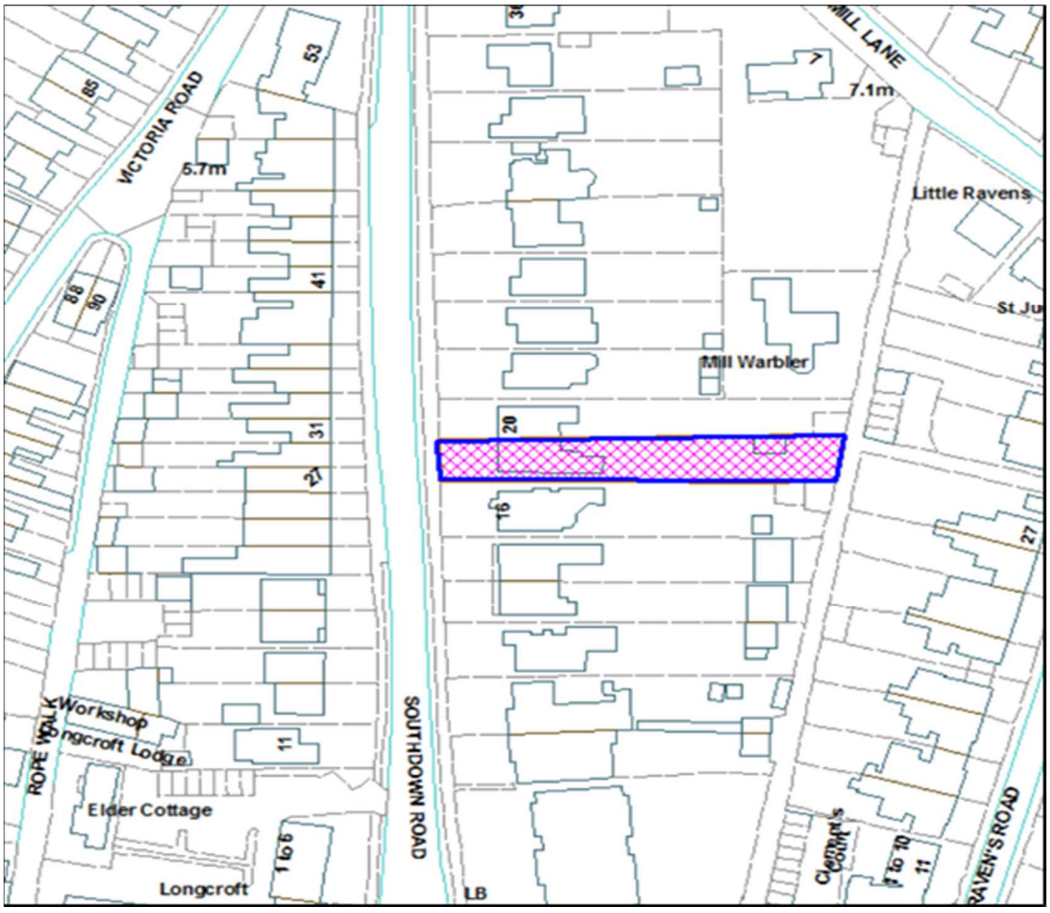
Application Number:	AWDM/1761/20	Recommendation - APPROVE
Site:	18 Southdown Road, Shoreham-By-Sea	
Proposal:	Proposed garden room	
Applicant:	Mr Ant Rathbone	Ward: St Nicholas
Agent:		
Case Officer:	Eve Hearsey	



Not to Scale

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Proposal, Site and Surroundings

The application relates to a semi detached dwelling in Southdown Road. It has a long rear garden measuring some 9.5m wide x 45m in length from the rear of the dwelling to the rear boundary. There is an existing garage/outbuilding positioned some 10m from the rear boundary.

There is a rear vehicular access behind the properties in Southdown Road and Raven's Road, which is accessed from gaps off Raven's Road together with Mill Lane to the north. The access is a private access and mainly unmade up, and measures approx. 3.5m wide along its main length.

The proposal is to demolish the existing garage (measuring 5m wide x 6.15m long x 2.45m high at western end (2.4m at eastern end), and replace it with a flat roof single storey studio outbuilding of an identical footprint and 2.5m high.

The building will be a timber framed construction and externally is show to be horizontally clad with Siberian Larch cladding

The site is within the Shoreham Conservation Area.

