Development Management - Delegated Officer Report

Application Number: AWDM/1083/18 Recommendation – Approve

Site: 48 Buckingham Road, Shoreham-By-Sea

Proposal: Variation of condition 2 (list of approved plans) of approved AWDM/0301/17 (Change of use from single dwelling house to daycare nursery (to accommodate up to 75 children) with single flat and replacement of existing conservatory with single storey extension) in order to accommodate a garden room in the rear garden

Date of site visit: 20 August 2018

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

Planning permission was allowed on appeal earlier this year for the change of use of 48 Buckingham Road to a daycare nursery for up to 75 children (AWDM/0301/17). Work has commenced on the conversion and during the course of construction an outbuilding has been constructed at the end of the rear garden. This application seeks retrospective permission to retain it.

The building is to be used as a garden room and measures 7.4m wide, 4m deep and 2.4m high. It has been positioned in the south east corner of the garden adjacent to the boundary with 9 The Cygnets. The approved garden layout has been amended to accommodate this new building, with previously proposed planters moved from the boundary with 9 The Cygnets to the north side of the garden room. A greenhouse has also been removed.

The applicant's agent advises as follows:

"*The proposed garden room replaces a number of existing unsightly outbuildings / sheds … and will be used to provide shade and weather protection for the children who attend the nursery*."

Relevant site history

As above

Consultations

West Sussex County Council:

Adur and Worthing Councils: The **Environmental Health** Officer comments that:

- The nearest residential property to the proposed garden room is approximately 9 metres away in The Cygnets and could potentially be

disturbed by noise from the garden room which had previously been designated as an area of planting.
- In order to avoid noise affecting the residential amenity of these and other properties I would recommend a condition such as the following: “No amplified music or speech to be used in the garden room."

Representations

6 letters of objection received from the occupiers of 40, 46, 52, 54 Buckingham Road, 16 Windlesham Road and 9 The Cygnets:

- No indication as to what purpose this building will serve
- Neighbours have suffered from months of noise and disturbance during the works
- Garden has been demolished with established trees cut down and lawn removed
- This will extend activities into the garden resulting in more disturbance, loss of privacy and noise
- Increased traffic and pressure on parking
- Has been built very close to boundary with garden of 9 The Cygnets

Objection also received from Tim Loughton MP:

“*I wish to express in strong terms my concern about an application for retrospective planning to convert an outhouse/garden shed, presumably going to be used as additional nursey accommodation. This comes in addition to the previous highly contentious application to convert the single dwelling house into a nursery which the residents had already objected to. The application was not approved by Adur District Council but West Sussex County Council failed to raise any highways objections despite the obvious serious implications for traffic in an already congested road.*

The applicant has reportedly denied that the use of this converted building will become a classroom but the residents are said to challenge this given its very close resemblance to one. Given my knowledge of this section of the road I am all too aware there is no further capacity for increased traffic this conversion will inevitably lead to and in my view West Sussex County Council failed to undertake a proper assessment in the first instance when deciding there were no highways objections in supporting the initial application. I would therefore urge the Planning Department to reject this retrospective application on the grounds that the highways infrastructure cannot cope with the increased number of children the additional building will inevitably attract.”

Councillor Boram supports those comments.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 28
National Planning Policy Framework (July 2018)

Planning Assessment

Principle

The principle of the change of use was established when the appeal was allowed. Consequently, the arguments about the impact on traffic and parking in the locality cannot be taken into account here. The main issue is the effect of the additional outbuilding on the amenities of neighbouring residential occupiers.

Visual amenity

The building is of relatively modest size and would be permitted development if constructed within the curtilage of a dwellinghouse. It is timber clad with a flat roof and has a low height. It is located at the end of a long rear garden and does not have an adverse visual impact on the area.

The approved garden layout did indicate that a number of trees were to be retained but the garden has been comprehensively cleared during the works and an artificial lawn laid. The astro surface was shown as being proposed as part of the approved plans and while the loss of trees and shrubs is disappointing, none of the trees were protected by TPO and no consent was needed to carry out the clearance works.

Residential amenity

The main consideration is the impact of the building on the amenities of neighbouring occupiers.

The building has been constructed just 0.5m from the boundary with 9 The Cygnets. However, it is not a particularly tall building and does not cause a serious loss of light or outlook for those occupiers.

Most residents' concerns are with the use of the building and the potential for an increase in noise. The application states that the building is to be used as an additional all-weather facility for the children attending the nursery. The use of the garden is to be managed by a Nursery Management Plan approved with the original application. That Plan advises that:

"*The use of the garden is very much structured and controlled and forms a part of their daily routine, which is planned and managed by members of staff. The children are only allowed to use the garden during the period of 09.00 and 17.00. They will initially go out according to their age group but throughout the day, they will be allowed to mix with other age groups so as to further their learning and their ability to mix with all types of children regardless of age, gender or religion. By doing this the children tend to go out in smaller groups naturally as they are so engrossed in their own activity and will play with their own group of friends. It would be impractical and unmanageable if we were to allow all children to go out at once*."

While there is a great deal of sympathy with local residents concerns, the garden was always going to be used as part of the overall nursery use, with several items of play equipment proposed, as well as a 'wildlife area', and the

garden room is not considered to be likely to intensify activity to a significant degree, even if used as a classroom. The Outdoor Management Plan has been updated to take account of the new garden room and states that it will be used by small groups of between 6-8 children between the hours of 9am and 5pm. The number of children using the nursery and garden will not increase as a result of this proposal. There will be no additional traffic movements as a result of this building therefore.

The Environmental Health Officer has no objection provided no amplified music or speech is used in the garden room. It is therefore considered that there are no sustainable reasons to object to the building and permission can be granted.

Recommendation

APPROVE

Subject to Conditions:-

Reimpose original conditions plus additional condition to control use of garden room

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

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: 4 September 2018

Authorised by: Gary Peck Date: 5 September 2018