Expiry Date – 22.6

Development Control – Delegated Officer Report

Application Number: AWDM/0756/21 Recommendation – Refuse

Site: 36 Norbury Drive, Lancing

Proposal: **Construction of two-storey 3no. bedroom detached dwellinghouse to north of 36 Norbury Drive**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 1/7

Site and Surroundings

This application relates to the rear garden of 36 Norbury Drive, a two storey house on the corners of Norbury Drive, Ring Road and Boxgrove Close. The rear garden fronts Norbury Drive and Ring Road. The garden is on a steep gradient and rises approximately 5 metres from the southern to northern boundaries.

The property is not in a conservation area and is not listed. There are no protected trees on the site. This part of North Lancing is characterized by pitched roof houses, chalet bungalows and bungalows dating largely from the 1920's to 1970's built of traditional materials.

The existing house on the site is two storeys and has been extended on the north side with a two storey flat roofed addition. Boxgrove Close properties are bungalows some of which have been extended into the roof. Ring Road is largely inter war two storey houses of varying designs. Typically, houses sit in generous plots back from the road frontages in mature gardens.

The site's rear garden is enclosed by shrubs and trees and is impossible to view from Ring Road or Norbury Drive presently. The plot has been fenced off from the parent site and the existing house appears to be on the market.

Proposal

It is proposed to develop the northern part of the rear garden by cutting a two storey flat roofed contemporary house into the site gradient such that from Ring Road the proposal appears single storey only. This involves considerable excavation, up to 3.5 metres in depth at its greatest. The property is to be 'upside down' in design with entrance level off Ring Road with living and kitchen areas at this 'upper' ground floor and three bedrooms and bathrooms at the lower level. From Ring Road the new house will have a height of 3 metres. From the rear it will be 6.2 metres. The maximum height of the new dwelling exceeds the height of the existing house by approximately 1 metre.

It will sit 1.8 metres off the western boundary with Norbury Drive, 3.17 metres back from the north boundary of Ring Road, 834 metres off the shared boundary with 1 Boxgrove Close, to the east and 4.3 metres from the new boundary with the parent building and 6.2 metres from the house itself. On the new house staircase access down to the rear garden is shown on the east elevation.

A new crossover 4.5 metres in width is proposed off of Ring Road to provide access to two car parking spaces. The applicant has purchased land from the owners of 20 Ring Road to achieve this.

The existing house is red brick under a tiled hipped roof and white uPVC windows. No alterations are shown to the existing house. The proposed house is to be grey brick on the single storey north elevation and white brick on the upper ground floor south elevation with timber cladding below. Grey slate tiles or grey flat roofing membrane is proposed for the roof with grey window frames. A recent, unimplemented permission allows alterations to the existing house.

The block plans shows the removal of many trees from the site but the retention of the front boundary hedge. This doesn't seem correct as a new vehicle access crosses the hedge line on the north boundary. Indicative replacement tree and shrub planting is also shown.

In the event of a recommendation for approval Councillor Buxton requested that this application be dealt with by the planning committee.

Relevant Planning History

AWDM/0555/21 - Proposed single-storey rear extension to garage, cladding, rendering and replacement windows and doors on all elevations, removal of first floor to existing west elevation extension and formation of terrace with 1.6m high opaque screens to north and east sides. Provision of 1no. additional parking space (revised proposal). Granted.

AWDM/0013/19 - Remodelling of existing house involving removal of first floor to West elevation extension to create first floor balcony with new doors. Extension to rear of garage and alterations to fenestration. Erection of a new two storey flat roofed dwelling with lower ground and ground floors only (excavation involved); access from Ring Road. Withdrawn.

L/205/77 – Screen wall 5' high and 73' long on land between 36 Norbury Drive and 20 Ring Road. Refused 26.9.77

L/315/70 – First floor extension to form bedroom and alterations to form bathroom. Granted 6.10.70

L/77/62 – House and garage. Granted 17.4.62

Consultations

Highways:

I refer to your consultation in respect of the above planning application and would provide the following comments.
Site Background
The applicant seeks the construction of a 3-bedroom dwelling.
History - The LHA previously requested access details to be provided.
The site will be located on Ring Road an unclassified, low trafficked, 30 mph urban road, where on street parking and large footways are present. As such, the LHA will use Manual for Streets (MfS), an accepted government guidance document to assess the suitability of the development.

