Development Management - Delegated Officer Report

Application Number: AWDM/0495/20 Recommendation – Approve

Site: 91 Grinstead Lane, Lancing

Proposal: Proposed self-contained detached annexe for dependant relative. (Resubmission of AWDM/0143/19).

Date of site visit: Seen previously

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a detached bungalow on the east side of Grinstead Lane. It is proposed to construct a detached building in the rear garden for use as an independent annexe for a relative. The floor plan shows the building having 1 bedroom, 1 bathroom, a kitchen/dining/living area and a small utility/storage room. It measures 9.95m long, 7.6m wide and 3.84m high with a pitched roof. The previous application for an annexe was for 2 bedrooms (1 for a carer), plus bathroom, utility room and living area/kitchen/diner. That building was T-shaped and measure 11.8m long, 8.54m wide and 4.45m high.

It is to be occupied by the applicant's elderly mother.

Relevant Planning History

ADC/0137/10 - Erection of detached 2/3 bedroom bungalow at rear of 91 Grinstead Lane (with access from access road off Shadwells Court) – refused and appeal dismissed

AWDM/0143/19 - Proposed self-contained detached annexe for dependant relative – refused for the following reasons:

1. *The proposed building, by reason of its size, siting and loss of existing vegetation required in order to accommodate the building, would be out of keeping with and harmful to the character and appearance of the locality and, if permitted, would make it difficult for the Local Planning Authority to prevent similar development, the cumulative effect of which would detract seriously from the character of the area. The proposal is therefore contrary to policies 15 and 30 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.*

2. *The site lies within a flood zone and no flood risk assessment has been submitted with the application to demonstrate that the development is appropriately flood resilient, includes safe access and escape routes, will be safe for the lifetime of its user and will not increase flood risk. The application is therefore contrary to policy 36 of the Adur Local Plan*

and the relevant paragraphs of the National Planning Policy Framework.

Consultations

West Sussex County Council: The **Highways** Officer has no objection. The site currently benefits from an existing vehicle crossover and no alterations to this arrangement are proposed. Visibility at the existing access appears sufficient for the anticipated road speeds. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there has been one recorded injury accident within the vicinity of the site; however this was not result of the road layout. Therefore there is no evidence to suggest that the existing access is operating unsafely or that the addition of an annexe would exacerbate an existing safety concern. This proposal is not anticipated to result in a material intensification of use of the access.

The site benefits from an off-street parking area providing parking for a number of vehicles. No alterations to the existing parking provision are proposed and it is anticipated that the parking provision is sufficient for the host dwelling and annexe.

Conclusion
The LHA does not consider that this proposal would have 'severe' impact 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.

Adur and Worthing Councils: The **Engineer** does not object. Advises that the flood risk assessment is okay, the building finished floor level should be constructed to the level defined in the flood risk assessment.

The **Environmental Health** Officer has no objection on PSH grounds. Recommends condition:
Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

The **Trees and Landscape** Officer advises that the trees are unlikely to be accepted as TPOs. Part of the guidance for new TPOs in AWCs is that rear garden trees need to be of particular interest such as historic or rare. Although these trees are partially visible from a road, it is not a public highway.

Lancing Parish Council: No comments received

Representations

2 letters of objection received from the occupiers of Shadwells Court and 89 Grinstead Lane:

