DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO/ADDRESS: 11/0080 – 5 Fourth Avenue

DATE OF SITE VISIT: 25/3

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): None.

SITE AND SURROUNDINGS:

This is a re-application for a new dwelling in the rear garden of a detached house on the north side of Fourth Avenue. The earlier application was refused back in August last year (10/0473/FULL refers). The application site's rear garden backs on to Longlands where there is presently a gated pedestrian access to the site. The area is characterised by individually designed detached houses in generously proportioned plots with mature gardens.

The existing house is an attractive detached interwar property in red brick with two storey bay windows on its west side and bracketed eaves above. The property is set well back from the road and is positioned away from its western boundary with a narrower gap to the east. It has a rear garden which is between 43 metres and 60 metres in length. There are two protected trees in the rear garden, a Scots Pine mid way down its length on the shared boundary with No. 3 and a Silver Birch on the shared boundary with Wrafton House, a new dwelling built in the rear garden of No. 7. The land rises northwards from the rear of the existing house to Longlands and the land also rises eastwards along Longlands from First Avenue.

Longlands is characterised on the south side by the rear garden boundaries of Nos. 1 to 15 Fourth Avenue. These boundaries are generally defined by dense tree and shrub planting. At the rear of the application site there is a tall dense Laurel hedge which also extends down each side garden boundary. To the west of the site at the rear of No. 3 Fourth Avenue is a widened public verge on the Longlands frontage with a number of trees planted on it.

At the rear of No. 7 Fourth Avenue Wrafton House has been built in the last 7 years. It is set back from the road and, due to the sloping site, sits at a lower level than the public highway. It maintains a green frontage to Longlands. On the opposite side of Longlands there is a single house built in the early 1960s which is set well back from the street behind high hedging.

PROPOSAL

The two storey house now proposed is 12 metres wide and 9.5 metres deep with a single storey front projecting garage a further 3.3 metres in depth (measured from the submitted 1:200 site plan). It has a very traditional appearance with a hipped roof having an eaves height of 4.9 metres and a ridge height of 8.2 metres. These dimensions are smaller than the house previously proposed. With

its staggered front elevation it would be positioned between 5 metres and 9.5 metres back from the pavement. This is further back than previously (3 metres and 8.5 metres). Within the sloping site, submitted drawings suggest that the building would be some 1.2 metres below the level of the highway at the front. In order to create a consistent floor level throughout the house, it has been necessary to raise the ground level at the rear of the house by approximately 1.1 metres. This creates a raised patio area of 2 metres depth with access to the rear garden down steps on the west side of the building.

Proposed materials include a rendered finish and brick quoin detailing and a tiled roof.

Access to the site would be from Longlands with the vehicle access close to the western boundary. The frontage would be largely hard surfaced to allow for access and turning within the site and there would be limited scope for boundary planting. Any frontage planting would, in any event, need to be below a height of 0.6 metre to ensure that visibility splays were retained.

RELEVANT PLANNING HISTORY:

10/0473 – Construction of a 5 bedroom detached dwelling in rear garden with new access onto Longlands. Refused 5.8.10

7 Fourth Avenue

02/00989 – Construction of a two storey dwellinghouse fronting Longlands with double garage and associated site works with new access onto Longlands. Granted 5.11.02.

RELEVANT PLANNING POLICIES:

RES7, RES12, BE1, TR9, H16 and H18 of the saved Local Plan.
T4, BE1, CC1 and CC6 of the South East Plan
Policies 8, 9 and 16 Submission Core Strategy
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS9: Biodiversity and Geological Conservation
PPG13: Transport.

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

45 letters of objection received. The objections are summarised as follows:

i) Previous refusal reason applies equally in this case;
ii) Contrary to PPS3, 'garden grabbing'.
iii) Such development would set a precedent and undermine neighbouring gardens which could lead to the development of a new Longlands frontage to the detriment of the streetscene.
iv) Wrafton House represents one 'individual property' which has not severely undermined the open character of Longlands. Further such development would.
v) This development will compromise the open aspect and local amenity of Longlands to the detriment of the streetscene.

