Development Management - Delegated Officer Report

Application Number: AWDM/0923/21 Recommendation – Approve

Site: 42 Brighton Road, Lancing

Proposal: Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north.

Date of site visit: 7 September 2020

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site comprises a bungalow on the south side of Brighton Road backing onto the beach. There is a steep drop in ground level at the rear before it rises up again towards the beach. There is existing vehicular access off Brighton Road and the front garden is raised adjacent to the highway and along the western boundary. The bungalow is set back from the road by over 40m.

There is another bungalow to the west and a two storey house to the east. There is a mix of one, two and three storey properties in the immediate area.

It is proposed to demolish the existing bungalow and to construct a 2 storey flat roofed dwelling (when viewed from Brighton Road) with a lower ground floor at the rear, resulting in three storeys at the rear. The house will have brick walls using a mid grey coloured linear brick. At the rear there will be a raised terrace adjacent to the house with a lower garden level beyond, leading to a sunken garden room sited towards the southern end of the garden. At the front a two storey detached garage with guest accommodation above is proposed.

Relevant Planning History

No. 42

AWDM/1288/20 - Demolition of existing bungalow and construction of 2 detached 4 bedroom dwellings over 3 storeys each with detached garages and associated landscaping works – approved

No.44

AWDM/0716/21 - New front porch; replacement of conservatory with new single-storey rear 'orangery' extension and covered terrace at first floor; new cladding to all elevations; change to rear garden levels to form terraced raised decking; new boundary walls to rear garden - approved

AWDM/1394/21 - Erection of a 2 bedroom dwelling in front garden, together with associated landscaping and parking – approved

AWDM/1941/21 - New two storey front porch; replacement of conservatory with new single-storey rear pergola with louvred roof extension and covered terrace at first floor; new cladding to all elevations; change to rear garden levels to form terraced raised decking; new boundary walls to rear garden (Amended resubmission of AWDM/0716/21) – pending consideration

Consultations

West Sussex County Council: The **Highways Authority** has no objection subject to conditions to secure car and cycle parking and EV charging.
Access and Visibility
The applicant proposes to utilise the existing access for this development. Given that this proposal is for a replacement dwelling, the LHA does not anticipate that this proposal would give rise to a material intensification of use of the existing access. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.
Parking and Turning
The application form states that four car parking spaces are to be provided for this development. This includes a double car garage and an area of hardstanding. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least three car parking spaces. Therefore, the LHA considers the proposed parking provision to be sufficient. 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 condition.
From inspection of the plans, there is sufficient space within the private driveway for cars to turn and exit onto the maintained highway in a forward gear. Regarding cycles, the applicant has demonstrated cycle parking within the proposed garage, in accordance with WSCC parking standards. The inclusion of secure and covered cycle parking provision helps promote the use of sustainable alternative modes of transport to the private car.
Sustainability
The site is situated in a sustainable location within walking distance of shops, schools and other amenities. Cycling is a viable option in the area. The site is also well connected by public transport. Regular Coastliner services can be caught from bus stops on Brighton Road. Lancing Train Station is situated approximately 1km north of the site.
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 111), and that there are no transport grounds to resist the proposal.

Adur and Worthing Councils: Public Health: I would recommend a demolition/construction management plan to mitigate noise and dust during the development. Please can you also add the Demolition Notice informative for Adur.

PSH: No objections

The **Engineer** has made the following comments:
Flood risk- The application is within flood zone 3, the site is not shown as being at risk from surface water flooding. The FRA indicates that sleeping accommodation will be provided above predicted flood levels, this is acceptable. The development should be controlled so as to ensure wider site levels are not varied as it is clear that the site currently provides some form of defence due to land levels. I would recommend a condition controlling levels is applied.
Surface water - the indicative drainage layout indicates that it is proposed to have permeable areas and soakaways but also shows a connection to the mains on Brighton Road. Our records indicate that there is not a public surface water sewer in this location. The hierarchy for sustainable drainage must be followed. If you are minded to approve this application please apply a condition to ensure the site is adequately drained

Lancing Parish Council: No comment

Southern Water: There is an existing foul rising main in the immediate vicinity of the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water. Requests usual informatives

Environment Agency: We request that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.
Condition
The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: Flood Risk Assessment - Prepared by Ambiental - 42 Brighton Road, Lancing, BN15 8JB - July 2021 #6339) and the following mitigation measures it details:
 Sleeping accommodation is to be located on the ground floor and above.
These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Representations

Objection from occupiers of 44 Brighton Road:

