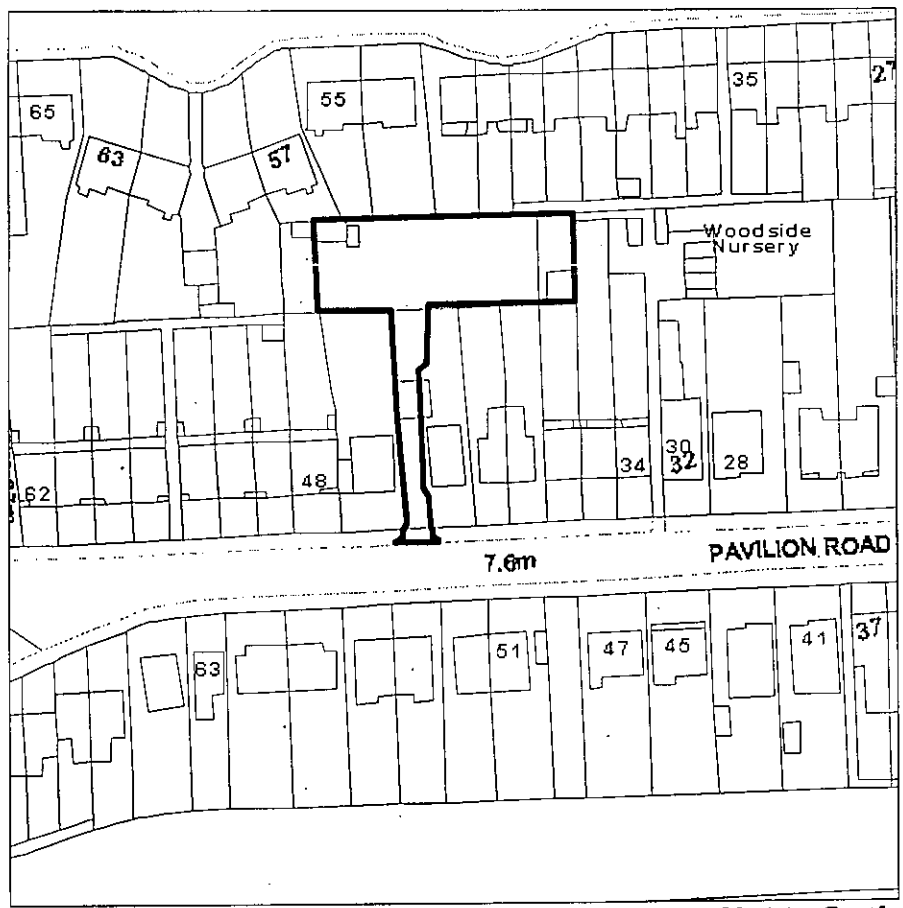
Elizabeth Lawrence Ltd
Courtley Homes Ltd

WB/08/0298/FULL
GAI
JMO

Location : 44 Pavilion Road

Proposal: Construction of two detached dwellings on land rear of No. 44 Pavilion Road with access road and carport for three cars. (WB/07/1563/FULL refers)



Not to Scale

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1. THE PROPOSAL AND THE SITE

This application relates to a 'T' shaped site, formerly part of a nursery, comprising part of the original curtilage of a detached house on the north side of Pavilion Road together with a rectangular area to the rear.

The rear part of the site, which measures approximately 43 metres by 15.5 metres, was formerly used as an allotment with pedestrian access only from a rear alleyway to the east. The site has been cleared and security gates have been erected adjacent to No. 44 Pavilion Road to prevent access into the site. In addition, a close-boarded fence has been erected to form a new,

smaller rear garden for No. 44. The depth of the garden (19.5 metres) is similar to the neighbouring gardens.