vi) Cramped and overdeveloped appearance to Longlands.
vii) Overbearing for neighbours.
viii) This Residential Area of Special Character is special because of its open areas, mature trees and broad width of avenues.
ix) No tree constraints plan submitted or Arboricultural Method Statement, which are necessary as this development is within close proximity to protected trees.
x) No topographical survey submitted, so establishing levels of floor, eaves and ridge is not possible.
xi) Grass snakes have been noted on site by previous owner and owner of No. 7. Badger and fox sets exist in neighbouring gardens. An ecologist should monitor this site.
xii) Plans do not show two extensions to the parent building which much reduce the reduced garden size for it. This is not in keeping with gardens at Nos. 3 or 7 or Wrafton House.
xiii) The raised rear ground floor level and stair down to the garden emphasises the property's overshadowing height, scale, bulk, dominant and intrusive appearance particularly in relation to Nos. 3 and 7 Fourth Avenue, Wrafton House and the streetscene.
xiv) The property is not in keeping with the local vernacular particular the roof design and particularly the rear elevation.
xv) If minded to grant PD restrictions should be imposed, including a 3 year time limit, an ecologist report should be required and use of renewable energy measures should be detailed and considered as part of the application in order to protect the streetscene.
xvi) Rear elevation will have a three storey appearance as the internal ground floor level is so much above garden level. The rear elevation does not show the necessary retaining wall/handrail and should be amended before decision to allow neighbours a further opportunity to comment.
xvii) The submitted plans do not show turning within the site. This must be shown so as to demonstrate cars will not reverse out onto the road and cause a traffic hazard. The space available for parking is also inadequate for a property of this size.
xviii) Vehicle access is very close to the T junction, which is dangerous in itself, but if vehicles also park on the street this could lead to a visual obstruction. Traffic from First Avenue often enters Longlands at speed, accidents will happen.
xix) The development will put extra pressure on the A27.
xx) Rear first floor elevation has no windows. This is an elevation without quality and balance and demonstrates that the floorplan does not work. It would be oppressive for occupiers and would have no means of escape.
xxi) The rear rooflights are not in a catslide roof, as next door, and consequently do not work as well aesthetically.
xxii) The proposed rooflights light the roofspace and not the bedrooms and so suggest a future roof conversion.
xxiii) Loss of privacy to the house and garden at 36 First Avenue.
xxiv) The proposed house would be only 4 metres from the pavement edge. No other house nearby is this close.
xxv) The house is not 'modest' but very large for the plot.
xxvi) It extends 6 metres beyond the rear wall of Wrafton House which will result in loss of light, loss of privacy and loss of outlook for occupiers at

Wrafton House. East elevation windows will have a view into Wrafton House, the kitchen window will look into the conservatory and at an angle into the lounge and dining room and the study window will be directly opposite one of the lounge windows.

xxvii) Wrafton House has a lawn with mature trees and bushes in front of it.

xxviii) The plans do not accurately show the position of Wrafton House. Wrafton House is at its nearest (chimney) 0.57 metres from this boundary, the separation is nothing like that shown on FA/5A, which is illustrated 'not to scale'.

xxix) The Laurel hedging on the back boundary should be preserved by way of an Order.

xxx) This development will put extra pressure on local utilities.

Planning Policy: 'The main policy issues that are relevant to this application are:

Local Plan 2003

H 18: Loss of amenity

Emerging Core Strategy 2011

Policy 7: Meeting housing need
Policy 8: Mix of housing
Policy 16: Built Environment and Design
Policy 17: Sustainable Construction

The main concern with this application is the garden land development and the impact on the surrounding environment. Policies that apply are H18 from the Local Plan, Policy 16 and 17 of the Core Strategy and PPS3.
The Core Strategy encourages new housing development and Policy 7 and 8 support this proposal. It is noted that the proposal is for a family dwelling for which there is a need in the borough.

This is a revised application and previous planning policy comments were sent to you on 14/7/10. The applicant has made amendments to the size of the dwelling following comments received on the previous application which was refused. It is up to you as development management officer to consider whether this dwelling is now acceptable on the grounds of impact on the surrounding environment. As you are aware amendments to PPS3 have been made by the new government last year to give councils flexibility and prevent over-development of garden land.

Weight of the Core Strategy

It is anticipated that the Inspector's final, binding report will confirm the Core Strategy's soundness. This is expected imminently. With this in mind it is reasonable to give due weight to the polices in the Core Strategy.

Highways: *'This application has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.*

West Sussex County Council was consulted previously on Highways matters for this location under planning application no. WB/473/10 to which no objections were raised.

Comparing the most recent application and the original application it is apparent that there are no significant changes to the proposal from a highway perspective; therefore my original comments dated 16.07.10 would still stand.

The cycle parking arrangements had not been addressed in the original application; however the most recently submitted information indicates that an allocation of cycle parking has been provided within the proposed garage which now appears to be acceptable.