1. We note the boundaries to the drawings are marked as assumed, but they are incorrect and should be amended.

2. There is a shared driveway to the front of the application site, which is not shown on the proposed plans and the current entrance arrangements do not take this into consideration.
3. There is insufficient information shown for us to understand the difference in levels between our property and the proposed scheme. Our approved planning permission indicates proposed decking and garden levels, but we cannot relate this back to their new basement level which has an extended terrace and pool and only then steps down to a lower grass level by approx 8 steps. This urgently requires clarification.
4. There is insufficient information to understand the height of the proposed boundary walls at each of the different levels. This urgently requires clarification.
5. On the ground and first floor, whilst we can see that the new terrace is set behind a solid wall, the terrace angles out from this wall so overlooking is therefore possible from the middle of the terrace.
Therefore, we object to the overlooking of the terrace angle to this proposal. We would therefore ask that this is kept at a 90 deg angle to the side wall.
6. We would like confirmation that the height of the external outdoor kitchen building area at the rear end of the south garden will be kept below the level of the fence to the beach path for No 40 Brighton Road.
7. We object to the balcony to the garage first floor guest bedroom, as this overlooks the terrace to the master bedroom of No. 44.
8. Please confirm the 2 ensuite windows to the east elevation have obscured glazing
9. We object to the increased height of the proposed development as it creates an overbearing appearance to the whole development. Can it not be sunken further therefore also lowering the basement level terrace?

Amended Plans: Objection from 44 Brighton Road:

We object to this development for two reasons:
1. because of the boundary lines of the said property (42 Brighton Road).

2. The shared drive boundary lines are unclear on the proposed plans.

We are in contact with the owners' architect and I have shared with them and the owner a copy of our deeds indicating the boundary lines and share drive markings. Including an extract from our solicitor depicting the boundary lines.

Until these two matters have been resolved or agreed upon our objection will remain.

Further Amended Plans: Objection from 44 Brighton Road:
There are still concerns over the boundaries lines of 42 Brighton Road in terms of the east side boundary line with 44 Brighton Road. We object to this until it is clarified and agreed upon has it as implications on the design of 42 Brighton Road because of the access to 44 Brighton Road.

With concerns to the shared drive, again both parties seem to agree a way forward but this needs to be legally settled before we agree to the design of the 42 Brighton Road as it has implications on the shared drive plans.

Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 3, 15, 18, 20, 22, 28, 34, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 2019)
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

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 site and its surroundings.

Visual amenity

The proposed house will sit comfortably within the site and will not appear as an overdevelopment. While having greater massing than the previously approved pair of dwellings, the site is large, measuring 100m from front to rear, and an enlargement from bungalow to 2 storey dwelling will not appear out of character in the street scene where there are other 2 storey dwellings, including No. 44 to the east, and the 3 storey Haven building to the west. It will be a taller building than No. 44, but similar in height to No. 40, a bungalow to the west which sits on higher ground. The house will be approximately 0.8m taller than the ridge of the existing bungalow and the same height taller than No.44 to the east, but no higher than the previously approved pair of dwellings. Those dwellings had a pitched roof form and were detached, meaning they were less bulky than the current proposal. However, reasonable spacing is maintained to the side boundaries and between existing and proposed dwellings and it is not considered that it will cause harm to the street scene of Brighton Road.

The dwelling is set back from Brighton Road, as existing, but will be prominent in views from the seafront walk and will appear as a taller and bulkier built form than many of its neighbours. However, as stated above, there is a variety of built form in the area, with taller buildings to the west and east and, on balance, it is considered that it will be an acceptable addition.

A garden room is proposed at the southern end of the garden, approximately 4m from the rear boundary with the beachfront walkway. It will be lower than the existing ground level as the garden levels are to be adjusted throughout the site. The garden room will rise approximately 1.6m above the level of the beach footpath, which is below the height of the existing fence to 40 Brighton Road. The top of the garden room will be similar in height to the existing planted boundary at No.44 and it is not considered that it will be unduly intrusive.

The garage building within the front garden will sit forward of the house, closer to the road, set back by 8.9m. There are examples of buildings sitting forward of the main building line along this stretch, including at 48 Brighton Road to the east, as do the dwellings further east. More recently, an appeal has been allowed for a proposal to site flats in front of The Haven, fronting Brighton Road and to construct a dwelling in front of No.44, immediately to the east of the site. It is clear, therefore, that the siting of such a building on this site in front of 42 Brighton Road and fronting Brighton Road, would not be out of character or visually harmful in principle.

