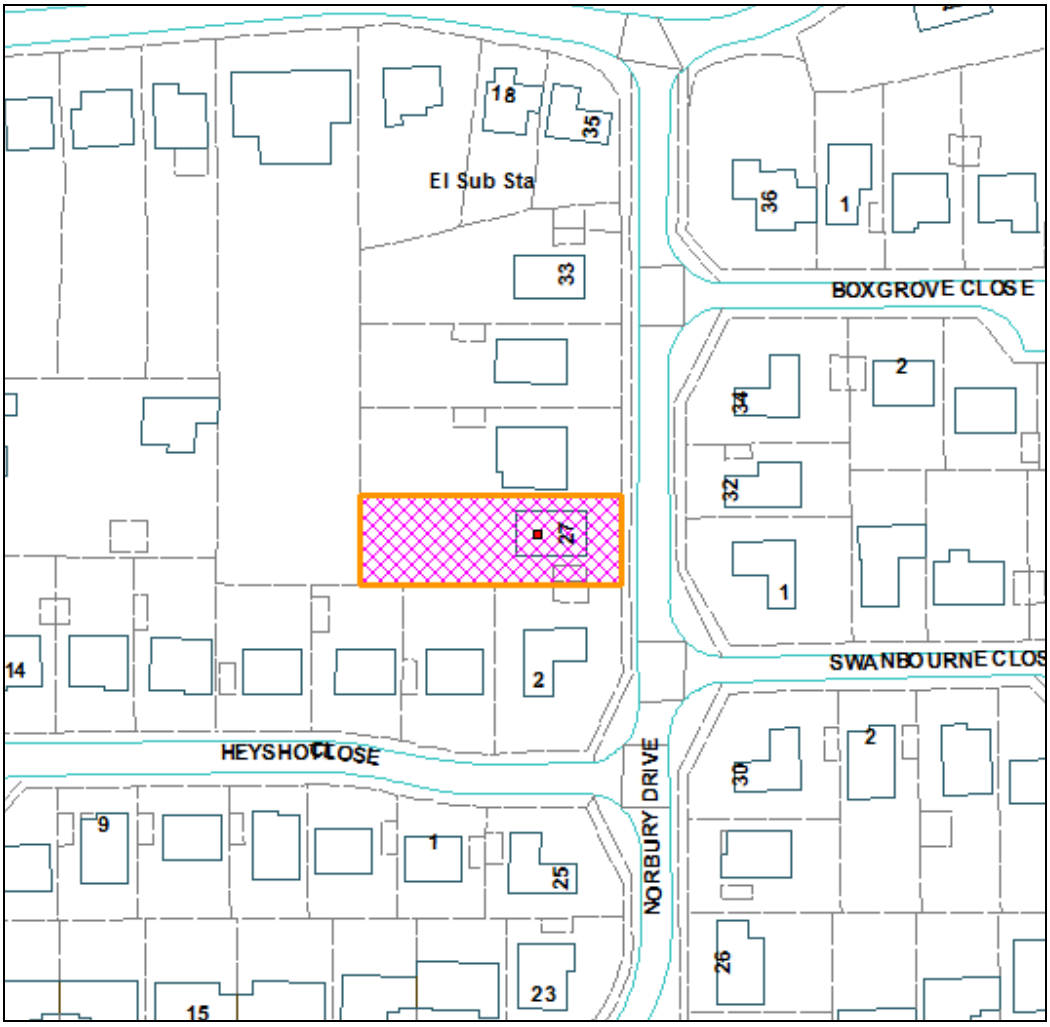
Application Number: AWDM/1590/18 **Recommendation – APPROVE**

Site: **Land South Of 14 Ring Road, Norbury Drive, Lancing**

Proposal: **Variation of Conditions 11 and 17 of planning permission AWDM/1272/15 to use garage at 27 Norbury Drive for parking and ancillary storage, including change of single side door to double glazed doors (retrospective)**

Applicant: Mr Ivan Farrow Ward: Manor
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

Planning permission was granted in 2016 for the construction of 2 no. detached two storey dwellings at the rear of 14 Ring Road, with new vehicular access formed from Norbury Drive (AWDM/1272/15). In order to gain access, the existing garage on the south side of 27 Norbury Drive was to be demolished and a new garage constructed within the rear garden of 27 Norbury Drive adjacent to the northern boundary. The new garage was subject to Condition 11 which states:

"*The dwellings shall not be occupied until the garages, parking spaces, turning space and access facilities (including the vehicular access and replacement garage for 27 Norbury Drive) shown on the submitted plans have been provided in accordance with construction details to be submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall not thereafter be used for any purpose other than access, parking and turning of vehicles incidental to the use of the proposed dwellings*."