As stated in my original response the applicant would be required to provide a 2 x 2 metres pedestrian visibility splays, with any planting or new fencing being no higher than 0.6 metres above ground level. If the LPA are minded to approve this application, the pedestrian visibility splays should be secured by condition.

Based on the newly submitted information, there would not be any grounds to resist this application from a highway perspective.'

Health: No objection subject to contamination watch condition.

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 refused, would have some impact on the applicant's Rights. However, it is considered that the harm caused by the development outweighs these and that in the public interest the application should be refused. Accordingly, it is considered that the decision complies with the Human Rights Act 1998.

PLANNING ASSESSMENT:

The main issues for consideration with this application are:-

i) The principle and form of residential development.
ii) Impact on the character and appearance of the area.
iii) The impact on the amenities of the existing house and neighbouring properties.
iv) Access and Parking.

The principle of residential redevelopment, dwelling mix and density

Recent changes to Planning Policy Statement 3: Housing have reinforced earlier amendments and reconfigured the policy framework for assessing the principle of residential development in domestic gardens. Domestic gardens are no longer classified as brownfield land, and, as such, the priority once enjoyed by such residential development, no longer applies. Effectively, such new development (or "garden-grabbing") now needs to demonstrate that there are persuasive reasons to allow the development in relation to national policy, the Development

Plan, and any other material considerations, which outweigh the loss of the garden.

A number of factors need to be assessed in making the judgement of acceptability.

A prime issue is the sustainability of the location. The site is in a residential suburb, within the urban area. It is within walking distance of shops and bus routes at Lyons Farm but the A27 Upper Brighton Road is a major obstacle to the site's accessibility to shops, transport links and other services at Broadwater. As such it is considered that the site does not enjoy a particularly accessible or sustainable location.

Another factor is how the dwelling type meets an identified housing need. The proposal is for a five bedroom house with a reasonably sized garden. The submitted Core Strategy, underpinned by the Strategic Housing Market Assessment, indicates in Policy 8 that within suburban areas only limited infilling will be allowed, which will predominantly consist of family houses, whilst Policy 9 indicates that the existing housing stock will be retained unless the proposal results in a net increase in the family housing stock. The aim here is to redress the imbalance between family houses and non-family, smaller accommodation to better meet housing need and to protect the character of residential suburbs where family houses prevail. Judged against these policies, it is apparent that the proposed new dwelling is a family-sized house in the suburbs which would meet an identified housing priority.

In addition, how efficiently development makes use of land is to be considered. National minimum densities have been removed in the recent changes to Planning Policy Statement 3: Housing with a preference now for locally set standards. No local densities have yet been prepared but, looking at the site and spacious pattern of surrounding development (including separation distances to boundaries and pervasive green space) the proposal would be out of character with the general pattern of development in the area and would appear uncharacteristically cramped in its plot.

A further issue is the importance of the proposal, numerically, in meeting local housing requirements. In recent years, the monitoring of dwelling completions indicates that annual targets have been exceeded and the Core Strategy makes provision to meet the former South East Plan targets, without reliance on windfall sites such as this. However, this situation will need to be reviewed to take account of the new Planning Policy Statement 3: Housing and then carefully monitored. Indications are, nonetheless, that historically, the number of such small scale infill "garden-grabbing" sites have not been so significant as to suggest that the Council's ability to meet future housing requirements would be prejudiced if these types of development were resisted.

Impact on the character and appearance of the area

The proposed house is a traditional double fronted detached house. An unremarkable and yet inappropriate design in terms of the sensitivity of this infill plot. Its position, scale, bulk and design would result in a prominent and intrusive building poorly related to its surroundings. This part of Longlands is characterised by mature, densely planted rear garden boundaries with significant tree planting.

Wrafton House is the exception but has still maintained an area of front lawn with a number of trees. It is set back behind the densely planted boundaries either side of it and these denote the boundary between the inter war houses of 'The Avenues' and the later 1950s and 60s developments of Longlands and Longlands Spinney. With the recent change in legislation and the reclassification of garden land from previously developed land to 'greenfield' land there is a greater expectation that only limited infilling should be allowed and, only then, when it will not erode the character of an area or result in harmful 'garden grabbing'. It is considered that this development would be harmful to the setting of Longlands in its proposed form and adjacent to and in association with Wrafton House.