The application seeks full permission for the erection of two houses on the site, which comprise a chalet style 3 bedroom house (located to the east of the site) with accommodation being provided in the roof (including 2 front dormers) and a 1 bedroom bungalow, located to the west of the site. The proposal has been subject to a number of amendments following discussions with your Officers and the withdrawal of a more recent application for the erection of two 3 bedroom chalet style dwellings, which was considered by your Officers to be detrimental to the amenities of surrounding properties in terms of being overbearing, loss of privacy and noise disturbance (WB/07/1563/FULL refers).

The amended application provides a one bedroom bungalow to the west of the site that would measure approximately 11 metres wide and a maximum of 6.9 metres deep, with a hipped roof rising to a maximum height of 5.2 metres. The 3 bedroom chalet style house to the east of the site would measure approximately 11 metres wide and a maximum of 8.7 metres deep, with a hipped roof rising to 5.6 metres. The proposed dwellings would be in a 'backland' position and would utilise the existing vehicle access off Pavilion Road, which would extend into a new driveway serving both dwellings, running alongside the western boundary of No. 44 Pavilion Road (the application property).

The existing driveway would be widened to 4 metres for the first 6 metres of its length to provide a passing area for vehicles. The front of the driveway would be shared with the application property and would lead to a parking space being provided within the front garden, on the existing area of hard surfacing. Three parking spaces in total would be provided for the new dwellings, within the northern part of the site. The amended proposal would provide a car port to screen the cars from noise and pollution to the north of the site. The car port would measure approximately 8 metres deep, 5.2 metres wide, with a hipped roof rising to 4 metres in height. The sides and rear elevations would be enclosed with timber boarding and the roof would be slated.

The site lies within an established residential area and is surrounded by dwellings on all sides. These dwellings are of various types and range from single storey bungalows to 2 storey houses and flat developments. In particular there are bungalows in Henty Road to the north west of the application site. Furthermore, there are a number of recent flat developments along Pavilion Road.

2. RELEVANT PLANNING HISTORY

This application follows the withdrawal of a previous application for the erection of two 3 bedroom detached dwellings (WB/07/1563/FULL refers). Also of relevance is the previous two refusals of planning permission, and one outline approval relating to the same site. The first refusal in November

2005, sought permission for two bungalows (WB/05/0941/OUT refers). The application was refused on the grounds that the two properties would have an unacceptable relationship with each other and also that the proposed access and turning areas would harm the living conditions of existing neighbours and future occupiers. The proposed vehicle access was also considered not to provide adequate off-street parking and turning facilities.

The second refusal, in March 2006, (WB/06/0107/OUT refers) sought permission for an identical 3-bedroom bungalow to the previously withdrawn application (WB/07/1563/FULL), but in a different position and with different parking and access arrangements. This application proposed a considerable reduction in the garden of No. 44 (the application property) and the provision of a new garage and turning area for this property located on the shared driveway. This application was refused on the grounds of the access, parking, turning areas and driveway having an unacceptable impact upon No. 44 Pavilion Road due to the proximity to habitable room windows and the serious reduction and disfigurement of the rear garden.

Outline permission subsequently was granted in March 2007 for the erection of a 3-bedroom bungalow (WB/07/0104/OUT refers). This application had overcome the previous problems and the reasons for refusal, in terms of the unsatisfactory nature of the access, parking and turning arrangements, and was granted subject to the reservation of detailed matters and several other conditions, including the requirement for blocking up the ground floor windows on the flank of the application property, the provision of a single-storey building only, and obscure-glazing only on the north elevation of the dwelling.

3. APPLICANT'S DESIGN AND ACCESS STATEMENT

The applicant has submitted the following Design and Access Statement:

"The site comprises a former nursery, which more recently has been used as garden land. It is located at the rear of Nos. 42, 44 and 46 Pavilion Road and access is through No. 44 Pavilion Road. It is enclosed by a variety of walls and fences and is surrounded by housing developments of various types. They range from single storey bungalows to 2 storey houses and flats developments. In particular there are a number of recent flats developments along Pavilion Road and the density of the development generally is high.

