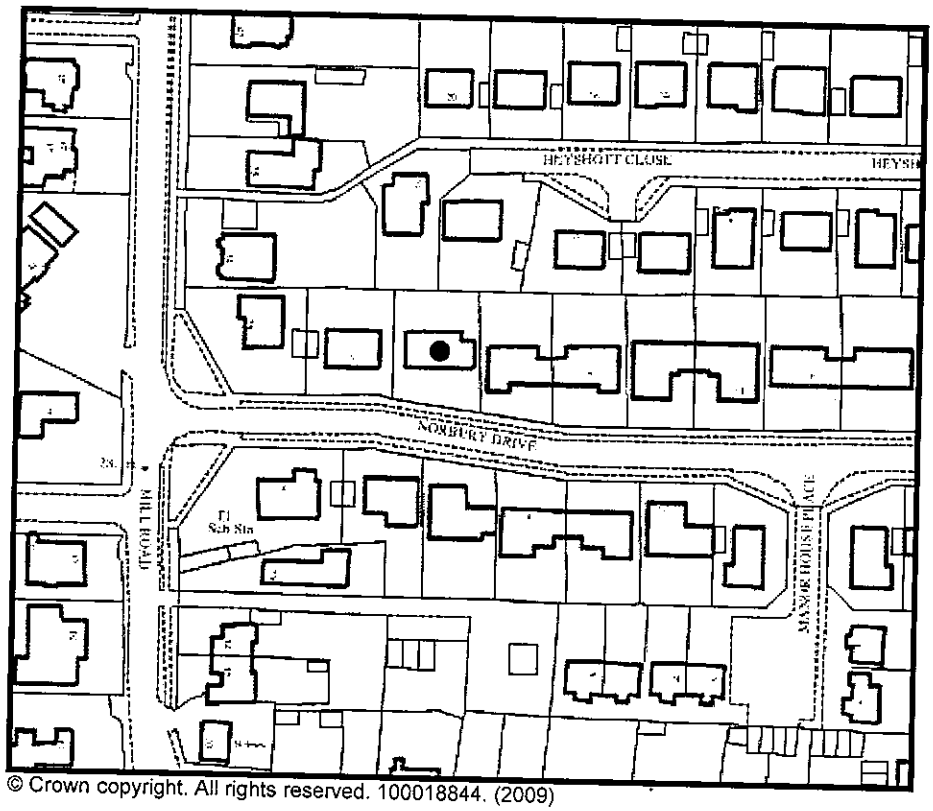
Application Number: ADC/0317/09 **Recommendation - APPROVE**

Site: **3 Norbury Drive, Lancing BN15 0QN**

Proposal: **2 flat-roofed front dormers (plus front rooflight and rear dormer as 'permitted development')**



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The Application

The application relates to a detached bungalow located on the north side of a road comprising mainly bungalows. The site lies close to the junction of Mill Road, to the west. Heyshott Close, to the rear (north), also comprises of bungalows, many with loft conversions, but there is a house (No.19) at its west end, to the rear of the application site.

Permission is sought for 2 flat-roofed front dormers. A front rooflight and a 9.6m wide rear dormer are also proposed but do not need specific permission as they constitute 'permitted development'.
The front dormers would each be 2.1m wide and a maximum of 1.52m high and 2.34m deep and would be positioned either side of the central rooflight (1.5m by 0.9m). The rooms in the roof would provide two additional bedrooms and a bathroom.

On the opposite side of Norbury Drive, directly to the south, on lower ground, are two bungalows (No's 4 & 6) of similar scale to the applicant's property. To the west is a detached bungalow (No.1) which has rooms in the roof with three rooflights on the front roof plane, whilst to the east is a bungalow (No.5) which has a room in the roof with a rear dormer, and two front rooflights.

Other dwellings in the vicinity which have roof extensions which are visible from the road are No's 9, 15, 18, 21, 26 & 28 Norbury Drive; No's 26, 28 & 33 Mill Road, No.1 Browning Road, and No's 15 & 17 Heyshott Close.

Consultations and Representations

Lancing Parish Council: State that, as the adjacent houses would be overlooked which would affect their privacy, the rear dormer with its three windows should be changed to rooflights instead.

Third Parties: 5 letters have been received from residents of No's 4, 5 & 6 Norbury Drive and No's 17 & 19 Heyshott Close.

The residents of No's 17 & 19 Heyshott Close (to the rear) both object to the rear dormer due to it resulting in loss of privacy to their rear south-facing rooms. They believe that the plans are inaccurate and that the rear dormer may require planning permission due to its size and due to the loss of the existing chimney. They feel that the Council should use its powers under Article 4 of the Town and Country (General Permitted Development) Order 1995 to make a Direction removing the 'permitted development rights', thus making the rear dormer require specific planning permission from the Council. They feel that the provisions of Development Control Standard No.3 'Extensions and Alterations to Dwellings' should then be applied to the rear dormer. They also feel that the increase in car usage and on-street parking will increase traffic congestion.

The resident of No.4 Norbury Drive feels that the overall effect of the combined front and rear proposals would be overbearing, with the front proposals overlooking his kitchen and front bedroom, and the rear overlooking Heyshott Close. He too feels that the plans are difficult to assess and that the development should reflect Development Control Standard No.3.
The residents of No.6 Norbury Drive object to the proposed front dormers because other front roof extensions/alterations in the immediate vicinity only have rooflights which are unobtrusive. They feel that the proposed front dormers would be completely the opposite.
The resident of No.5 Norbury Drive states no objections at all to the front dormers and rooflight but feels that the rear dormer will have a detrimental effect on the small area of privacy in her back garden and those in Heyshott Close.