Although the garden at No. 5 Fourth Avenue has no significant trees on its rear boundary the high Laurel hedge that defines it does contribute to the Longlands frontage. Its loss and replacement with such a huge building in an open frontage would be harmful to the streetscene. It is considered that the proposed house would be too close to the Longlands boundary being two storeys 5 metres from the pavement. It is not set sufficiently far back to allow for any significant replacement planting to both screen it and repair the green gap in the Longlands frontage. The submitted site plan identifies the frontage as parking and turning area with no soft landscaping proposed. The issue of soft landscaping has been addressed only in terms of the rear garden boundary between the existing and proposed house.

It is still considered that the new house proposed remains both too wide and too tall on the plot. The overall scale of the building has been reduced by reducing the height of the building by 1 metre and by setting the first floor slightly into the roofspace whilst also setting the building further back into the site and 0.5 metre further off either side boundary. The streetscene drawing submitted with the application, FA/5A, illustrates that the ridge height of the new house will be below the ridge height of Wrafton House. This is not necessarily the case as it is believed that Wrafton House has not been drawn correctly and is shown as being taller than it really is. Wrafton House is also shown incorrectly positioned in terms of its western boundary. It is shown as being set off this boundary by nearly 2 metres when in fact this clearance is as little as 0.57 metre in reality.

Additionally, the roof at Wrafton House has a large area of catslide with two small dormers set into it thus reducing its bulk. In contrast, the roof proposed in this application is uniform in appearance with two pairs of dormers separated by a stronger central projecting two storey gable feature. The appearance of the proposed house is much fussier and more assertive in the streetscene. It has not been sensitively designed to sit discreetly in the streetscene. It would also be uncomfortably close to Wrafton House and would appear cramped in the streetscene contrary to its spacious open character.

It is considered that even elements of the Wrafton House design have not been wholly successful with the front garage wing appearing too high and too far forward but, nevertheless, it is still considered to be a more sensitively conceived design which integrates more satisfactorily into the streetscene than the proposal. It was approved in 2002 and now, with the recent changes to PPS3, it is suggested that even greater attention should be paid to improving and contributing positively to the character of residential areas with improved design and integration. Further development of Fourth Avenue rear gardens would

undermine the landscaped character of this stretch of Longlands which would be harmful to its appearance.

The garden itself is important and forms part of an important stretch of mature and well screened gardens in the road up to the junction with Longlands Spinney. The fragmentation and erosion of the garden as an environmental resource and consequent incremental urbanization of part of a wider stretch of 'green infrastructure' is a serious concern. The green space is characteristic of the area and provides breathing space and relief.

The development of Wrafton House is an unfortunate interruption of this stretch but its existence has not irreparably damaged the general unfettered and verdant character of this stretch of Longlands and the approval in 2002 was consistent with the planning policies at that time. The development of a second and adjacent property in the form proposed would be particularly harmful and would make the ability to resist similar proposals in other gardens more difficult.

The raised garden level and patio at the rear of the building are shown to be positioned within 5 metres of the stem of a protected Silver Birch tree on the boundary with Wrafton House. The second tree covered by the Tree Preservation Order, a Scots Pine, would be 16 metres away. No arboricultural report has been submitted with the application but it is not anticipated that significant harm to either tree would occur though if permitted careful consideration would need to be given to conditions to protect these trees and their roots during construction.

Turning to the quality of the design in itself, the composition is poor. In particular the fenestration pattern on the front elevation is incoherent and discordant due to the unjustified varying sizes of windows, their unbalanced yet unduly assertive arrangement and awkward relationship to the central hipped projection and garage. In any event, the array of half dormers is alien to the character of the area. Quite apart from this, the siting and orientation of the garage is especially clumsy and awkward in relation to the front elevation and dysfunctional given its proximity to the main front pedestrian entrance. Overall, the design is disappointingly bland and unimaginative lacking the period and vernacular detailing and sensitivity expected of a large villa in this context. It fails to meet the tests of paragraphs 34 of Planning Policy Statement 1: Delivering Sustainable Development which states:

34. *Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.*

<u>The impact on the amenities of occupiers of the existing house and neighbours</u>

The existing house at No. 5 Fourth Avenue is a substantial 4 bedroom home which has been extended to the side and rear. It is proposed to subdivide the plot in such a way that the existing and new house would each have gardens of about 15 metres in length. In themselves these are not small gardens but it would leave the parent house with an uncharacteristically small garden relative to its neighbours.