Access
The applicant proposes to implement a single 4.5 metre (kerbside) Vehicle Crossover (VCO).The applicant has not supplied visibility splays at the new access point. This said, MfS guidance states that, Vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays at minor accesses will encourage drivers to appear more cautiously - similarly, to how vehicles pull out when visibility along the carriageway is restricted. Following this guidance, the LHA raises no concerns over the lack of the details.

The LHA also note that concerns have been raised by 'reps' that the steepness and the presence of a corner should factor in to highways safety. The LHA have considered such using WSCC local mapping and raise no concerns, given the access location will be adjacent to an already existing access and located on the outer arc of the bend, visibility of the access would be considered adequate for the site size and VCO width in this location.

Parking
Under WSCC Car Parking Guidance (adopted August 2019), the LHA would expect that 3 parking spaces would be enough for a development of this size and location.
For the LHA and MfS to consider parking spaces towards the provision of a site they must first meet minimum requirements of,
- *Single bay parking space or carport - 2.4 x 4.8 metres,*
- *Single garage space - 3 x 6 metres (Internally),*
- *Single parallel parking space - 2 metres (obstruction free i.e. fence) or 2.4 metres x 6,*
- *Disabled Bay parking - 2.4 x 6 metres,*
- *Disabled Tandem parking - 2.4 x 6.6 metres,*
- *Hardstanding space abutting an exit deemed an emergency escape – 2.4 x 6 metres.*

Following the above guidance, the LHA supplies the following comments.
The applicant proposes a parking provision of 2 spaces for the new dwelling.
These are in the arrangement of:
- *2 unallocated bay parking space(s),*

The total dimensions of the space(s) are,

Bay Parking Spaces – Measures 5.4 x 5.35 metres,
For the LHA to consider bay parking spaces towards the parking provision of the site they must first measure 2.4 x 4.8 metres (as per MfS guidance). The applicant has proved such. As a result, the LHA would consider the parking spaces to supply a provision of 2 spaces. From inspection of these findings the LHA supply the following comments.
The above findings show that under WSCC and MfS Guidance the development will provide 2 parking spaces towards the provision of the site. This is 1 below the minimum recommendation made by the PDC. The LHA raises no concerns over this provision providing the following sustainability conclusion is acceptable to the LPA.

Sustainability - Cycle Parking
The site is in a sustainable location within walking and cycling distance of a range of public services, amenities and employment options. Buses and rail station provide a realistic travel opportunity for longer trips.

The Local Highways Authority (LHA) would not anticipate that future occupiers of the dwelling would be reliant on the use of a private motor vehicle. As a result, the LHA would like to see the implementation of cycle storage space. Details of which can be secured with a suitably worded condition found below.

Electric Vehicle Parking (EV)
In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Adur Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition which is advised below.

Additional
Given the concerns raised by 'reps' over the parking pressures on street and no clear way in which construction traffic can access the site, the Local Highways Authority (LHA) requests the submission of a comprehensive Construction Management Plan (CMP). This should set out the implementation of controls throughout the construction project to ensure that safety of users of the public highway, as well as its operation is not detrimentally affected.
The construction management plan shall amongst other things, set out the management of deliveries along Ring Road / Norbury Drive considering the carriageway width and presence of other vulnerable road users. The LHA would be mindful to secure such matters via a suitably worded condition.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions and informative:

Conditions
Access
The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with the approved site plan.
Reason: In the interests of road safety.

Parking
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 always thereafter be kept for their designated purpose.
Reason: To provide car-parking space for the use

Cycle Parking
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 to be submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Electric Vehicle Charging Spaces
No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Construction Management Plan
No development shall be commenced until plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.
Reason: To avoid undue congestion of the site and consequent obstruction to access.

Southern Water:

The attached plan shows that the proposed development will lie over the position of an existing public foul sewer, which will not be acceptable to Southern Water. The exact position of the foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Please note:

1. The 175mm diameter sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.

2. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer.

3. No new soakaways should be located within 5 metres of a public sewer.

4. All existing infrastructure should be protected during the course of construction works.

Please refer to southernwater.co.uk/media/3011/stand-off-distances.pdf

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above must apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example, "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development."

Furthermore, it is possible that a sewer now deemed to be public may be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer.