[NB. the residents of No's 17 & 19 Heyshott Close have both requested to speak at the Committee meeting and one of the Ward Councillors has requested that the application be determined by the Committee]

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings.'
PPS 1 'Delivering Sustainable Development' (ODPM 2005)

Planning Assessment

Policies

Policy AH7 of the Local Plan states that extensions and alterations to dwellings should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural

light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general.

Development Control Standard No.3 entitled 'Extensions and Alterations to Dwellings' states, with regard to roof extensions, that they should respect the scale, character and appearance of the existing dwellings; that dormers should not be so large that they over-dominate the dwelling, resulting in a top heavy 'box-like' appearance; they should be kept well below the ridge level and should not project as far as the walls of the dwelling; the windows in dormers should be similar in style and proportion to those on the original dwelling; two small dormers will be more acceptable than one large one provided they are a sufficient distance apart; in some locations, front dormers may not be acceptable if for example they would spoil the special character of a Conservation Area.

Visual amenity

Although there are no front roof additions at this end of Norbury Drive, there are a number of roof extensions in the vicinity including some which, due to the gradient of this hillside location, are visible from the street. Many were built as 'permitted development', including a very large front dormer at No.21 Norbury Drive and a large rear dormer at 26 Mill Road. Others were the subject of applications granted planning permission, including a front part-hipped gabled extension (to the roof) at No.9 Norbury Drive (L/121/03); two enlarged front dormers at No.15 (L/130/92) ; two front hip-roofed dormers at No.26 (L/94/96); and two dormers north and south side at No.28 (L/154/99).

There are many flat-roofed dormers throughout the area, built both as 'permitted development' and with specific planning permission, and such dormers, including at the front, now form part of the established character of the area. Consequently, in principle, the present proposals would be difficult to resist and the main consideration is in respect of their detailed design.

In this instance, the proposed front dormers would be sited 0.6m below the ridge of the roof and 1m above eaves level. They would be 5.2m apart and would occupy only a small percentage of the overall roof slope. Thus, it is considered that they would not result in a 'box-like' top heavy appearance. As amended, they are shown positioned in line with the existing groundfloor windows and of similar style and proportions. It is not considered that these 2 relatively small dormers would be unacceptably obtrusive. They are relatively modest and reasonably sympathetic in design to the original dwelling and, as a result, would not appear out of keeping with the character of the area.

Residential amenity

There has been one letter of objection regarding loss of privacy from the front dormers from the owner of No.4 Norbury Drive, one of the two bungalows opposite. The front windows of No.4 are 22m away from the front elevation of the application property. The above Development Control Standard only has a minimum distance standard for facing rear windows (22m) with none for front-facing windows as it is generally expected that they will experience lower levels of privacy as a result of passing traffic and pedestrians on the public highway. In this instance, the objector's bungalow is located the same distance away as is expected between rear-facing windows and it is not considered that the proposed front dormers would result in unacceptable loss of privacy to No.4 or any other dwellings.

Access and parking

The West Sussex parking standards are maxima, not minima, as required by PPG13. The application dwelling has one off-street parking space and an attached garage. The road itself has no parking restrictions and the dwelling is some 47m from the junction with Mill Road. It is considered that the addition of two further bedrooms and a bathroom would not result in an increase in on-street parking that would be detrimental to highway safety.

Other matters – proposed rear dormer

Most of the objections received relate to the proposed rear dormer, intended to be constructed as 'permitted development'. Under the provisions of Class B of Part 1 of Schedule 2 to Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), enlargement of a dwelling by means of roof additions and alterations can take place up to an overall maximum of 50 cubic metres without submitting an application for specific planning permission. There are other limitations but none of these is breached in the case of the rear dormer other than for the inclusion of a chimney alteration (removal) but this is itself 'permitted development' under the separate Class G.

The size of the proposed dormer (as shown on a dimensioned plan now received) is 9.63m wide and a maximum of 1.52m high and 2.34m deep. It would therefore have a volume of 17.13 cubic metres which, when added to the volume of the front dormers (3.73 cubic metres each) gives a total of only 24.59 cubic metres, well under the 'permitted development' limit of 50 cubic metres for roof enlargements to detached dwellings.

Consequently the proposed rear dormer is 'permitted development' as defined by the above Order and, therefore, it does not form part of this planning application. Its effect on the residential amenity of the area is, consequently, not a material consideration that can be taken into account in determining this application.

It should be noted that Article 4(1) of the above Order does provide, in exceptional cases, for the Local Planning Authority to remove the normal 'permitted development' rights by making a Direction. Such a Direction would lapse after 6 months unless it is approved by the Secretary of State. Given that the location of the dwelling is in a residential area which has already undergone, as 'permitted development', many roof alterations affecting its character and that it has no special character of its own to distinguish it from many other similar residential areas whether in Adur or beyond, it would clearly be difficult to justify the making of an Article 4 Direction. Circular 9/95 states that permitted development rights for dwellings outside Conservation Areas should only be withdrawn where the dwellings are of particularly high quality. Thus, the approval of the Secretary of State is unlikely to be forthcoming. Moreover, a successful legal challenge could occur particularly if a Direction were to be on an individual dwelling such as this, which would undoubtedly be considered inequitable and unreasonable.

Recommendation

APPROVE for reason that:-

The proposed front dormers 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 policies of the Adur District Local Plan (AG1, AH7).

Subject to:-

1. C1Ci (Standard time limit)
2. C14A3 (Permission relates to application as amended by revised plan 2/09B received on 16 September 2009)
3. C12E3 ((External tiles to match existing roof tiles unless otherwise approved)

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