DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: Nepcote Chase, Links Road (WB/11/0189/FULL)

DATE OF SITE VISIT: 06.01.11 (Pre-app)

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS: N

PROPOSAL, SITE AND SURROUNDINGS:

The application relates to a large detached house occupying a spacious plot on the west side of Links Road. The dwelling is sited at 90° to the road with its main outlook facing south. There is a detached two-storey building, consisting of garages with an office and storage space above sited forward (east) of the main dwelling, close to the southern site boundary with the adjoining property, Fairways. The building is brick-built with tile-hanging to the north elevation above a pair of garage doors. It has a part-pitched/part flat-roof. There are external steps on the west side leading to the first-floor.

Permission is sought to convert the building into a two-bedroom residential 'annexe' with living area, kitchen, shower room and integral garage to be used as 'overspill accommodation for the main house'. It is proposed to provide a new internal stairs with a new entrance door/window on the north side (in place of garage doors). The existing external stairs would be removed.

The in/out drive and access arrangement would be shared with the main house. Links Road is a private road.

RELEVANT PLANNING HISTORY:

Conditional planning permission was granted in January 2008 (WB/07/1493/FULL) for an identical proposal. The permission lapsed in January this year. It was itself a renewal of an earlier permission granted in 2003 for the same development (WB/03/00563/FULL).

RELEVANT PLANNING POLICIES:

South East Plan: CC1, CC6, BE1

Saved Worthing Local Plan 2003: BE1, H16, H18, TR9 SPG 'Extending or Altering Your Home'

Submission Core Strategy: 16

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

Two letters of objection have been received from the residents of Fairways to the south, raising the following concerns:-

i) Proposal contrary to planning guidelines and out of context in Links Road which is made up of large, individual style houses with verdant gardens.

ii) Garden development is contrary to national planning policy in PPS:3 and the changes to 'brownfield' land.

iii) The effects of lights, vehicle movements and intensification of noise and activity in the garden will be intolerable for neighbours.

iv) The proposal will give rise to overlooking of the garden of Fairways resulting in loss of privacy.

v) The main house would be left without its own garaging or adequate parking. Several cars parked on the driveway would appear unsightly and would afford little or no room for visitors. Parking on Links Road is not permitted.

vi) The garden area is inadequate to cater for two families and would be out of keeping with other houses in the area.

vii) Any condition imposed requiring the new dwelling to be used in conjunction with the existing would be impossible to monitor and enforce where the owners to 'let out' the new dwelling.

viii) A proposal to erect a large six-bedroom dwelling intended to be occupied by two families in the rear garden of Fairways and Copseland was resisted on the grounds that the design implied dual occupancy in the future, the same reasoning should apply to this proposal.

ix) Ownership of the few feet of land immediately adjoining the southern flank of the garage block is disputed. If the claim is upheld the applicants would not have facility to repair and maintain the southern part of the garage because there are not rights of access over Fairways. Although this is not a planning issue it militates against the use of the garage for residential purposes.

PLANNING ASSESSMENT:

The relevant considerations are the principle of the development, the effects on the character and appearance of the property and the surrounding area, the effects on the amenities of neighbouring occupiers and highway and parking considerations.

There have been a number of changes to the policy framework since the previous permission granted in 2008. The West Sussex Structure Plan 2001-16 has been replaced by the South East Plan 2009, although the Secretary of State's intension to abolish the RSS is also a material consideration. The Worthing Core Strategy has been adopted, although the saved policies of the Worthing Local Plan also continue to apply.

There have also been changes to the national planning policy framework contained in PPS:3 in as much that domestic residential gardens are no longer classified as 'brownfield' land and therefore the priority once enjoyed by residential development of garden land no longer applies. However, the relevance of this policy change to the current application is limited since the proposal does not involve the loss of any garden land, nor does it seek to provide a separate dwelling unit, but overspill residential accommodation to

be used in conjunction with the main dwelling. The proposed development therefore falls to be considered as an alteration to the existing housing stock.

The proposed external alterations affect the north and west elevations primarily facing into the plot and would have very little impact on the appearance of the building from the street. The two-storey building already has a somewhat anomalous appearance within the streetscene, with the combination of its size and scale, prominent position, first-floor windows and tile-hung exterior lending it a domestic appearance having more stature than a typical outbuilding.

The building is sited very close to the boundary with Fairways, a detached house occupying a large plot to the south. Although the first-floor door (served by external stairs) and window in the west elevation currently provide scope for overlooking of Fairways, a tall, dense evergreen hedge and shrubs growing adjacent to the boundary effectively screen any views southwards.

Planning permission has recently been granted (WB/10/0971/FULL) for a detached house within the rear garden of Fairways and Copseland, to be served by a new drive on the north side of Fairways, passing close to the boundary with Nepcote Chase (and the garage building the subject of this application). If that permission is implemented the effect of overlooking an access drive would be far less intrusive than overlooking an enclosed private garden. Having said this, the recent permission at Fairways and Copseland may never be implemented. Vegetation cannot be considered a permanent feature and the existing hedge could be removed. The proposed use as overspill accommodation or as a residential annexe could be more intensive than the existing very low-key use of the first-floor of the garage building. Thus, notwithstanding that the existing first-floor door and landing at the top of the external stairs currently provide the scope for overlooking, it is considered reasonable to require the proposed new window to be fitted within the door opening to be obscurely glazed with only fanlight openers.

The existing first-floor window in the front (east) elevation of the garage building overlooks the existing drive at Fairways at an oblique angle, but is sited forward of the main dwelling, and would not give rise to a serious loss of privacy notwithstanding the potential for a more intensive use of the building than at present.

The proposed use as an annexe or overspill accommodation may give rise to some limited additional parking demand and vehicle movements, but this could be accommodated on the existing spacious frontage without detracting from amenity or requiring any alteration to existing drive or access facilities. The possible future siting of a new car port (to replace the lost garage facility) is shown in outline on the submitted drawing, but does not form part of the current application.

The concern raised by the third party about the enforceability of any condition seeking to prevent the use of the building as a separate dwelling house is a valid one. However, the position of the garage building in relation to the main dwelling, and the inter-relationship of windows serving habitable rooms, does

not lend itself to the creation of a wholly separate plot without resulting in a loss of amenity to the main dwelling. However, it is considered pertinent to impose an additional condition requiring the existing in/out access arrangement serving both the annexe and the main dwelling to be retained, since the sub-division of the frontage (as 'permitted development') would detract from the established character and appearance of Links Road.

RECOMMENDATION: APPROVE subject to:-

1. Standard time limit
2. Approved plans
3. Materials to match
4. No windows in south elevation
5. New first-floor window replacing door in west elevation to be obscured with fanlight opening only.
6. Not to be used as separate dwelling
7. Notwithstanding GPDO no sub-division of curtilage and existing in/out access arrangement serving both annexe and existing house to be retained.
8. Remove external stairs and door prior to commencement of use as residential annexe.

REASONS FOR RECOMMENDATION:

The proposed development would not detract from the local environment and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detract from highway safety. It would consequently not conflict with 'saved' policies BE1, H16, H18, TR9 of the Worthing Local Plan, policy 16 of the Worthing Core Strategy policy and policies CC1, CC6 and BE1 of the South East Plan.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that on balance, existing residential quality of life would not be significantly adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

Yes

DELEGATED

Case Officer Sign..... [redacted] .....Date..... 13·5·11