in the1960's all the land was sectioned off and the new house was built but a few feet away.

Apart from observations which could be made about the height, the appearance and character of this new construction, I believe that the arguments set out are relevant to the preservation of the Conservation area itself.

Relevant Planning Policies:

Saved Adur Local Plan Policies; AC1; AC4; AB4, AH7, AP7
Revised Adur Draft Local Plan Policies 2, 10, 14, 15, 28, 30, 31, 34 and 35
The National Planning Policy Framework
National Planning Practice

Planning Assessment:

The main issues raised by this proposal are:-

- Principle of development in the countryside/strategic gap and impact on such
- Impact on the amenity of neighbours
- Visual impacts including Conservation Area
- Access.

Principle of development in the countryside/strategic gap and impact on such and impact on Conservation Area

The starting point for assessing the application is the Development Plan. Saved Local Plan policies AC1 and AC4 resist new development outside the development boundary in the countryside and strategic gaps, unless essential for quiet recreation; horticulture, agriculture or forestry, subject to design quality and minimising visual impacts. This is in order to protect the countryside for its own sake and to prevent the coalescence of the adjacent urban areas in pursuit of the wider spatial strategy and in the interest of sustainability.

The relevant parts of the National Planning Policy Framework, taken as a whole, are supportive of this stance. Whilst the presumption in favour of sustainable development is the golden thread running through the guidance, Paragraph 17 recognises the intrinsic character and beauty of the countryside, whilst paragraph 109 protects and enhances valued landscapes and paragraphs 17; 111 give priority to brownfield land over greenfield sites and paragraph 114 seeks to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

The Revised Draft Adur Local Plan is still emerging but, rooted in the approach of the National Planning Policy Framework and sympathetic to the spirit of the Adopted Local Plan, some weight may be drawn from Policies 2, 10 and 20. These effectively retain the current strategic gap as a protected local gap and countryside outside of the built up area boundary; resist development which results in the coalescence or identity of settlements, and, in particular, seeks to safeguard the character and countryside location of Sompting Village; and protects local green gaps between Sompting/Lancing and Worthing as green infrastructure.

Paragraphs 126 to 134 of The National Planning Policy Framework safeguard heritage assets including the setting of Conservation Areas. The character of the small linear historic core of Sompting Village derives from its countryside setting. The green space around the village retains a strong rural identity and merges with the actual settlement in a very informal and indented fashion.

It is against this framework that the proposal is to be judged.

Crucial to this is an evaluation of the chosen site's contribution and significance in terms of the character of the countryside and strategic gap and Conservation Area.

The chosen site is very close to the existing house and is intimately associated with the house, reading as part of the domestic curtilage. A garden shed partly occupies and to this extent it is partly brownfield land. Having regard to the pattern of development, it manifestly sits within the urban envelope of Sompting Village and its Conservation Area and contributes only marginally, if at all, to the open countryside which lies to the south and defines

the strategic gap. Any domestic scaled building here would be viewed against the backcloth of the existing built development in the Conservation Area to the north when observed from the countryside to the south and would be indistinguishable from this. The scale of the proposal – in particular its width and height -underlines this.

The proposal stands in sharp contrast with the recently refused application: *AWDM/0016/14; Demolition of existing workshop and construction of garage/workshop accessed via lane to the east* which sat in what was effectively a field in open countryside and combined with its size and separation from the host house appear visually anomalous and obtrusive and erode and fragment a vital part of the rural fringe in the countryside and green infrastructure and harm the characterful rural setting of Sompting Village Conservation Area.

The proposal is a distinct improvement on earlier iterations and although a rear extension off the main building is preferred and has been commended to the applicant, the test is not one of optimality but of acceptability having regard to the policy/statutory tests.

Impact on the amenity of neighbours

The new building lies very close to the boundary with the Old Post Office and its small patio on its eastern side and part of the lawn to the rear of this as well as the rear of the house itself. The neighbour's concerns are understood.

However, the building is off the boundary by 1 to 1.5 ms; is deep but otherwise modestly scaled with a very low roof and partly replaces and existing shed. All windows now face away from that neighbour and a taller boundary fence with the lawned part of the neighbour's garden is now proposed to screen views. The lawned part of the neighbour garden is not close to the rear of that house and views across their rear patio to the common boundary with Little Vines are partly screened by vegetation. As such, the impact on the outlook from the Old Post Office would not be so significant as to justify refusal and privacy and daylight would be not significantly affected. The activity from the annexe is unlikely in itself to be so significant as to unacceptably harm the enjoyment of the garden of this neighbour.

Also material to this judgement is the Permitted Development rights available to the applicant as a fallback. A rear extension up to 4 ms deep with eaves up to 3 ms deep is allowed under part A whilst an outbuilding of significant size would be allowed under Part E provided its eaves were no greater than 2.5 ms. Although the proposal provides primary accommodation, it is clear that something close to the proposal could be built under these provisions without express planning control.

Visual impacts, including on Conservation Area

The proposal is of a simple design and faced in materials which are not out of place in a village/rustic location. It is unobtrusively sited and would not harm the Conservation Area or its setting and sits no deeper in the rear garden than nearby Brooklands Cottage's extensions to the west.

Access

Access to the annexe via the existing side passage is satisfactory. The increase in usage would be marginal.

The Highway Authority raises no objections.

Use as an annexe

The annexe itself is not tall or especially wide but is deep and contains all the facilities for independent living. Creation of an independent residential dwelling is possible but unlikely given its relationship to the parent house – close and facing directly towards the houses' rear conservatory and intimate area behind the rear of the house. However as a precaution, independent use may be prevented by a suitable condition, restricting its use to dependent relatives; no blocking off of the existing windows in the parent house on the west elevation adjacent to the side passage; and no formation of separate private amenity area for the annexe by erection of a fence or wall and no insertion or additional openings to the annexe or blocking up of those approved.

Recommendation

Approve subject to conditions

1. Implement 3 years

2. This permission relates to the following approved plans:-

1107-025-Rev A Location and site plans Received 16.10.15
1107-026-Rev A floorplan and elevations Received 14.12.15

3. The annexe hereby approved shall not be occupied by anyone other than a dependent relative and in no circumstances shall be occupied as an independent residential dwelling. No existing windows in the parent house on the west elevation adjacent to the side passage or openings in the approved annexe shall be blocked off and no additional openings to the annexe shall be inserted. No fence or other enclosing structure shall be sited within 15 ms south or east of the annexe.

4. The annexe shall not be occupied unless and until the raised boundary fence and trellis as shown in the drawings has been erected for the length of the common boundary with The Old Post office from the NW corner of the

garden of the application site adjacent to the rear garden of The Old Post office and proposed annexe to a point southwards for at least 15 ms. The said raised boundary fence and trellis shall be retained thereafter.

Is recommendation contrary to any representations? Y

Case Officer signed: P. Devonport Date: 14.1.16

Authorised and signed by: Gary Peck Date: 14 January 2016

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION? Y