Social/Economic Context and Planning

The site is located in a highly accessible location within easy walking and cycling distance of a wide range of community facilities. In addition it is within easy walking distance of both Worthing Station and West Worthing Station and a number of bus routes. At the same time it is an area that is popular with a range of household types and there is a strong demand for small family homes. The provision of at least one bedroom at ground floor level is unusual in the locality and would meet the needs of elderly and disabled persons.

Planning policy as set out in PPS 1, PPS3 and the Worthing Borough Local Plan strongly encourage making full and effective use of previously developed land within built up areas. Especially is accessible locations, such as the application site .
At the same time it is important that any development does not compromise the character and appearance of its surroundings or the living conditions of any local residents. The proposed scheme has been specifically designed to pay full regard to these issues. Due to the modest footprint, height and orientation of the buildings they will not harm the character or appearance of the locality. At the same time they have been designed to respect the privacy, outlook and other living conditions of all existing residents.

The overall development would sit very comfortably on the-site and would not look in any way crammed or out of keeping with its surroundings.

The relationship between No. 44 Pavilion Road and the proposed access drive is directly comparable to those approved in the flats developments a short distance to the east and on the south side of Pavilion Road. Indeed to make sure their living conditions are not compromised the existing flank windows at No. 44 would be stopped up.

Involvement of Local Interest
All concerns expressed to previous schemes by local residents have been fully considered and addressed in the layout of the scheme.

Evaluation
The site has the following opportunities:

- *It is located in a highly accessible location within the town.*
- *It is in a popular residential area.*
- *It is already in residential use.*
- *Given its size it lends itself to at least 2 units, with ample room for on site car and cycle parking.*
- *It lends itself to a chalet style development and would have a negligible impact on the street scene.*

The site's constraints include:
- *The proposed access would not be suitable to serve more than 5 dwellings due to its restricted width.*
- *Due to the shape of the site and the proximity of nearby dwellings any new dwellings should ideally have an east/west aspect.*
- *The size of the site restricts the number of units possible.*

The proposed scheme is a result of an evaluation of the opportunities and constraints. It is considered that the approved scheme would make inefficient use of this highly accessible site.

Design Principles, Amount of Development, Scale and Layout

This follows on from the evaluation exercise. Whilst it would be possible to accommodate 3 terraced dwellings; it was considered that this could appear over-intensive and harm the outlook from adjoining properties. The proposal however would look spacious on the site, whilst making efficient use of the

site. It would provide 2 modest family homes which would unusually be suitable for elderly and disabled persons. At the same time it would provide a very safe and attractive environment, as well as on-site parking.

In terms of design the dwellings are modest in height, with a east/west aspect to preserve the outlook from the surrounding dwellings. At the same time they are energy efficient with east, west and south facing rooms and could readily be fitted with solar panels. They would both benefit from some west/south aspect private garden space and room is available for the storage of cycle, refuse and recycling containers.

Landscaping

The existing boundary fencing/walls will be retained or replaced as appropriate and soft landscaping will be introduced around the boundaries. Each dwelling will have ample room for soft landscaping and the communal areas will be surfaced with a combination of tarmac and pavors.

Appearance

This is a very mixed area with no one architectural theme. The proposed dwellings would not be out of place within the locality and in particular the use of facing bricks and plain tiles, together with the scale and shape of the buildings will ensure that they are readily assimilated into the locality.

Access

The existing access would be widened to enable 2 vehicles to pass each other and a passing bay would be provided at the northern end of the access;"' Pedestrian visibility splays of 2 metres x 2 metres would be provided.

The arrangement would be very similar to the approved new access arrangements.

