Development Management - Delegated Officer Report

Application Number: NOTICE/0018/20 Recommendation – Prior Approval Required and Approved

Site: 15 Buckingham Mews, Shoreham-By-Sea

Proposal: Householder application for permitted development for prior approval for enlargement of a dwellinghouse by construction of an additional storey to a height of 2.6m above the existing ridge.

Date of site visit: 9 December 2020

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a mid terrace two storey house in Buckingham Mews, a cul de sac off Ravensbourne Avenue. The terrace steps up in height from south to north, resulting in three different ridge heights across the terrace.

The application is proposing to construct an additional storey on No.15 as development permitted by Schedule 2, Part 1, Class AA of the GPDO, as amended in 2020.

The new floor will raise the ridge height 2.6m above existing.

Class AA permits:

The enlargement of a dwellinghouse consisting of the construction of
(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
(b) one additional storey, where the existing dwellinghouse consists of one storey,
immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted
AA.1. Development is not permitted by Class AA if—
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class
M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
(b) the dwellinghouse is located on—
(i) article 2(3) land; or
(ii) a site of special scientific interest;
(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—
(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower
of—
(i) 3 metres; or
(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
(i) any additional storey is constructed other than on the principal part of the dwellinghouse;
(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or
(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions
AA.2.—(1)Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and
(3).
(2) The conditions in this sub-paragraph are as follows—
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and
(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other
purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

(3) The conditions in this sub-paragraph are as follows—

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—
(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
(ii) the external appearance of the dwellinghouse, including the design and architectural features of—
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;
(iii) air traffic and defence asset impacts of the development; and
(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 201244 issued by the Secretary of State;
(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;
(c) the development must be completed within a period of 3 years starting with the date prior approval is granted; (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
(e) that notification must be in writing and include—
(i) the name of the developer;
(ii) the address of the dwellinghouse; and
(iii) the date of completion.

Procedure for applications for prior approval
AA.3.—(1)The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)
(2) The application must be accompanied by—
(a) a written description of the proposed development, including details of any works proposed;
(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
(c) a plan which is drawn to an identified scale and shows—
(i) the existing and proposed elevations of the dwellinghouse, and
(ii) the position and dimensions of the proposed windows.
(3) The local planning authority may refuse an application where, in its opinion—
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.
(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act45, such a refusal is to be treated as a refusal of an application for approval.
(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—
(a) describes the proposed development, including the maximum height of the proposed additional storeys;
(b) provides the address of the proposed development; and

(c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.
(6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.
(7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence. 8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.
(9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.
(10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.
(11) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
(a) assessments of impacts or risks;
(b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 201947; and
(c) details of proposed building or other operations.
(12) The local planning authority must, when determining an application—
(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and
(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
(13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.
(14) The development must be carried out in accordance with the details approved by the local planning authority.
(15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Relevant Planning History

None

Consultations

None

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (February 2019)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

The application meets the criteria set out in Class AA and is therefore subject to the considerations for prior approval.

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light

The additional storey will contain windows at second floor at the front and rear which have the potential to increase overlooking at a distance of approximately only 18.5m from the rear of 18 The Drive. It is acknowledged that overlooking already occurs from existing first floor windows but the increased overlooking resulting from the formation of a three storey building, will be significant given the relatively short separation distance involved. DM Standard No.1 recommends a back-to-back distance of 28m where three storey buildings are involved. The three storey form will be more overt than would be the case were a dormer to be constructed within the rooflsope. In this case, the building has a shallow roof which makes the construction of a dormer unlikely.

The applicant's agent has advised that the existing first floor bedroom at the rear will become an office/study which they consider will reduce overlooking. However, there is no control over future use of rooms within a house and it is not considered that a study will necessarily result in any less overlooking than a bedroom. A reduction in glazing would help but any glazing will cause overlooking.

Obscure glazing would overcome the loss of privacy issue but it would not normally result in an acceptable standard of living environment (i.e.to have a bedroom with no outlook). However, the architect has amended the plans to include rooflights which provide additional light and outlook for future occupiers of the bedroom without overlooking neighbours. With the windows obscure glazed below 1.7m above floor level, this is considered to be an acceptable solution which will not have an adverse impact on the amenity of adjoining premises through increased overlooking and loss of privacy.

The rear gardens of the terrace enjoy southern and western light and, while there may be some additional light loss early morning, it is considered that

light to the gardens and rear of the houses in the terrace will not be adversely affected by this proposal.

(ii) the external appearance of the dwellinghouse, including the design and architectural features of—
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;

The extension would match the style and appearance of the existing dwelling in terms of materials and window size and positioning. The principal elevation, while a storey taller, would therefore be in keeping with existing external appearance in terms of design and architectural features. No side elevation fronts a highway in this case.

The rear elevation will contain windows of a different size and style but this is not covered by this section, which refers to the principal elevation and any side elevation which fronts a highway only.

(iii) air traffic and defence asset impacts of the development;

The overall height of the building will be 9.2m and is below the height necessary for safeguarding for Shoreham Airport. Nevertheless the Airport Manager was consulted and has no objection.

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State

N/A

Recommendation

APPROVE Prior Approval subject to the following conditions:

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Construction Management Plan
3. Second floor rear windows to be obscure glazed and non opening below 1.7m

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

Case Officer: Peter Barnett Date: 7 January 2021

Authorised by: Gary Peck Date: 7 January 2021