The garden rises steeply northwards towards Longlands pavement level and in order to ensure that the floor levels are the same throughout the ground floor of the new house, rear ground floor level will be raised by 1 metre above garden level. In addition a 2 metre deep raised patio is proposed off the rear living rooms. As a consequence the new house, which is designed to be fully two storeys in height, would rise above the parent building and its rear garden. This would result in a dominant and overbearing building which would reduce the outlook and amenity for the parent building. The submitted rear elevation does not show this rear patio area or enclosure and so its full impact cannot be fully or properly assessed.

The design of Wrafton House, the adjacent house built to the east in the rear garden of No. 7 Fourth Avenue, is much more sympathetic in terms of its relationship to its parent building and neighbours. There are no first floor rear windows, only rooflights, as the rear elevation consists of a catslide roof containing bathrooms and cupboards only. The internal ground floor level is also raised only slightly above natural ground level. The house is far less dominant as it has the scale and appearance when viewed from the rear of a chalet bungalow. It is also further away from its parent building being some 35 metres away compared with the proposal at a distance of some 30 metres between the properties.

The applicant has removed first floor rear windows from this latest proposal to avoid the objection of overlooking of the parent building's garden and house. Two rear bedrooms and a bathroom will be lit by rooflights only. Unfortunately in solving the problem of overlooking the design of the building has suffered. The first floor rear elevation is now imperforate and as a consequence very bland in appearance. The house would have an austere appearance for neighbours and an oppressive living environment for occupiers. This revision illustrates the difficulty of building a two storey house on this site.

The proposed building would be nearly 6 metres beyond the main rear building elevation of Wrafton House (excluding its conservatory) with its raised patio extending a further 2 metres into the garden. It would be positioned 2.3 metres off the shared boundary. This extra depth and raised ground level would result in an overbearing building which would reduce afternoon sun into the rear living room window, conservatory and raised deck at Wrafton House. The potential to overlook the rear of Wrafton House and its garden from the raised patio area remains. A first floor window in the east side of the building is to an en-suite and can be obscured to avoid a loss of privacy for Wrafton House occupiers. Ground floor windows in the east elevation could result in overlooking of Wrafton House if the Laurel hedge were to be reduced in height or removed, particularly as the ground level in relation to Wrafton House is unclear. The tops of windows in the side of Wrafton House and its conservatory were visible from within the site at the time of the site visit.

Opposite the site, to the north, at the junction of Longlands and First Avenue is No. 36 First Avenue. This property is unusually positioned on the site such that its main private garden is to its south and faces the application site. Although separated from the site by the road at Longlands, occupiers of No. 36 First Avenue are concerned that their privacy and outlook would be reduced by such a large house in such close proximity to their rear garden and to a degree this would be true.

Access and Parking

In order to ensure adequate visibility is achieved, all but 2.5 metres of the Laurel hedge at the eastern end of the front boundary is to be removed. Garage parking is proposed as well as forecourt parking with cycle storage provided in the garage. The Highway Authority has raised no objection to the position of the proposed access in relation to the junction with First Avenue.

Environmental Impacts

In the letters of representation a number of neighbours have referred to various species of wildlife living in the area and the potential for damage to their habitats. The proposed development does not involve the demolition of derelict outbuildings or removal of trees and so there is unlikely to be any bats roosting on the site. Apart from the Laurel hedging on three sides there are also no areas of dense tree planting and so badger sets are less likely. The owners of No. 5 Fourth Avenue have a dog and claim, as a consequence, that foxes do not frequent their garden. Photos of various animals submitted with letters relate to adjoining gardens and not to the application site. Two ponds within the site have been drained and it is not considered, therefore, that there are habitats of significance within the site.

The applicants have committed to achieving Code For Sustainable Homes Level 3 in terms of sustainable design. This is welcomed and consistent with Core Strategy Policy 17 and response to climate change but does not offset the wider harms identified above.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The proposed house would by reason of its scale, form, design and siting appear cramped, discordant and unduly assertive in the streetscene; would detract from the area's verdant appearance and present a poor quality of composition. It would be harmful to the setting and amenities of the original house and to the character in this part of Longlands. Its position and bulk would also be detrimental to the amenities of neighbouring properties by ~~virtue~~ reason of its overbearing impact, overshadowing, loss of outlook and reduced privacy. The proposal is therefore contrary to saved Local Plan Policies BE1 and H18, South East Plan Policies BE1, CC1 and CC6; Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

No.

DELEGATED

Case Officer sign..... Date..... 13/4/11

Authorising Officer sign..... Date..... 19/4/11