Access B5

1. *There should be vehicle access for a pump appliance to within 45 metres of all points within the dwellinghouse.*

2. *Turning facilities should be provided in any dead-end access route that is more than 20 metres long. This can be by a hammerhead or turning circle.*

3. *Design of access routes for pump.*

Minimum width of road between kerbs is	*3.7m*
Minimum width of gateways	*3.1m*
Minimum turning circle between kerbs	*16.8m*
Minimum turning circle between walls	*19.2m*
Minimum clearance height	*3.7m*
Minimum carrying capacity	*12.5 tonnes*

4. *The minimum carrying capacity of any access route should include drains and inspection covers.*

5. *Alternatively where access for a fire service pump cannot be achieved :-*

A domestic sprinkler system to be provided conforming to SS 9251 :2005 Sprinkler systems for residential and domestic occupancies- Code of practice and SS DD 252 Components for residential sprinkler systems- Specification and test methods for residential sprinklers

6. *Where it is proposed to provide a domestic sprinkler system as an alternative to suitable access facilities then The Fire Authority is to be consulted prior to installation."*

4. CONSULTATIONS

The comments of the **Highway Authority** are as follows:

"The site benefits from an existing vehicular access onto Pavilion Road, which has achievable visibility splays in accordance with Manual for Streets standards. There are also single yellow lines waiting restrictions along the northern side of Pavilion Road. The existence of these restrictions do not prevent parking at all times but ensure that visibility is protected during peak times when the access is most likely to be used and when flows along Pavilion Road are at there highest. Given the proposed number of dwellings, the number of resultant vehicle movements is likely to be low, therefore no significant concerns would be raised to the widening and increased use of this access.

The access to the two dwellings is particularly narrow although due consideration is given to the fact that the access will only serve two dwellings. Passing places have been provided at both ends of the access road. The access is not wide enough to permit an emergency vehicle particularly a fire engine to access the site. The Fire Authority should be satisfied with any arrangements to overcome any potential difficulties. Whilst no indication is given to the location of the bin store, it is likely that the carry distance will exceed 30 metres. Again the refuse collection department would need to be satisfied.

Three parking spaces are proposed for the two new units, which is in accordance with the West Sussex County Council Maximum Parking Standards. The site is accessibly located, with passenger transport and general facilities within reasonable walking distance. It is also noted that cycle parking is proposed, details of this facility should be secured via condition.

No highway objection would be raised."

The **Executive Head of Service for Health, Housing and Community Safety** raises no objection.

The comment of the **Principal Engineer** is as follows:

"In the absence of any ground investigation details, should approval be granted it be conditioned such that 'no development approved by this permission shall commence until a scheme for the disposal of surface water drainage has been approved by the Planning Authority'. Satisfactory soakage tests in accordance with BRE Digest 365 (1991) being the criteria for proof of this condition."

The comments of the **West Sussex Fire and Rescue Officer** are awaited and will be reported at the committee meeting.

5. REPRESENTATIONS

Three letters of objection have been received from local residents, which raise the following concerns:-

i) Two new dwellings would cause some disruption and add to the noise pollution from the extra parking facilities.

ii) Disappointing to see a few years on and several rejected applications, yet again the immediate dwellings to No. 44 are subject to a further application, but for two larger detached dwellings of a completely different frame.

iii) It is accepted that one dwelling has been approved, still to the disgust of the home owners of the adjoining properties, two dwellings that include a first floor is unacceptable.

iv) The original two applications were refused on strong grounds which are still valid to the current plan.

v) Loss of light – the roof of the property will rise well above the fence line.

vi) Loss of privacy – as well as building works, having a property, parking and turning areas at the end of our garden will mean we have vehicle and pedestrian traffic circumnavigating our garden.

vii) The first floor rooms are going to overlook other properties.

viii) Lack of parking and turning – parking is difficult in Pavilion Road, there could be 4 or more cars trying to park in the same part of the road, this will cause additional parking and pollution by our property.

ix) Additional noise of cars and severe building works.

x) Pollution in the air – hanging washing out, sitting outside etc. for the dirt and dust in the air, being unable to open our windows. Long term may cause health problems to our family.

xi) Loss of value to our property.

xii) Disruption of wildlife – the building site may destroy habitats.

xiii) Three parking spaces are inadequate and woefully naive.

