Development Management – Delegated Officer Report

Application Number: AWDM/1784/15 **Recommendation: APPROVE**

Site: Land east of 21 and 21A Kingston Lane, Phoenix Way, Southwick

Proposal: Detached three bedroom chalet style dwelling with parking and access off Phoenix Way

Date of Site Visit: 21 January

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks full permission for the erection of a chalet bungalow in land to the rear of 21 & 21A Kingston Lane which would be accessed via Kingston Lane.

The proposed dwelling would be 11.0 x 11.0 metres with a height of 6.85 metres. The plot itself is 13.7 metres wide and 29.4 metres long. 3 dormers are proposed in the front elevation facing Phoenix Way with 4 rooflights to the rear elevation facing Kingston Lane. 2 of the rooflights would be high level and the other 2 obscure glazed as serving a bathroom area. 2 dedicated parking spaces are proposed, although it has been indicated, and appears likely that a third car could also be parked on the proposed driveway.

Was this land indicated as parking for 21/21A. NO

The application site consists of an area that was once the garden of 21 Kingston Lane but was fenced off when permission was granted for the demolition of the bungalow at number 21 and its replacement with 2 dwellings which have been recently completed. The proposed dwelling would therefore face these two properties which, with the fenced off garden have the shortest rear gardens in the vicinity. The other rear gardens in the area all extend to the respective boundaries with Phoenix Way, Phoenix Crescent or Cross Road.

At present, there is screening to the northern boundary where it abuts the applications site although this reduces further along to boundary to the west so a clear view of number 19 can still be obtained. On the southern boundary of the site is a hardstanding (with caravan parked in) and a collection of outbuildings belonging to the neighbouring property which can be accessed via Phoenix Way.

The proposed development would also be accessed via Phoenix Way. At present, this is not possible but it is understood that land has been purchased to allow vehicular access via what is currently the curtilage of 14 Phoenix Way, a residential property that sits at the end of Phoenix Way at an angle.

Planning History:

Planning permission was granted in 2014 for the demolition of the existing chalet bungalow at 21 Kingston Lane and its replacement with 2 x 3 bed detached houses (AWDM/0033/14). The consent has now been implemented. There is no other history considered relevant to the determination of the application.

Consultations:

West Sussex County Council;

Archaeology:

Recommendation: No objection on archaeological grounds to the proposals.

Comments: There are no known archaeological sites within the application area or immediate vicinity. The proposed single dwelling is a development which can be considered *de minimis* and unlikely to have a significant impact on any hitherto unknown archaeological remains. No archaeological action necessary.

Highways:

I refer to your consultation in respect of the above planning application and would provide the following comments.

This application seeks the erection of a detached three bedroom chalet style dwelling on land to the rear of 21 and 21A Kingston Lane, Southwick. An off street car parking area will be provided via an existing point of access on Phoenix Way. Phoenix Way is an unclassified, no through residential road.

Access
It is anticipated that an existing vehicle access to the rear of the site on Phoenix Way will be used to serve the development. From a desktop study this access point appears to be appropriate to in terms of geometry and visibility to provide access to one dwelling.

Parking
The proposal includes the provision for parking of two vehicles off street. The indicated spaces on the proposed site plan are appropriately sized. I have assessed this application using the WSCC car parking demand calculator on the basis of two allocated vehicle car parking spaces. It would be determined that the proposed provision for two spaces would meet the anticipated demand created by this proposal. It would appear that enough manoeuvring room has been provided so that a vehicle can turn on site using a multi-point manoeuvre.

I would be minded to conclude that additional vehicles could be accommodated on proposed hard standing. While this would limit the opportunity for vehicles to turn on site I would not be overly concerned with vehicle reversing out of this access point, given the slow speed, low flow nature of Phoenix Way, which is a no through road.

Sustainability
The site would be considered sustainably located within walking and cycling distance to the public services and amenities within Southwick. Future residents of the proposed dwelling would not be considered reliant on the use of a private motor vehicle.

3

Conclusion
In summary no anticipated highways safety or capacity conserved would be raised to this proposal. If the LPA are minded to grant planning consent conditions securing the following conditions would be advised:

- Cycle Parking
- Plant and Materials Storage
- Vehicle Parking and Turning

Southern Water:

No objection subject to an informative

Environmental Health:

No adverse comments

Technical Services:

Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding, therefore it would be quite feasible for surface water runoff generated from this new build to be disposed of utilising soakaways, which is what the applicant states his preferred option to be.

My comments are therefore the same as those provided for AWDM/0033/14 which was for the development of the two semi-detached properties in whose garden this current development is to be sited.

The applicant has indicated the intention to use soakaways for the disposal of surface water.

