# Development Management - Delegated Officer Report

**Application Number: AWDM/1263/18 Recommendation – Approve**

**Site: Former 43 Old Fort Road, Shoreham-By-Sea**

**Proposal: Erection of detached two-storey flat roofed four bedroom house with 1no. car parking space at the front and 1no. car parking space at rear**

**Date of site visit: Seen previously**

**Neighbours checked: Y**

**Additional neighbour notifications: N**

**Proposal, Site and Surroundings**

The application site lies on the north side of Old Fort Road and previously contained a detached chalet bungalow which has been demolished and the site cleared. There is a detached bungalow with rooms in the roof on the west side of the site and a chalet style dwelling with a steeper roof to the east. There are bungalows and chalet bungalows to the rear (north) in the Meadway.

It is proposed to construct 1no. two storey dwelling. It will have a box like form with a flat roof which will slope down very slightly from south to north. It will have rendered walls on the ground floor with untreated cedar cladding at first floor. The roof will have a sedum covering and will contain solar thermal panels and a water storage and MVHR (Mechanical Ventilation Heat Recovery) unit.

The dwelling will have four bedrooms and a front balcony at first floor. The building will have small projections on both sides at first floor, both rendered. At the rear there will be an angled projection.

The new building will measure 6.5m high at the front and 5.8m high at the rear. It will be 10.1m long and 9.6m wide. At the front the ground floor projects forward of the upper floor by 1.8m to enable the balcony to be formed above.

The existing crossover is retained and parking is provided with a hardstanding at the front for 1 car and at the rear for 1 car. The existing garage at the rear is to be retained and will include bicycle storage.

The existing front boundary wall, fence and planting are to be removed and replaced with a raised bed (450mm high) with hedge.

**Relevant Planning History**

ADC/0356/10 - Demolition of chalet bungalow and erection of semi-detached pair of part two/part three-storey three-bedroom houses (with green roof terraces and front balconies) - withdrawn

AWDM/0827/11 - Demolition of chalet bungalow and erection of 2 semi-detached two-storey flat-roofed three-bedroom houses with parking at front - approved

AWDM/0471/12 - Application for minor material amendments to planning permission reference AWDM/0827/11 including installation of solar panels on flat roof and changes to balcony, windows and doors - approved

AWDM/0251/18 - Erection of pair of semi-detached houses with one additional vehicular access and associated car parking and landscaping - withdrawn

**Consultations**

**West Sussex County Council:** The **Highway** Officer has no objection. I'm mindful that as the plans are presented a car could access the site using the existing access point and reverse into the southernmost parking space. It would be beneficial if the existing dropped crossing were extended east to facilitate direct parking from Old Fort Road. It would be advised such a modification is sought, I would be minded to accept such a modification could be secured via planning condition.

**Adur and Worthing Councils:** The **Environmental Health** Officer recommends the precautionary contaminated land and PFA informatives

**Southern Water:** Requests informatives

**Environment Agency**: The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment (December 2017) submitted with this application are implemented and secured by way of a planning condition on any planning permission. The Environment Agency requests that the following condition be attached to any planning permission granted.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (December 2017) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 300 millimetres above ground level.

- No sleeping accommodation on ground floor.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Representations**

2 letters of objection received from the occupiers of 41 Old Fort Road and 39 The Meadway:

- A single storey dwelling is the most sensible solution
- Unusual parking arrangement
- Likely to be pressure for four parking spaces over time
- Difficult manoeuvre for vehicles reversing along shared driveway
- Existing kerb should be extended
- Roof plant must be sound proofed against noise
- Loss of privacy and light from front projection
- Overbearing
- Minimum 22m must be retained between facing windows to ensure privacy
- Previous appeals in Old Fort Road have been dismissed because of substandard separation distance
- Plans appear to show a separation of just at the edge of 22m if not less
- Permitted development rights should be removed

**Response from applicant**: I note that an objector has provided a diagram that shows the regulation 22m radius distance from one dwelling to another from the inner corner of the projecting conservatory. There is nothing in the guidelines that states where exactly this measurement must or must not be taken from. We have taken the mid point on the projecting building element as the fairest option.

You will see from the plan that had we taken our 22m dimension from the outer corner of the building we would have been able to extend our building approx. another 790mm towards the property 38 The Meadway.

I trust you will appreciate our reasonable approach on this and concur with us that the measurement is to be taken from the middle of the wall.

**Shoreham Beach Residents Association**: No objection

**Relevant Planning Policies**

Adur Local Plan 2017 policies 2, 3, 15, 18, 20, 22, 28, 34, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
National Planning Policy Framework (July 2018)
Technical Housing Standards – nationally described space standard (DCLG 2015)

**Planning Assessment**

**Principle**

The proposal comprises upgrading the existing housing stock located within the built up area and can be supported in principle. The relevant issues are

the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the street.

**Visual amenity**

The plot to the site boundary is 12.3m wide and 36m deep. The overall width of the building is 9.7m, reduced from 10m as previously approved as a result of the requirement to not encroach over the shared driveway. This is a significant improvement on the previous permission on the site which was for a pair of semi-detached dwellings, just 5m wide each.

The building will have a square cube-shape with a very shallow mono pitch roof, rather than pitch-roofed. A similar form was previously approved in 2012.

The new dwelling will sit between properties with two differing roof styles; to the east there are steeply pitched roofs and, to the west, a shallower pitched roof. Further west, No.39 has a very contemporary form while No.37 has a similar box form to that currently proposed. In view of the variety of styles in the road as a whole, which includes some contemporary flat-roofed houses, it is not considered that this particular proposal will appear out of keeping.