Planning History

SU/10/89/TP/OA: Outline application for a proposed dwelling – refused and appeal dismissed

SU/195/89/TP/OA Outline application for erection of a cottage to rear – refused and appeal dismissed

AWDM/0810/13 Demolish existing garage and construct a single storey replacement building to be used as a 1 bedroom holiday let – refusal and appeal dismissed

Consultations

West Sussex County Council Highways:

WSCC was consulted previously on Highway Matters at this site under application AWDM/0810/13 for the demolition of the existing garage and construction of a single storey replacement building to be used as a 1 bed holiday let with associated parking.

No overriding highway concerns were raised. The application was refused planning permission for non-highway reasons.

This latest application seeks to replace the garage with an annex studio building to be used by relatives. From a highways perspective this will result in additional habitable accommodation.

It does seem that the proposed will result in the loss of some parking provision in the form of an existing garage, however, it is difficult to determine from the submitted documents how much quantity that will be. For example, a garage needs to measure 3 x 6 metres

to be considered 0.5 of an allocated parking space as per current WSCC Parking Guidance. A 4 bed dwelling in a location such as this would be expected to create the minimum demand of 3 car parking spaces. The existing dwelling seems to already have some (one) off-street car parking space at the frontage of the site. It is not clear if any off-street hardstanding parking to the rear of the dwelling exist or will be retained.

The Local Planning Authority should consider if the proposal will result in any parking amenity issues. It is very difficult to substantiate that such small changes in on-street car parking provision/demand in urban settings will result in any highway safety concerns.

The garage could have provided a secure cycle parking facility, it would be advised to secure a replacement provision in the interest of suitability.

The Local Highways Authority does not consider that the 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 NPPF (paragraph 109), and that there are no transport grounds to resist the proposal.

If achievable the following condition would be advised.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Adur District Conservation Advisory Group

Approval - Proposed studio building to replace existing garage for use by relatives. Members queried the absence of any drainage details in the application, bearing in mind there is going to be a shower.

Representations

16 letters of objection have been received, largely from addresses in Southdown Road and Ravens Road. A number of residents have made representations more than once to re-iterate objections. The objections are made on the following grounds:

Objections remain to the amended application

- The garden room will be a step towards a change of use/conversion to dwelling
- Large box structure does not fit in with surrounding area
- Although smaller footprint still an unsightly box
- The term garden room has a very wide definition (author then describes definitions)
- Inappropriate materials
- Plans scant on details (author requires details of power, water supply, direction of

water run-off from roof)

- You will be aware there have been previous applications of a similar nature under reference AWDM/0810/13
- Objected to that application
- Object to this application
- No change in guide lines
- Still a fire risk
- Difficult access for their vehicle down the lane
- No access for Fire Engines/hose pipe run from Raven's Road minimum 60/70 metres
- Any Ambulance access will require a vehicle to reverse a minimum of 100 metres (no turning area)
- Occupancy puts fire and accident on a much higher level
- Disabled access only feasible in dry weather
- Do not doubt the intentions of the present owners, but wonder what the implications would be for future owners, and easy change of use for redevelopment at the end of the garden
- If granted, it will already be a dwelling with plumbing and electricity in place
- This is a Conservation Area and we are trying to keep it that way
- Set a precedent and persons will resurrect previous refusals for the same use
- Several earlier applications (down the lane) including those next door all turned down
- The Council only notified no.'s 16 & 20 and we would like you to notify all the other residents you wrote to in 2013
- Lane described by many as a track, prone to flooding (see 2014 letter and photos)
- Extra noise, extra usage, less privacy, less security
- 50 people objected to previous applications
- Others cannot object unless they are notified
- Please confirm that you still have access to the previous application and appeal and that all objections will be considered
- Your records should indicate that previous planning application for no.'s 18, 14, 12 and 6 Southdown Road were all refused
- Previous planning officers comments and reasoning relating to no. 14 are all relevant to current application
- The current application cannot comply with requirements and regulations in respect of side boundaries to allow for maintenance
- Accessing sewerage system will also be a major problem
- Inappropriate for this residential neighbourhood
- Unacceptable garden development
- Contrary to NPPF (unreferenced paragraph quote) LPA's should consider the case for setting out policies to resist inappropriate development in residential gardens
- Does not preserve or enhance the character or appearance of the Conservation Area
- This part of the Conservation Area is characterised by long rear gardens. The introduction of a new dwelling would detract from the established character of the Conservation Area
- Does not accord with saved LP Policy AB4 and the Framework as they reflect the requirements of Section 72 of the Planning (Listed Buildings and Conservation