The applicant needs to assess if the use of soakaways is viable on this site. The proposed location for the soakaway will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at that location to ascertain if a soakaway will adequately empty. There appears from the drawings to be sufficient area to adequately site soakaways.

Therefore in this instance the only comments we wish to make at this time relates to the disposal of the surface water.

In the absence of any ground investigation details or detailed drainage details in support of the application although the applicant appears to have indicated his intention to utilize soakaways we request that should approval for this new build be granted it be conditional such that *'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'*

Soakage tests in accordance with BRE Digest 365 (1991) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas.

Full design calculations should be provided for the soakaway soakage test result, and the ensuing soakaway and permeable paving designs, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes, as required under planning policy.

Representations:

3 letters of objection have been received on the following grounds:

- do not want to be overlooked by the rear windows of the proposed building
- any building should be of a lower height due to lack of privacy
- additional problems with parking in Phoenix Way
- turning point at the end of Phoenix Way is difficult to negotiate
- application form refers to 3 parking spaces but only 2 are shown on the plan
- site includes Japanese knotweed
- no mention of proposed site works eg times, noise levels, deliveries

1 letter of comment has been received stating:

- slow-worm, hedgehog and stag beetles have been recorded on adjacent land
- nesting colony of swifts on adjacent land

The applicant's agent responded to each representation:

The client has informed me that to his knowledge there has been no siting in this particular garden, at the rear of Kingston Lane. When the previous application was submitted to replace one dwelling with 2 dwellings this issue was never raised by any conservation group. The client would be happy to include a nesting box on one of the gables if it were necessary to encourage an existing colony of swifts in this area.

2No. Parking spaces – We have included 2 defined parking spaces on the site however we have mentioned that 3 cars could potentially park off road using the drive. Therefore we do not believe we will increase the on-street parking problem.
- Japanese Knotweed – I will discuss this with the client.
- Siteworks / deliveries – I assume as this is a residential area a planning condition will control the works on site including the time of work and noise etc.

The end of Phoenix Close slightly widens which may suggest that cars could turn in this area. As mentioned above, there will be space for 3 cars to park off street on the new driveway so therefore should not have an impact on the Close. You will note that around this turning area there are several crossovers to driveways / garages which limit the parking in this area otherwise a parking car would obstruct access to a drive.

- Overlooking – Please note that there are 4 proposed velux rooflights on the rear elevation and no windows / opening at first floor level on the side elevations. 2 rooflights (to the south) are positioned in the bathroom and en-suite (see proposed first floor plan). They will both have obscure glazing and will be positioned at a high level to avoid any overlooking. The remaining 2 (to the north, closest to 21 Kingston Lane) will be at a very high level and will be boxed through the ceiling above the wardrobe. These will be fixed shut as they are just for light only. Therefore there will be no overlooking at the rear or to the side of the proposed property. The privacy to No. 21 will be unaffected.
Light – The proposed dwelling will be positioned approximately 20m from the rear of No.21 Kingston Lane so will have no impact on the existing dwelling. Please note

that where the house is sited there are large mature trees on the northern boundary in the garden of No.21. The Councils guidance on space around dwellings insists on a minimum of 1.0m from the boundary. However after consultation it was agreed to increase this measurement to 1.6m. We were also advised to undertake some boundary treatment to ensure the privacy of the neighbour. As requested we have included this within the proposals.

Relevant Planning Policies:

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AH5, AB23 & AB25

Development Control Space around dwellings and flats

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Planning Assessment

The application site is within the built-up area as defined by the Local Plan. Saved policy AH2 states:

New residential development by way of infilling or redevelopment will be acceptable in the built-up area, providing the site is not allocated for any other purpose in this Local Plan. Any proposal will be expected to be designed so that:-
(a) its appearance, character and scale create a pleasant place in which to live and is in keeping with and enhances the existing local environment with particular attention being paid to the architectural form, height, materials, density and layout of both buildings and associated structures and hard surfaced areas;
(b) it respects the existing natural features of the site, including land form and trees;
(c) it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;
(d) it incorporates adequate standards of residential amenity for the new dwelling(s) in terms of open amenity space, daylight/sunlight, outlook, and privacy;
(e) access arrangements to the public highway and on-site parking arrangements are acceptable under Policy AT12, and
(f) it accords with the standards adopted by the District Planning Authority.

Policy 15 of the Submission Local Plan states:

Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should:
Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;
Include a layout and design which take account of the potential users of the site;
Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment;

Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;
Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;
Have safe access to the highway network, and not result in harm to highway safety;
Have acceptable parking arrangements (in terms of amount and layout)

Guidance on space standards around dwellings and flats includes that:

- a minimum of 1 metre should be provided on the side boundary or 2 metres on 'large' houses
- 22 metres between principal facing windows
- Required garden area of 85 square metres

The above policies and guidance needs to be read in conjunction with the National Planning Policy Framework.