xiv) The proposed chalet will overlook all the surrounding gardens/properties. From the plans a window will directly overlook

the garden to No. 42 Pavilion Road. The developer's lack of consideration is mercenary.

xv) A signed petition for the previous application should still be taken into account and acknowledged that residents from the surrounding properties are not supporting this development.

xvi) The distance between us and our neighbours for building such plans are too small.

xvii) The proposal by virtue of the constraints of the site would have an unsatisfactory relationship with each other.

xviii) Nos. 42 and 44 would have the direct impact of the proposal together with parking and turning areas.

xix) The access and turning arrangements in close proximity to neighbouring houses and gardens would result in an unacceptable deduction in standards of amenity in particular the occupiers of Nos. 40, 42, 44 and 46 Pavilion Road and Nos. 47, 49, 51, 53, 55, 57 and 59 Henty Road and would be contrary to Policies BE1, H18 of the Worthing Local Plan and Policy DEV1 of the West Sussex Structure Plan 2001-2016.

xx) The proposal would fail to include safe and adequate access to the road network and fail to provide adequate off-street parking and turning facilities.

xxi) The shared driveway in close proximity to the neighbouring dwellings would result in an unacceptable standard of amenities to local residents including the existing dwellings adjoining the property.

xxii) There are multiple developments agreed in the immediate area surrounding Pavilion Road, a grand total of 389 new homes within less than a 1 mile radius.

xxiii) We are in support of Teville Gate redevelopment and the masterplan but fail to see how 2 dwellings situated in several back gardens which could cause harm to the environment and living conditions of residents, would be of benefit.

xxiv) The claim should be refused and the land either remains as it is or be sold to the adjoining properties.

xxv) I object to all development because it would not easily fit in within the established surrounding housing.

xxvi) I share the concerns of my neighbours in Henty and Pavilion Road at the negative effects of increased noise, pollution, and detriment to the natural environment.

xxvii) The Committee rejected plans for 2 x 2-bedroom bungalows, which were single-storey and did not overlook neighbours. The approval required obscured glass in the north elevation and therefore I see no reason why the Committee would grant approval to this application.

xxviii) The new dwellings will make the gardens in Henty Road overshadowed and closed in.

xxix) The view from the back of properties in Henty Road would be affected in a negative way. The area is already built up enough and any further buildings would create a negative impact on the surrounding environment.

6. PLANNING ASSESSMENT

The proposed more intensive residential use of the existing urban area is supported in principle by national and local policy. However, the need for additional housing should be weighed against the effects of the development on the character and appearance of the area, the amenities of neighbouring properties and highway safety. As such the application should be principally considered against Saved Policies BE1, TR9 and H18 of the Worthing Local Plan 2003 and saved Policies DEV1, CH1 and DEV5 of the West Sussex Structure Plan 2001-2016.

The current application has been amended following the withdrawal of a previous application. This revised application seeks to address the concerns raised by your Officers in terms of loss of amenity to neighbouring properties, due to overlooking, loss of privacy, noise and disturbance. Prior to this an application for 2 new dwellings at the site was refused planning permission in November 2005 (although the refused application sought outline planning permission for two single storey bungalows and the current application seeks full permission for a single storey bungalow and chalet-style house). However, in several respects, the problems with the previous 2005 scheme and the recent 'withdrawn' scheme have now been addressed with the re-submission of this application.

The applicant has increased the size (width) of the site by approximately 6 metres through the acquisition of additional land from a neighbouring garden (No. 38 Pavilion Road). This has enabled the proposed dwellings to be sited some 18 metres apart (between the main front walls) as opposed to the 10.5 metres distance with the 2005 scheme. This distance would result in a more satisfactory relationship between the two proposed dwellings, with overlooking distances considered to be sufficient to avoid unacceptable lack of privacy for future occupiers.