To make an application visit southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

For further advice please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (0330 303 0119).

Website: southernwater.co.uk or by email at SouthernWaterPlanning@southernwater.co.uk

Technical Services:

'Thank you for the opportunity to comment upon this application. We have the following comments on flood risk and surface water drainage.

Flood risk- The application is within flood zone 1, and is not shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds.

Surface water drainage- the application form indicates that it is proposed to discharge surface water to soakaway. Given the proposed site layout it appears that this will not be possible in practice as insufficient easements to buildings, highways and boundaries are available. In fact the proposed dwelling could be over the site of an existing soakaway serving the current property. Therefore surface water drainage design may have to account for two properties, not just one. We do not believe that there are any surface water sewers in the area.

If you are minded to approve this application please apply the following condition as a result of the difficulties with the site:

"Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity."

and the accompanying informative:

"Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

Environmental Health: No objection.

Council's Arboriculturist: Trees on the boundary are worthy of a TPO.

Lancing Parish Council: '*That this application be recommended for refusal on the grounds of overdevelopment and access with Members supporting the concerns raised by WSCC Highways. The committee authorized Cllr Buxton to 'call in' this application to ensure it would be considered by Adur Planning Committee.'*

Representations

9 letters of objection received, summarized as follows:

1. Too small a plot
2. Dangerous access for vehicles. Does the land for the access now belong to the applicant?
3. Will increase on street parking in a dangerous position.
4. Deep excavations could undermine neighbouring properties.
5. Removal of trees/shrubs will be harmful to local wildlife/neighbours' mental health/appearance of the area.
6. Covenant prevents development of this 'parcel'.
7. Design and materials 'grey plague' out of character, utilitarian in appearance, on a prominent corner.
8. Overdominant on the hill and will overlook other nearby properties
9. Little or no garden proposed.
10. Loss of privacy to existing house, 20 Ring Road and 1 Boxgrove Close.
11. Loss of light to1 Boxgrove Close
12. Concern regarding surface water from the site running into 1 Boxgrove Close
13. Noise pollution, extra neighbour.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2, 3, 9, 15, 18, 20, 22, 30 and 36 including adopted Development Management Standard No. 1 'Space Around New Dwellings and Flats'
DCLG Technical Housing Standards 2015
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The principle of development can be supported as it creates a new dwelling within the built up area boundary and established residential neighbourhood of North Lancing. The issue of housing supply is key. For consideration is the impact of the design of the

proposals on the character and appearance of the area, neighbour amenity, highway network, landscaping and drainage.

Housing Supply

In February 2021 the Government published the Housing Delivery Test 2020 measurement results. Adur delivered 48% of its requirement, and therefore the presumption in favour of sustainable development applies.

However, the Local Plan trajectory demonstrates that, when measured against the Local Plan delivery target, this shortfall can be addressed later in the plan period. Commitments are predicted to increase significantly in 2023/24.

Design/Visual Impact

Paras 127-131 of the NPPF 2019 states:

'127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity or existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

Policy 15 of the adopted Local Plan states:

'Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should:

 Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;
 Include a layout and design which take account of the potential users of the site;
 Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment;
 Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;
 Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;
 Have safe access to the highway network, and not result in harm to highway safety;
 Have acceptable parking arrangements (in terms of amount and layout);
 Take into account the need for waste reduction and recycling, both during the construction phase and over the lifetime of the development;

Best practice guidance published by the Government, the Council and other bodies will be used when assessing applications. Design codes, planning briefs and masterplans will be developed for key sites where appropriate.

The proposed design has a modern flat roofed 'box like' appearance unlike anything in the immediate area. In addition to the design the proposed materials are untypical of the area. The development will be all the more apparent as it is on a very prominent corner and in an elevated position and much of the existing, dense and mature planting within the site is to be removed.

Given the elevated position and the off set of the building to the west of the parent building the proposal will be extremely visible on approach, from the south in particular. It will rise above the existing property. The form, design and materials proposed would result in an overbearing development in terms of the streetscene and would represent an incongruous addition to it.

From the front, north side, it will take the form of a single storey building with little character and unlike anything else locally. Its form and appearance, notwithstanding its scale on the Ring Road frontage will not sit quietly in the streetscene but will appear anomalous and discordant.

