Expiry 13/4/07

Development Control – Delegated Officer Report

Application Number: ADC/0079/07 **Recommendation – Refuse Application**

Site: **Land To Rear 12 Southdown Road Shoreham-by-Sea West Sussex**

Proposal: **Demolish garages at rear and erect a detached three-bedroom house with access to rear lane and footpath to a parking space adjoining Southdown Road**

The Application

The site is located to the rear of a three storey, semi detached Victorian property which is located in a street of similar properties with the Conservation Area and built up area of Shoreham. To the north of the site is No. 14 Southdown Road attached to No. 12. To the south is No. 10 Southdown Road a detached property, to the west to the front of the property is a driveway with side pedestrian access to the rear of the property. To the east (rear) of the property is a rear garden approximately 32 metres long. As existing beyond the rear garden there is a single storey flat roof row of three garages. These garages have a floor area of 61.6 square metres. Access to the garages is from the rear of the property via a single 'track' which is accessed from Mill Lane and Ravens Road. This 'track' serves the rear of properties to the west in Southdown Road and to the east in Ravens Road. Many of these properties have rear garages with vehicular access.

Full planning permission is sought to demolish the existing garages and erect a detached, two storey, three bedroom house. The building will have a pitched roof with a maximum height of 8.3 metres. The dwelling is orientated with the main frontage to the west, facing the rear of No. 12 Southdown Road. The main garden area for the new dwelling is in front of the house dividing the existing rear garden of No. 12 Southdown Road. The proposed garden area is 9.8 metres by 7.8 metres.

Access to the property will be via the front from Southdown Road, a parking space is provided on the existing driveway to the front of No. 12. There is a pedestrian access from the parking area, running adjacent to the southern boundary of No. 12 to the front of the new dwelling. To the rear (east) of the proposed dwelling is a 'yard' area with access onto the access track at the rear. No formal parking is shown for this area on the plans however the Design and Access Statement submitted with the application states 'In addition the rear yard to the new house would afford a further space, but the rear lane is not considered to be other than an occasional facility.'

Consultations and Representations

County Transport Planning Services: In principle no objection would be raised to the proposed dwelling, however the issue over the parking and manoeuvring space, along with the access alterations should be addressed.

- The distance between the back edge of the car parking spaces and the northern boundary wall should be a minimum of 5.5 metres.
- The length of the parking spaces should be 4.8 metres.
- Additional information is required as to what alterations are to be made to the existing access.
- Cycle parking should be provided.
- A TAD contribution of £1,300 would be applicable.

Adur District Conservation Advisory Group: We consider this gross overdevelopment. Lack of access due to narrow lane not designed for constant use. The yard is inadequate.

Director Of Services: Environmental Health have no objection to the proposed development.

Third Parties: 24 letters of objection received from local residents their comments and objections are summarised: -

- Principle of development along access lane unacceptable in Conservation Area.
- Positioning, scale, massing and design of proposal detrimental to Conservation Area and existing properties in Southdown Road. Contrary to policies AB3 and AB4 of the Adur District Local Plan.
- Proposed building does not relate to existing house and surrounding neighbourhood.
- Car parking inadequate, access insufficient lane is not suitable for a dwelling frontage. The 'yard' area will be used for additional parking. Contrary to Policy AT12 and AT13 of the Adur District Local Plan.
- Increased use of access lane creating a highway hazard.

- Car parking problems and congestion in Southdown Road.

- Limited access for emergency vehicles.

- Building would be visually intrusive to surrounding properties in Ravens Road.

- Development would be overbearing, would result in loss of privacy, loss of outlook of properties in Ravens Road and Southdown Road. Contrary to Policy AH2 of the Adur District Local Plan.

- The footprint of the house is larger than the garage, the building is not in scale with other buildings in the rear lane which are mostly garages.

- The bungalow towards the northern end of the lane should not set a precedent for this type of development, it has an entirely different characteristic to the application site, larger site, not conservation area.

- This development would set a precedent for future development.

- Inappropriate in this low density area.

- Similar proposals at No. 6 and 18 Southdown Road were refused.