The proposed building would be flat roofed and two storeys in height, 6m tall. It will be similar in height to the dwelling approved at No.44 but slightly wider and bulkier, with a square form compared with the pitched roof form at 44. Its siting has been amended to line up with the dwelling at 44 and an extensive landscaped raised planter is proposed between the garage and the front boundary. On balance, it is not considered that it will cause harm to the street scene.

Residential amenity – proposed occupiers

The development proposes a generous amount of accommodation over 3 floors. External terraces and a large garden ensure that the house will have generous external amenity space too.

The dwelling will be far enough back from the road to not be adversely affected by traffic noise. At the rear, there are large amounts of glazing but the ability to open windows on both sides of the houses will help to provide cross ventilation to reduce overheating. The EHO has no concerns.

The proposed guest accommodation above the garage dwelling would be sited closer to the busy A259 Brighton Road where traffic noise could be an issue for any future occupier. It is recommended that an acoustic assessment is carried out to ascertain the extent of noise exposure and to provide a mitigation scheme, usually in the form of acoustic double glazing and MVHR. This can be secured by condition.

Residential amenity – existing residents

The front of the dwelling will sit further forward than the existing bungalows and will be in line with No.44 to the east, but will project beyond the front of No.40 by around 4m. No.40, a bungalow, has a projecting element at the front, positioned furthest from the boundary with the site, which projects further than the proposed houses. It contains a number of windows as does the recessed front wall of the bungalow. No 40 is also angled towards the site. A daylight assessment was submitted with the previous application which showed that there would be a minor impact to the sunlight on these windows of 40 Brighton Road. It concluded:

"*The … results for the large windows of 40 Brighton Road … show that currently only window 8 (*within the projection) *achieves over 25% annual probable sunlight hours. This is due to the north facing elevation (window 4) and window 7 (*within the projection*) being shaded by the house itself. There*

is little winter daylight to any of the windows. With the proposed development the sunlight to the windows will decrease by ~4% APSH and the winter sunlight levels will remain relatively unchanged."

While the design of the proposed house is different from that previously approved, it is not considered that the differences will be so significant as to result in any adverse loss of light this time. There is no adverse impact to the rear windows. The dwelling will not be as deep as the previous scheme and will not project beyond the rear of No.44 to the east. It is also set back from the rear of No.40 to the west.

A large terraced area is proposed at the lower ground floor level with the lawn set 0.9m lower. Balconies are also proposed at ground and first floor with an angled design facing towards No.44. The new terrace projects 1.85m less than the terraces on the approved dwellings though and the angle of directs views towards the rear of 44 rather than directly over the private area close to the rear of that house.

Objections from the occupiers of No.44 have been overcome during the course of the application and the only outstanding objection relates to a civil matter relating to the boundary.

The proposed garage and accommodation above in the front garden includes openings, including an inset balcony, on the south (rear) elevation which will face back towards the main house at a distance of 22m. The inset balcony prevents views to the sides, across neighbouring gardens, and only oblique views towards neighbours will be possible at a distance of 23m to No.44 and 20m to No.40. These distances and the oblique angle of the view are sufficient to prevent loss of privacy.

Parking and access

Both properties will have a usable garage for car and bicycle storage and each garage is to be fitted with Electric Vehicle Charging Points, in line with County guidance. Each house will have three parking spaces in total, which is sufficient.

The existing access has restricted visibility to the east but the Highways Authority is not concerned by the additional dwelling using the access as it is not considered to be an intensification of use. Consideration was given to relocating the access more centrally on the frontage but this has been prevented by the presence of a telegraph pole.

WSCC has not expressed any concern over highway safety or parking issues.

Flood Risk

The building has no sleeping accommodation on the lower ground floor where there is a gym and games room. The Environment Agency has no objections on flood risk grounds on this basis.

Sustainable Design

An Energy Statement has been submitted which advises that the development will achieve a 61% reduction in CO2 through the use of an air source heat pump and solar panels.

A separate water efficiency statement also advises that water usage will not exceed 100L per person per day.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Car parking
4. Cycle parking
5. EV charging
6. Drainage
7. CMP
8. FRA
9. Removal of PD Class A, B
10. Levels
11. Balcony screens
12. Obscure glaze side windows
13. Landscaping
14. Noise assessment for guest accommodation
15. To be carried out in accordance with energy statement and water efficiency statement
16. Garage and guest accommodation to be used ancillary to dwelling

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Southern water

Demolition Notice

Case Officer: Peter Barnett Date: 31 December 2021

Authorised by: Gary Peck Date: 4 January 2022