As such, therefore, there is no objection in principle to the erection of a dwelling but this is subject to the proposal meeting a number of requirements.

The opportunity to provide an additional dwelling has been created by the fencing off of the curtilage of the former 21 Kingston Lane which has now been sub divided and 2 dwellings constructed. The fencing off of the garden represents a significant reduction in the curtilage area available to those properties albeit the long rear gardens serving those properties far exceeded normal space standards. The resultant garden length of 21 and 21A is now 11metres, the bare minimum in guidance terms but the plot width of 21 now falls below the required space standards, although marginally and not to an extent that would warrant a refusal of this application on the grounds that it has used up land previously intended as rear amenity space for existing dwellings.

The point of more relevance is whether the sub-division of the rear garden reflects the character of the surrounding area. There are no other sub division such as this proposed and therefore the rear gardens in other properties in Kingston Lane are around 30-35 metres in length, whereas this proposal would result in a rear garden of 11 metres serving the existing properties and a new dwelling being constructed in the remainder of the existing garden.

It could be argued, therefore, that the proposal is unacceptable as it represents a form of backland development that is not in keeping with the surrounding area.

However, this is an unusual site which, having regard to the support for sustainable development in the NPPF (and the site is clearly sustainable being located close to the centre of Southwick, the Holmbush Centre and public transport) merits further consideration.

The first reason for such further consideration is that the site can be accessed from the rear, which is not possible on every other site bar one in the vicinity. Phoenix Way approaches the site at an angle to the rear and the site as such forms part of

the vista at the end of the road. To provide access requires the purchase of some land from 14 Phoenix Way (which is understood to have been agreed). Number 14 is itself unusually sited as it does not really follow the established building line of the north eastern side of Phoenix Way and is set further back along with its attached neighbour to take advantage of a plot that widens at the rear. Accordingly, the loss of part of its front hardstanding to facilitate the development would not adversely affect its amenity.

The proposed dwelling would therefore be accessed via Phoenix Way and while it would not exactly face directly onto the end of the road, because of its angle, it would provide a built end to the cul de sac which would improve the visual appearance of the end of the road. This is partly because, rather than the end of the gardens in Kingston Lane providing an attractive backdrop to the end of the road, it currently consists of an access to the property to the south which contains a number of outbuildings of little visual quality and area used for the parking of a caravan and the hardstanding and close boarded fence of number 14 Phoenix Way.

Although in one sense the proposal is backland development, it can also be regarded as an additional dwelling at the end of Phoenix Way and when considered from its main public viewpoint it is not felt that the proposal would have a detrimental visual impact.

In terms of impact upon neighbours, the proposed building would look across the front of 13 and 14 Phoenix Way and would almost be located at a right angle to those properties so there would be no direct overlooking to window that face the public road. The side windows in 12 Phoenix Way would be visible but these do not appear to serve habitable rooms and in any case are just in excess of 22 metres from the front of the building.

To the rear, the building is sited so that is just in excess of 22 metres away from 19, 21, 21a and 23 Kingston Lane and hence no overlooking standards are breached. In any case, there are only 4 rooflights on this elevation, 2 of which would be obscure glazed and the other 2 are high level.

In terms of more general amenity, there are sufficient mature trees at the eastern end of the garden of number 19 Kingston Lane to prevent a significant impact. Further planting would be required to the north western corner of the plot. It is noted that the existing boundary fence is low and new fencing would also provide improved boundary treatment. A gap of 1.6 metres is provided to the boundary on the northern side. At 11 metres wide, the building could be considered as a large house which normally requires a 2 metre gap to the boundary but as there are no buildings either side, there is no issue of 'cramming' which the guidance seeks to prevent.

On the southern side of the site are outbuildings belonging to number 23 and there would be no adverse impact upon this property.

Neighbour concerns regarding access are noted, but the County Council as highways Authority does not object to the application.

On balance, the proposal makes effective use of a sustainably located site and therefore can be supported.

Recommendation

APPROVE subject to the following conditions:

01 Full Permission
02 Development in accordance with approved plans
03 No development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority
04 Cycle Parking
05 Plant and Materials Storage
06 Vehicle Parking and Turning
07 Landscaping details
08 Materials to be agreed
09 Hours of Working
10 Floor Levels
11 Removal of Permitted Development
12 Bathroom/en suite rooflights to be obscure glazed
13 No windows in side elevation
14 Refuse and recycling details

Informative

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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

Case Officer: Gary Peck Date: 22 February 2016

Authorised by: [redacted] Date: 22/2/16

(The lack of available housing land in Adur and the shortfall in housing against our OAN is further justification for supporting this proposal (Para 14 NPPF).