It is also covered by Condition 17 which states:

"*The garage buildings hereby approved shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes*."

The garage has been constructed but the applicant wishes to use the garage for other uses in addition to using it for the parking of a vehicle. Alterations to the external appearance of the garage have also taken place from those shown on the originally approved plans, namely the addition of French doors on the south elevation.

The applicant has advised that the glazed doors on the south side give access to the garden and enable garden furniture and equipment to be more easily carried in and out when the main garage door is blocked by a motor vehicle. They also provide daylight to an otherwise windowless building. It will not be used for commercial purposes or for sleeping in.

The applicant does not consider that the condition requiring the garage to be used for parking only (Condition 17) should have been applied to 27 Norbury Drive as it relates to the new dwellings at the rear of 14 Ring Road only. However, Condition 11 does explicitly refer to 27 Norbury Drive and it is clear that the garage in question is currently restricted to use for the parking of vehicles only.

Relevant Planning History

AWDM/1272/15 - 2 no. detached two storey dwellings with new vehicular access formed from Norbury Drive – approved

AWDM/0915/17 - Non material amendment to approved AWDM/1272/15 for relocation of garage serving No.27 Norbury Drive - approved

Consultations

West Sussex County Council: The **Highway**s Officer has no objection. He advises that in highway comments in relation to AWDM/1272/15 dated 21/10/2015 the Local Highways Authority advised individual conditions to secure the following matters:

- Garages (Proposed Dwellings Only)
- Parking & Turning Spaces (Both for the Existing and Proposed Dwellings)
- Access Works (To Serve Replacement Parking)
- Access Works (To Serve Proposed Dwellings)

The wording of condition 11 applied specifically states that "The area of land provided shall not thereafter be used for any purpose other than access, parking, and turning of vehicles incidental to the use of the proposed dwellings". This may lead to some confusion that the replacement garage for 27 and parking area is to be used by residents of the proposed dwellings only.

Providing the access works (to serve 27 Norbury Drive), access works (to serve proposed dwellings), Parking & Turning Spaces (Proposed Dwellings), Parking (27 Norbury Drive) and Garages (Proposed Dwellings Only) are secured the Local Highways Authority has no concerns with the wording of this condition being varied to clarify matters.

In respect of Condition 17, in highway comments in relation to AWDM/1272/15 dated 21/10/2015 the Local Highways Authority advised a similarly worded condition and requested it be applied only for garaged used by the proposed dwellings. As such the Local Highways Authority has no concerns with the wording of this condition being varied to reflect that.

Lancing Parish Council: No objection

Representations

10 letters of objection received from the occupiers of 28, 29, 32 Norbury Drive, 25 Ring Road, 46 Mill Road, 4 Heyshott Close, 5 Boxgrove Close, 1 Swanbourne Close and 2 unspecified addresses:

- Does not comply with previously approved plans
- Disregards condition that it should be used for parking of vehicles only
- Conditions should be respected and upheld
- Will result in more parking problems with more cars on road
- Is now more of a summerhouse
- Could set a precedent for change of use of garages of the two new houses

- Glazed doors enable overlooking of properties in Heyshott Close since removal of trees along boundary
- Garage has been moved further back into the site than originally approved
- Concerned that the multiple plug sockets in the building will lead to power tools being used causing noise and disturbance
- Applicant is keen on renovating old machinery

1 letter of support received from the co-owner of the development site to the rear:

- Does not feel that the restriction was necessary for the replacement garage at 27 Norbury Drive.
- There will be no adverse impact on the street parking situation
- More parking now available to 27 Norbury Drive than before, with the use of the drive
- Double doors do not cause harm

Letters received from the applicant in response to objections received:

- It is possible to park a car plus along with 4 bikes, lawnmower, garden furniture, work-bench, garden tools etc.

- There will be no overlooking of neighbouring properties from the double doors when the required fences are erected and no one will be able to see the doors unless they are in the back garden of 27 Norbury Drive.

- The drawings of the garage were commissioned by the developer and completed by their architect without reference to me. I understood from initial discussions that a double window and glazed door would be incorporated but this obviously got lost in the translation into a drawing. The application to move the garage and change the dimensions (AWDM/0915/17) were also their responsibility. I was not aware at this point that the conditions for the garages of the new buildings had been applied to the garage at 27 Norbury Drive. I assumed that as a replacement garage it automatically could be used in the same way as the original garage and saw no need to scrutinise the conditions.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'
National Planning Policy Framework (July 2018)

Relevant Legislation

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The application is for alterations to a domestic garage building 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, the effect on the character and appearance of the building and its surroundings and the impact on highway safety.

The works have been carried out contrary to planning conditions imposed on an earlier permission but this is not reason in itself to refuse the application. The merits of the application must be given due consideration as is the case for any other application, as explained in the Relevant Legislation section above.