The use of the driveway for one additional dwelling has already been accepted with the granting of outline planning permission for a 3-bedroom bungalow in March 2007 (WB/07/0104/OUT), and subject to the blocking up of the ground floor windows in the western flank of No. 44 Pavilion Road. It was not considered that there would be any impact upon the adjoining property, No. 46 Pavilion Road, given that this property only has an attic window and the front door for this property, which is sited on the eastern flank wall to the access route, is shielded by a covered porch. As such, it is considered that the first reason for refusal of the 2005 scheme relating to the relationship of the dwellings with each other, and the impact of the shared driveway upon Nos. 44 and 46 Pavilion Road, has been successfully addressed with this current application.

The second reason for refusal of the 2005 scheme related to the failure to provide adequate off-street parking and turning facilities. Again, the current scheme, given the change in layout and additional land acquired, has addressed this problem by providing a larger parking and turning area within the area between the 2 proposed dwellings. In addition following your

Officer's advice the applicant has proposed a car port for up to 3 cars to be located on the northern boundary of the site to the rear of Nos. 51 and 53 Henty Road. The applicant has demonstrated that the proposed car port would be enclosed on three sides with timber boarding which would alleviate noise and disturbance to neighbouring gardens in Henty Road, which had previously resulted in concerns being raised by the occupiers of neighbouring properties.

It should be noted that in the Committee report for the 2005 scheme, it was stated that notwithstanding the concerns of local residents regarding the relationship between the proposed bungalows and the existing dwellings surrounding the site, this issue was unlikely to be a problem in itself given that the proposal complied with the normal standards for distances between dwellings and between habitable room windows, and that the development would be largely surrounded by the existing substantial means of enclosure, typically rising to between 1.7 and 2 metres (and that elsewhere appropriate means of enclosure and screening could be required by condition).

The revised application includes the provision of a 1-bedroom bungalow to the east of the site, which would have a height to ridge of 5.3 metres and together with the close proximity of No. 57 Henty Road, which is angled towards the proposed western dwelling and has an approximate distance of 10 metres between the main rear elevations to both properties, is unlikely to give rise to an unacceptable degree of overshadowing, loss of privacy or have an overbearing impact to warrant a refusal of planning permission in this instance. As such, it is considered that the low-form bungalow with no first floor accommodation is acceptable on the western side of the site and would accord with saved Worthing Local Plan Policy H18.

The chalet style bungalow to be located on the eastern side of the site would include an upstairs bedroom accommodated with the dormer roof, which would include the provision of two dormer windows to the front of the dwelling. The front elevation would look west towards the proposed bungalow, however as discussed earlier in the report, this would not result in any loss of amenity to future occupiers of these properties given the proposed 18 metre distance between the two properties.

With regard to the height and scale of the proposed dwelling and its impact upon surrounding properties, the amendments to the scheme include a maximum height of 5.6 metres to the front ridge. However, in terms of its impact upon neighbouring properties in Henty Road the side (north) elevation to the proposed dwelling would be sited approximately 2.2 metres from the northern boundary and given the 15 metre depth of most of the gardens to these properties the overall distance of approximately 17 metres would not result in any loss of outlook, or privacy to these properties. In addition, the flank wall to the proposed chalet style bungalow would only include a ground floor window opening to a hallway and together with its height of 4.4 metres to ridge increasing off centre to 5.6 metres (to accommodate the dormer roof), would not result in an overbearing or overshadowing impact to the neighbouring rear gardens in Henty Road. In addition, the closest dormer to the properties in Henty Road would serve a

bedroom, which raised concerns from nearby residents in terms of overlooking. However, the amended scheme shows that the dormer window would be located a maximum distance of 2.5 metres from the hip and its proportions being 1.3 metres wide, 2 metres in height to ridge and a projection of 1.4 metres from the roofslope, would not result in any loss of privacy or outlook to properties in Henty Road particularly given its siting and proportions which would limit any oblique views out from this particular window.