- Burden on infrastructure utilities.

- Overdevelopment.

- Development contrary to aims of Disability Discrimination Act, level access is only provided to the rear.

- Backland, garden development.

- Noise during construction and upon occupation.

- Disturbance due to use of footpath.

- Poor siting and design, unlit lane will encourage criminal activity.

- Damage to rear lane during construction.

- No drainage shown on plans.

- Damage to existing flint boundary wall.

- Building visually intrusive.

Relevant Planning Policies and Guidance

West Sussex Structure Plan 2001-2016 (2005): LOC1, CH1, CH4, NE1-2, ERA1, DEV1, DEV3-4
Adur District Local Plan 1993-2006 (1996): AG1, AG3, AB3, AH1, AH2, AH5, AT12 and Appendix 11' Supplementary Planning Guidance' comprising Development Control Standard No. 2 'Space Around New Dwellings and Flats'
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3' Housing' (DCLG 2006)
PPG13 'Transport' (DTLR 2001)
PPG15 'Planning and the Historic Environment' (DoE 1994)

Planning Assessment

Policies

The site is located within a residential location within the built up area. Therefore in principle new residential development is considered acceptable in the light of Policy AG1 of the Adur District Local Plan. The above policies encourage redevelopment and infilling to help meet housing demands however this is only provided that the proposal meets other criteria. Structure Plan Policy LOC1 states that residential development should be permitted within built up areas provided that the impact on the character of the area and the environment are acceptable.

Policy AB4 of the Adur District Local Plan, taking account of the statutory duty, states that 'New development (including extensions and alterations) within Conservation Areas will be required to be of a high standard of design and construction materials such as to preserve or enhance the character and appearance of the particular Conservation Area. Policy ENV10 of the Core Strategy continues this approach stating that 'The seven conservation areas within the district will be preserved and enhanced.' Policy CH4 of the West Sussex Structure Plan also states that development should not be permitted unless the character of the historic towns and villages of the County will be protected and where possible enhanced.

The relevant Local Plan policy is AH2, which relates to housing development by way of infilling and redevelopment, expects development to be designed so that its appearance, character and scale create a pleasant place in which to live, is in keeping with and enhances the existing local environment with particular attention to the architectural form, height, materials, density and layout; respect for the natural features of the site, including trees; no unneighbourly effect on existing dwellings by loss of privacy, light, outlook or open amenity space; adequate access and parking arrangements (as

required by AT12) and accordance with adopted standards (in this case the Council's DC Standard No. 2 ' Space Around New Dwellings and Flats.'

Government policy guidance in PPS3 encourages best use of urban land for housing development, particularly affordable housing, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient use of land without compromising the quality of the environment.

Structure Plan Policy DEV1 of the West Sussex Structure Plan is also of relevance in this case, this policy requires construction, layout, scale and appearance to create high quality development taking into account the need to integrate with adjoining land uses and minimise potential conflicts between land uses and activities. Also to create a high quality adaptable environment for occupiers and users meeting their long-term needs.

Residential Amenity

Consideration must be given to the residential amenities of the existing residents surrounding the site and also the future occupiers of the proposed dwelling.

The proposed dwelling would be visible from the rear of many of the adjacent properties both in Southdown Road and Ravens Road. However the main properties to be affected are: - Nos. 10, 12 and 14 Southdown Road to the west and Nos. 19, 21 and 23 Ravens Road to the east. The proposed dwelling would overlook the rear gardens of all these neighbouring properties, however there is a minimum distance of 23 metres between the rear of the neighbouring dwelling houses and the proposed dwelling, therefore meeting the Council's adopted standard as set out in 'Space Around New Dwellings and Flats' The size and depth of the garden area proposed is also considered acceptable in the light of the above guidance.

However in this case despite the proposal meeting the required standards the siting of the dwelling is awkward with the outlook to the rear onto the access track at a distance of only 4.5 metres. Also the fact that the building has been designed to front onto its garden area and the rear of No. 12 Southdown Road is considered to be inappropriate. Having said this it is not considered that this issue alone will warrant a refusal in this case.