Visual amenity

The external alterations to the garage comprise the insertion of glazed doors on the south elevation. These doors are not visible from the street and the garage itself is set back behind the rear wall of 27 Norbury Drive and is not prominent in the street scene. When the side gates on the driveway of the property are closed, the garage is almost entirely screened from view.

The works do not therefore have any adverse visual impact.

Residential amenity

The main objections received in connection with this application relate to the fact that work has been carried out in breach of the original planning conditions. However, as

explained above, this must be considered as a conventional planning application and should not therefore be dismissed without careful deliberation.

The use of the building for other purposes in addition to the parking of vehicles has caused concern with local residents who are worried about noise disturbance. The main concerns appear to relate to the possible use of the building as living accommodation or as a workshop, with fear that noise from power tools is likely to cause disturbance in particular to the occupier of the bungalow to the north (No. 29). The building is located immediately on the boundary and has been resited further into the rear garden than originally approved (the re-siting was permitted by way of a previous application for a non-material amendment). Consequently, it does have the potential to cause disturbance if used for purposes other than parking and storage and it is recommended therefore that a condition is imposed to restrict its use to parking and storage only with no use as living accommodation or as a workshop. The applicant wishes to renovate antique lawnmowers but 27 Norbury Drive is not his main residence and it is understood that it will be occupied by his daughter. It is considered reasonable therefore that the applicant uses his own property for workshop-related activities.

The glass doors face towards the rear of 4 Heyshott Close to the south and, being on higher ground, views of the rear windows of that property are currently visible from a distance of approximately 18m to the conservatory and 21m to the house itself. Some loss of privacy has occurred but it should be noted that the same views are possible from within the garden of 27 Norbury Drive. It is not considered therefore that sufficient harm or loss of privacy has occurred to warrant refusal on this ground alone. A new 1.8m high wall is proposed along the boundary with Heyshott Close as part of the permission for the new dwellings which should also help mitigate any privacy issues.

Accessibility and parking

Objections have been raised to the loss of parking and possible increased congestion on Norbury Drive that could result if the garage was not to be used for parking vehicles. However, West Sussex Highways have confirmed that they have no objection to the application as the existing driveway provides tandem parking for five vehicles which is sufficient to enable cars to be parked off street.

The applicant has confirmed that the garage will be used to park a vehicle. However, even if the garage was to be used solely for storage purposes, it is not considered that any harm to highway safety or to residential amenity would occur.

Recommendation

As this application seeks to vary conditions imposed on the permission to construct two houses on land at the rear of 14 Ring Road (AWDM/1272/15), the original conditions must be re-imposed, but varied to take account of those details which have already been approved by way of an earlier application to approve details reserved by condition.

APPROVE

Subject to Conditions:-

1. Approved Plans
2. The garage building at 27 Norbury Drive hereby approved shall be used only for the parking of vehicles and for domestic storage incidental to the use of that property as a dwelling and for no other purposes. For the avoidance of doubt, it shall not be used for the purposes of primary living accommodation (bedroom, living room, dining room or kitchen) or as a workshop (no power tools shall be operated from the building at any time).
3. Materials to accord with previously approved details
4. Louvres to accord with previously approved details
5. The window in the west side elevation of the proposed west house shall at all times be glazed with obscured glass
6. Privacy screens to accord with previously approved details
7. No part of the development shall be first occupied until such time as the vehicular access and access road to serve the proposed dwellings has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.
8. The development hereby permitted shall not be occupied until 27 Norbury Drive has been protected from road traffic noise specifically by replacing existing windows of habitable rooms facing the access road with acoustic double glazing in accordance with previously approved details
9. The proposed wall on the southern boundary shall be constructed and completed in accordance with the previously approved details before any other ground works are commenced on site.
10. The buildings shall not be occupied until boundary walls and/or fences have been erected in accordance with previously approved details and they shall thereafter be retained permanently.
11. The dwellings shall not be occupied until the garages, parking spaces, turning space and access facilities shown on the submitted plans have been provided in accordance with the previously approved details. The areas of land so provided shall not thereafter be used for any purpose other than access, parking and turning of vehicles incidental to the use of the proposed dwellings.
12. Work to be carried out in accordance with the previously approved Construction Management Plan
13. No construction work shall take place on site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no working on Sundays and Public Holidays.
14. Surface water drainage works to be completed in accordance with approved details
15. The proposed gates on the access road hereby approved must be inward opening and be constructed in accordance with previously approved details
16. Landscaping to be carried out in accordance with previously approved details

17. The garage buildings hereby approved shall be used only as private domestic garages for the parking of vehicles incidental to the use of the new dwellings at the rear of 14 Ring Road and for no other purposes.
18. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

3rd December 2018