Just under 1m distance (0.92m) will be retained to the eastern boundary and there will be an overall separation of 3.2m to the side of No.41 (the width of the shared driveway) which will help to provide a sense of space. To the east, No.45 is much closer to the boundary and there will be a closing of the space as a result of replacing the former hip roofed bungalow with the two-storey 'cube' form of the new dwelling. Nevertheless, it is not considered that the development will appear overly cramped in the street scene due to the modest height of the proposed dwelling.

**Residential amenity – effect on existing dwellings**

The dwelling will be two storeys and 6.5m in height (an increase of 1m over the previously approved scheme, partly as a result of the need to raise the floor level by 0.3m for flood risk reasons). It will reduce to 5.8m in height at the rear. The building will have a centrally positioned plant for mechanical ventilation and heat recovery. However, the plant will be set back from the front of the building by 6m and will be largely hidden from the front by the proposed solar panels.

To the east, No.45 has a dormer and roof window in the roofslope which faces the site. These areas will lose some light as a result of the built form being brought closer to the boundary at first-floor level but the rooflight is a secondary window to the first-floor lounge which is also served by patio doors at the front, while the dormer serves a WC only. At the front there will be a decked area 2.2m in depth which will not project beyond the front line of No.45, which has a projecting garage on the ground floor adjacent to the site boundary. Consequently, it is not considered that the proposal will have an adverse impact on light or outlook to No.45.

To the west, No. 41 is similar to the bungalow originally at No.43 but it has a conservatory across the front and at the rear, and two rooflights on the east

roofslope facing the site. There are also three windows on the ground floor on the east side, one of which is obscure glazed. There will be some loss of light to these windows as a result of the increased height of the built form to the east. It will not project as far to the rear as No.4. Overall, the retention of a 3.2m separation between the buildings and the relatively low height of the proposed building will ensure that any light loss will not be sufficiently serious to justify a refusal on this ground, particularly when taking into account the already approved scheme and other recent approvals for new two storey dwellings adjacent to bungalows elsewhere in the street.

At the rear, No.39 The Meadway is a bungalow, the nearest part of which (a rear conservatory in the south west corner) is approximately 5.3m from the boundary and 22.2m from the rear wall of the proposed dwelling directly in line with the conservatory on the east side of the building. The west side projects further towards the rear but faces towards the rear wall of 39 The Meadway where there is no conservatory and consequently a greater distance of 24.7m.

Both of these distances exceed the 22m recommended in the DM Standard No.1 and it should be noted that only one of the first floor windows at the rear will serve a bedroom and be clear glazed (located on that part of the building which is 24.7m from the rear of 39 the Meadway). The occupier of 39 The Meadway has objected to the proposal and has referred to an appeal decision from 2014 (AWDM/0864/13) relating to development at 39 Old Fort Road, replacing the original bungalow with a pair of two storey flat roofed dwellings, with a more substantial roof room to an overall height of 8.1m (including roof room).

It is considered that the current application is significantly different from that case with the proposed building being a single dwelling only of lower height than the appeal case. The proposed dwelling will also not project as far into the site as No.45 to the east and it is considered that the impact on the amenities of neighbouring occupiers is acceptable.

**Residential amenity – proposed dwelling**

The house will have a floor area of 130sqm which meets the National Standards for a 4 bed dwelling. Each bedroom meets the minimum size requirement.

Externally, the rear garden area of around 140sqm comfortably exceeds the Council's Standard.

In view of the separation distances between the proposed dwelling and 39 The Meadway, it is considered to be reasonable and necessary to remove permitted development rights for future rear extensions. Similarly, If Class E rights were fully available then large outbuildings could be permissibly erected within the rear garden which, if carried out, could amount to an undue loss of residential amenity space and an overdevelopment of the site. It is therefore proposed to restrict outbuildings to no more than 10 cubic metres without the need for consent.

**Accessibility and parking**

The existing garage serving the former bungalow at No.43 is to be retained for secure bicycle storage. A car parking space is to be provided on hardstanding at the rear, accessed from the shared driveway. A further space is to be provided at the front.

WSCC has no objection to this arrangement on highway safety grounds and the amount of parking is expected to be sufficient to meet the demand of the new dwelling.

The joint owners of the shared driveway at No.41have objected to the use of the driveway as an access to the rear parking area but it should be noted that it is an existing shared driveway serving existing garages to Nos 41 and 43. There are no reasonable planning grounds to object to the use of the driveway by the occupiers of the new house.

**Flood Risk**

The building is to have a raised ground floor level of 300mm with all bedroom accommodation at first floor, in order to reduce the risk to future occupants in the event of a flood.

The Environment Agency has no objection to the proposal on this basis.

**Recommendation**

**APPROVE**

**Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
4. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
5. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (December 2017) and the following mitigation measures detailed within the FRA:

   Finished floor levels are set no lower than 300 millimetres above ground level.

No sleeping accommodation on ground floor.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

7. Boundary walls/fences
8. CMP
9. Hours of working
10. Landscaping
11. Materials
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any Order revoking and re-enacting that Order with or without modification) no development under Classes A or B, nor any outbuildings under Class E of more than 10 cubic metres, shall be erected or carried out unless approved by way of a planning permission granted.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any Order revoking and re-enacting that Order with or without modification) no windows or other openings (other than those permitted by way of planning permission AWDM/1263/18) shall be formed in the east or west walls of the dwelling.
14. Obscure glazed side windows and non opening below 1.7m

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

1. 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.

2. Southern Water x 2

3. Vehicle Crossover – Minor Highway Works

4. Precautionary contaminated land
5. PFA

Case Officer: Peter Barnett Date: 5 November 2018

Authorised by: Gary Peck Date: 5 November 2018