Visual Amenity and Conservation Area

The proposed dwelling will not be clearly visible from Southdown Road however it will impact on the visual amenities of the residents of the surrounding properties either side and to the rear in both Southdowns Road and Ravens Road. The building will also be a prominent feature when viewed from the access track and will be clearly visible by anyone using this access.

It is considered that this form of development will be out of keeping in this case and detrimental to the character and the appearance of the existing built environment. It is therefore not considered that the development will preserve or enhance the character and appearance of the Conservation Area. Therefore contrary to Policy AB4 of the Adur District Local Plan.

Parking and Access

As mentioned above the proposed dwelling does not have a proper frontage. Vehicular access is proposed from Southdown Road with a parking space provided on the driveway of no. 12 Southdown Road. Although there is a rear access to the property via the access track this access is not proposed as part of the application, although it is stated by the applicant (see above) that there could be 'occasional' use of this 'facility.' The Highway Authority have assessed the proposal based on the parking and access as set out on the proposed site plan and have no objection in principle subject to a revised parking layout to allow for manoeuvring space and details of the proposed alterations to the existing access, TAD contributions and cycle parking provision.

Having said this it appears likely, from the drawings submitted that the rear access may be used more frequently due to the available space in the 'yard' area which could provide a parking space. By parking in the proposed parking space in Southdown Road the occupiers of the dwelling would have to walk approximately 50 metres to their property. It would be difficult for the Council to enforce the use of the parking space at Southdown Road and to restrict use of the access track in this case. It is therefore considered that the proposal would result in the increased use of this rear access which would be unacceptable in this case. Therefore contrary to policy AT12 of the Adur District Local Plan.

Precedent

Should permission be granted it is considered that this would set a precedent for future development of this nature to the rear of other properties within this locality. It is likely that if this development were permitted it would be difficult for the Council to resist further development of this kind. It is considered that the cumulative effect of this development would seriously damage the character and appearance of the locality to the detriment of the visual amenities of the area and the character and appearance of the Conservation Area.

It is acknowledged that there is as existing a detached bungalow to the north of the access track 'Mill Warbler' which was built over 20 years ago. However this is a larger site with parking provided adjacent to the property. This and also its proximity to Mill Lane make this dwelling acceptable and therefore not a direct comparison with the current proposal, where parking is not adjacent to the dwelling. It is not considered that this dwelling sets a precedent for development in this case.

It should also be noted that similar proposals were submitted in 1989 for a dwelling to the rear of No. 18 Southdown Road which is to the north of the site. SU/10/89 and SU/149/89 sought permission for a two storey dwelling and single storey dwelling respectively. Both were refused by the Local Planning Authority due to the impact on the visual and residential amenities of the locality, parking and access and the likelihood that the development would set a precedent for further residential development to the rear of other properties within the locality. Both these decisions were upheld at appeal. (It should be noted that when these previous applications were assessed this area was not designated as a Conservation Area.)

Recommendation

REFUSE on ground that :-

1.The site is within an area designated as a Conservation Area and the proposal, by reason of its siting, scale and design, would be detrimental to the visual amenities of the ~~existing residential~~ locality and out of keeping with the existing built environment, ~~T~~herefore conflicting with the intention of the Local Planning Authority to preserve or enhance the character and appearance of such areas, ~~and~~ contrary to Policies CH4 and DEV1 of the West Sussex Structure Plan and Policies AH2 and AB4 of the Adur District Local Plan.

3. B10R (CH4, DEV1, AG1, AB4, AH2) . . after the character of the area and result in a substandard layout to the serious detriment.

2. The proposed development would result in increased use of the rear access track which by reason of its excessive length, insufficient width and poor construction is inadequate to serve this development. Therefore contrary to Policies DEV4 of the West Sussex Structure Plan and Policy AT12 of the Adur District Local Plan.

Case Officer.....Parker.....Date.....29/3/07.

for Head of Planning and Community.....Date...30/3/07.....

~~Chair of Planning Committee~~.....Date.....