The house will sit much closer to the western boundary than the existing property breaching the established Norbury Drive building line. From the open corner to the west the cut in to the gradient will be very obvious as will the proximity to the existing house. Adopted Development Management Standard No. 1 seeks a minimum distance of 11 metres between the rear of one dwelling and the side of a single storey dwelling. Where it faces a two storey dwelling the distance should be 14 metres. This proposal directly conflicts with these standards. At only 6.3 metres from the new dwelling and 4.3 metres to the new boundary it will look very cramped in relation to the existing house and sit less comfortably than typical in the immediate vicinity.

The design itself is not considered to be 'outstanding or innovative' notwithstanding the cut into the slope. It is not considered that it will raise the standard of design locally. It is not sympathetic to local character or history and will not contribute to a local sense of place. Nor is it sympathetic to the local landscape given the removal of so much of the existing established rear garden planting. The Council's arboriculture officer considers some of the boundary trees worthy of a preservation order for the contribution they make to visual amenity.

Its architectural form, height, materials, density, scale, landscaping and layout are all considered to be at odds with the locality.

Neighbour amenity

The existing house has a small patio area facing north as well as habitable room windows. It has a large side and front garden that would become the principal garden area of the parent house if the site were to be divided as proposed.

The proposed house with its large south facing windows would overlook the parent house and retained side garden area to the detriment of the living conditions of future occupiers. It would loom large over the parent building and gardens and be overbearing and oppressive to future occupiers.

It is shown to be positioned 8.3 metres off the shared boundary with 1 Boxgrove Close but this dimension on the block plan does not account for the staircase proposed on the east side of the building to give access from the upper ground floor to the rear garden. This staircase will enable overlooking of No. 1 which will result in a loss of privacy. It will also be overbearing to the occupiers at No. 1 when in their garden especially.

No other neighbour will be directly affected.

Living conditions of future occupiers/parent building

This 3 bedroom house has a floor area of 120 sqm which far exceeds the requirements of the DCLG's technical housing standard. It would receive good levels of light. It appears that the private garden area available to the new house on the south and east sides would be greater than 85sqm as defined in adopted Development Management Standard No. 1.

The parent house would be left with enclosed side and front gardens which would also exceed this standard. Typically front and side gardens are not considered to be private amenity spaces and in this case there are two pedestrian gates from the street bisecting this area further reducing its private nature. In addition this space is compromised by the proximity of the proposed new dwelling on elevated ground with large south facing windows overlooking it as stated above.

Highways

The highway authority does not object to the position of the crossover proposed nor the level of parking to be provided. Consequently, there are no highway grounds on which to refuse this application.

Drainage

No drainage report has been submitted with this application. Southern Water believes there is a foul sewer crossing the site. The Council's drainage engineer believes a soakaway for the existing house is within the site. She very much doubts that there is space available within the site to drain surface water from it, and the existing house, via a soakaway, the applicant's intended means of disposal. This is a major concern especially given the typography of the site.

Landscaping

The site is well screened from the road and provides secluded and private amenity space to the existing family home. The boundary planting and trees within the site enhance the local environment. Removal of much of the existing planting does not respect local character and will diminish the appearance of the streetscene.

Conclusion

It is acknowledged that this windfall proposal would add one new dwelling to the Council's housing supply and would result in some public benefit associated with the construction and occupation of the dwelling. However, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, which include the provision of one 3 bed dwelling.

Recommendation REFUSE for the following reason:

1. The proposal by virtue of its form, context, massing, siting, layout, height, size, scale, materials and landscaping would appear cramped within the plot and would result in a discordant development which would be out of keeping with the character of the area and harmful to the streetscene. The proposal therefore fails to comply with policies 15, 22 and 30 of the Adur Local Plan 2017, adopted Development Management Standard No. 1 'Space Around New Dwellings and Flats' and the National Planning Policy Framework.

2. The proposal by virtue of its form, massing, siting, layout, height, size and scale, would cause overlooking and be overbearing to neighbours. The

proposal therefore fails to comply with policy 15 of the Adur Local Plan 2017 and the National Planning Policy Framework.

3. The proposal fails to demonstrate that surface water can be adequately drained from the site without causing harm. The proposal is therefore contrary to policy 36 of the Adur Local Plan 2017 and the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to any representations? No

Case Officer signed:	MOK	Date: 15/7/21
Authorised and signed by:	Peter Barnett	Date: 15 July 2021