- Although the application has made no intention of opening up an access point onto Shadwells Court we feel that this will be asked for at a later date.
- Shadwells Court has many elderly and medically ill residents and therefore we feel that the work needed would be over a long period of time, causing our residents much stress and anxiety.
- The road which backs onto 91 Grinstead Lane is a vital through way for residents, visitors, GPs and quite frequently ambulances and other medical personnel therefore it needs to be a clear drive way at all times, apart from bays already marked out for residents and their visitors.
- It appears that the wrong type of planning permission has been applied for as they are building a separate house in the garden.
- The existing use is a rear garden. This plan to build a dwelling could affect the enjoyment and tranquillity of our garden.
- There is a need for tree survey. There are large trees close to our boundary, which are not being removed in the plans, which could be affected by any building work.
- There is no consideration for discharge of surface water and the effect on the neighbouring properties. The ground water levels are high already (particularly in the winter), and there is no proposal for where the runoff from the roof will be discharged.
- Foul Sewage - No plans have been submitted at all. There is no mention as to where would this be discharged (through existing shared drains? Cess pit, etc?). We have concerns regarding the possible effects to our property. We cannot comment further as no details have been supplied.
- Waste Storage & collection - No plans have been submitted as to where waste will be stored for this separate dwelling. We have concerns regarding possible smell, flies, and vermin.
- The plans supplied have no measurement from our boundary. It is not acceptable to assume that the building is centred on the plot.
- The design/direction of the roof of the building is 3.84 metres high within 2.45 metres of the boundary (if the building is centred on the plot - not marked on plans). This will significantly block the sun/light in our garden.
- As previously stated in Application: AWDM/0143/19 "The building would be a permanent feature of the area and would be likely to exist long after its occupation by the appellant's family members. If permitted, there would be nothing to preclude the occupation of the bungalow by others or its sale." This could cause additional noise and disturbance in what should be a garden area.
- The planning application has been refused twice before and once further on appeal. This plan is not substantially different to the last one.

Relevant Planning Policies

Adur Local Plan 2017 Policies 15, 30, 36
‘Supplementary Planning Guidance’ comprising: Development Management Standard No.1 ‘Space Around New Dwellings and Flats’
No.2 ‘Extensions and Alterations to Dwellings’’
National Planning Policy Framework (2019)

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 dwelling and its surroundings.

Visual amenity

The application property is a detached bungalow and there are bungalows on either side which all enjoy long rear gardens. The proposed annexe building would not be seen from Grinstead Lane and its character would therefore be retained.

The site of the proposed annexe contains a number of trees, although many have been felled or lopped since the time of the previous application. Those that remain contribute to the character of the area and no tree survey has been submitted with the application to identify those trees that are to be felled and those which are to be retained. Following a request for a tree survey the applicant has subsequently confirmed that all of the trees in the rear garden are to be removed. The Trees and Landscape Officer was asked to assess whether the trees were worthy of formal protection and he has concluded that, being in the rear garden, they would not merit a preservation order. While regrettable, there is nothing to prevent the trees being felled whether this application had been submitted or not and, as such, consideration of the impact on the trees cannot be taken into account in this case.

The proposed building is smaller than previously proposed and retains space to the boundaries (at least 4.8m to the rear, 2.9m to the sides). Its simple form is much more appropriate for an outbuilding than the previous scheme and is similar to many other annexe buildings that can be found throughout the District. It is not considered that it would cause harm to the character and appearance of the immediate area. There is already a large outbuilding at the rear of 95 Grinstead Lane, for example (approved under AWDM/0603/19).

Residential amenity

The annexe has the potential to cause an intensification of activity in the rear garden but, provided it is occupied for purposes ancillary to the main bungalow, no serious harm to residential amenity would be expected. Shadwells Court is a block of flats to the rear, occupied predominantly by elderly persons. However, there is no reason to consider that the proposed building and its ancillary residential use would give rise to harmful disturbance to those residents, or to neighbouring occupiers on either side. It is considered that adequate control over the use of the building can be secured by condition in this case.

Flood Risk

The site is partially in flood zone 3 and wholly within flood zone 2. A Flood Risk Assessment has been submitted. It states that in order to further safeguard the new annex beyond 2081 the finished floor level is to be set at 5.4m AOD.

The Council's Engineer has no objection on this basis and is satisfied that the development will be safe for the lifetime of its user and will not increase flood risk.

Recommendation

APPROVE, subject to the following conditions:

1. Approved Plans
2. Time limit
3. Ancillary use only
4. To be set at 5.4m AOD in accordance with FRA
5. Hours of construction
6. Foul and surface water drainage details to be submitted and approved

Is recommendation contrary to letter(s) of representation? Y

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 19 May 2021

Authorised by: Gary Peck Date: 19 May 2021