Previous proposals have shown both of the dwellings having a rooflight on a side elevation which would serve a bedroom and given the proximity to the site boundaries, would overlook the gardens of properties in both Henty Road and Pavilion Road. The amended scheme proposes a velux rooflight within the southern elevation that would look onto the rear of properties in Pavilion Road. However, the velux rooflight would serve an en-suite bathroom that would have obscure glazing and would not result in any loss of amenity to neighbouring properties in Pavilion Road. In addition, two windows are proposed at ground floor level in the south elevation that would serve a dining room and lounge. There would be a distance of 20 metres between the flank wall to the chalet bungalow and the main rear wall to properties in Pavilion Road. This distance would not result in any overlooking and would be sufficient to avoid unacceptable lack of privacy for existing and future occupiers. Therefore, in terms of saved Local Plan Policy H18 the proposal would not result in any loss of privacy.

Furthermore, given this backland position of the dwellings and resultant limited views from public areas, the design of the dwellings and the layout of the site would be in-keeping with the character of the surrounding area in terms of its design, height, scale and proportions. However, the proposed car parking area including the turning area and car port would produce a large amount of hard surfacing. However, it is proposed to break up this area by providing soft landscaping. Further details in this regard would be imposed as a condition of the planning permission.

The proposed scheme would provide a width of access road and turning area for the new dwellings to a satisfactory standard as with the previous approved application, and in accordance with the Highway Authority response to this application. This would be subject to the incorporation of pedestrian visibility splays in accordance with a condition of this planning permission.

In the absence of comments from the Fire Officer at the time of writing this report, it is noted that the applicant has stated that where access to a fire pump cannot be achieved at the site, a domestic sprinkler system for residential and domestic occupancies would be installed in consultation with the Fire Authority, prior to installation. This is considered to be acceptable.

In conclusion, the current application is considered to address your Officer's concerns with regard to the earlier scheme that was subsequently withdrawn and amended accordingly. Furthermore, the proposal would overcome the reasons for refusal of the 2005 scheme for two 3 bedroom dwellings, in terms of the unsatisfactory relationship between the new

dwellings, the impact of the driveway and turning areas upon the amenities of Nos. 44 and 46 Pavilion Road and the lack of adequate parking and turning facilities for future occupiers. In addition it is considered that there would be no significant harm to neighbouring occupiers as a result of the proposal, as such the application is recommended for approval.

7. RECOMMENDATION

Planning permission be granted subject to the following conditions:

1. C1AREV Revised Standard Full Condition
2. C9B Agree samples of materials.
3. C7C No extension/alterations to building(s).
4. C7G Limitation on hours of construction.
5. The development hereby permitted shall not commence until details of the materials to be used for surfacing the driveway and car parking facilities have been submitted to and agreed in writing by the Local Planning Authority. The car parking and associated areas shall then be surfaced only in accordance with such details as may be agreed.
6. C6D Visibility to be provided to access.
7. C5B Provide parking before occupation.
8. C6A Provide access before use commences.
9. C6F Measures for surface water discharge.
10. The dwellings hereby approved shall not be occupied until such time as details for the proposed cycle store have been submitted to and approved in writing by the Local Planning Authority.
11. C6G Visibility specification.
12. The dwellings hereby approved shall not be occupied until such time as the access has been widened and the passing places provided in accordance with the approved drawings. Once provided the passing places shall be retained for the intended use.
13. The ground floor openings in the side west facing elevation of No. 44 Pavilion Road shall be blocked up and altered in a manner to be agreed in writing with the Local Planning Authority before any works to implement the permission are commenced.
14. C12B Windows to be obscure glazed.
15. C12C No new windows (extensions).
16. C12H Agree drying areas/dustbin enclosures.
17. C4B Erect walls/fences before occupation.

8. BACKGROUND PAPERS

Supporting statement from applicant
Letters of representation from Members of the Public
Observations of the Highway Authority
Observations of the Executive Head of Service for Health, Housing and Community Safety
Observations of the Principal Engineer
Observations of the West Sussex Fire and Rescue Officer