Areas) Act 1990

- Unneighbourly
- Against the appearance and treatment of the spaces between and around buildings
- Does not respect local context
- Located in an area comprising garages, sheds and summerhouses
- The design of proposal out of keeping
- Fragmented form of development
- Harmful impact on the open peaceful and undeveloped character of the Conservation Area
- Accessed via a narrow unmade track
- The building cannot comply with Building Regulations
- Insufficient parking
- Clear from number of objections on previous applications that the neighbourhood does not want nor support this unacceptable development
- Whilst the application is for relatives at present with the current owners, we wonder what the implication would be for future owners or current owners change of use for redevelopment at the end of the garden in the future
- Also wonder who would police who actually lives there if the planning was granted for relatives only
- Access is not shown, therefore assumed it is from the rear lane which is a dirt track, there is little or no drainage. We, the residents, have to maintain this track. It is un-made, un-lit and prone to flooding during any rain – it is not a robust thoroughfare
- The building would affect the quality of light, noise, access and privacy of all the adjoining buildings
- Will lead to being a rental or an Air B&B type accommodation
- Potential volume of traffic
- Potential reduction of security
- Negative affect on area
- With reference to the applicants supporting statement – the condition of the existing building and the fact that the applicant does not need a garage has absolutely no bearing on this application
- Reference to quarantine/self-isolation are risible and merely playing on the current Covid epidemic, this is not a consideration for planners
- None of the statements can be guaranteed
- The garages should stay as designed
- The twitten was built in the 1890's to carry drains, which run to the rear of houses in Raven's Road
- Surprised that the Council have not notified all other residents who were previously advised of AWDM/0810/13
- Is this application therefore a 'fait accomplis' despite objections
- I would like to have a reply to my letter, and look forward to hearing from you very soon
- Overdevelopment
- Highway Access and Parking
- Design
- Loss of General Amenity
- If let in the future it would lead to inappropriate and likely overdevelopment
- Most household have 2 or 3 cars, and converted drop kerb gardens have reduced

the amount of on-street parking
- The garden is a haven for wildlife
- One letter querying the veracity of the Adur District Conservation Advisory Group (ADCAG), and its members and operating remit etc.

1 letter of support has been received from neighbouring property, number 16 stating:

- Fully support my neighbours application as I know the application is genuine in all respects
- The application is quite different from previous historical applications at this property

During the application, the proposal was amended with the applicant stating the following:

Please could you reconsider this application with the following changes:

- It is now a Proposed Garden Room.
- The width has been reduced by 50cm (back to the original garage footprint)
- We have removed the shower room and kitchenette

We hope that this will be sufficient to demonstrate that the building could not be used as separate accommodation and will therefore not require a S106 legal agreement.

Also please note:-

- Doing nothing is not an option. The subsidence has increased and the cracks in the garage walls are widening
- We do not need a garage
- We have the right to use the lane to access the rear of our property at present. This will not alter if we are given approval for the garden room
- Comments received say there is a lack of detail in the amended plan that is true, there is nothing to add. The room will be used as most people use their garden rooms, as a place to relax in, read books, enjoy looking at the garden etc.

Relevant Planning Policies

Adur Local Plan: Policies 1, 15,17

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance (CLG)

Relevant Legislation

The Committee should consider the planning application in accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance

considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The proposal involves new development within the built up area and is therefore acceptable in principle subject to there being no harm to the visual and residential amenities of the locality, including the designated Conservation Area.

Statement from Architect (submitted before the amendment)

The Agent has submitted a statement which outlines the situation of the existing garage and the proposed new building, the subject of this application.

He states:-

"The building was erected as a double garage perhaps 40 years ago. Access to the garage is via the lane to the rear of our property. It is a single skin structure of concrete bricks. It has a flat, felt covered roof. There is an electrical supply to the building

The building is no longer fit for purpose, and that there has been marked subsidence in one corner and major cracks have developed in two of the walls. It is also very damp and furniture stored in it has become mouldy. A local builder's assessment was that it was not worth trying to salvage the current building as it was beyond repair.

There is sufficient off street parking at the front of the house.

The proposal is thereby to demolish the building and erect on the same footprint a single storey garden room. This would normally be permitted development as it is no more than 2.5m high, however, it is in a Conservation Area, therefore planning is required.

The garden building will be used as a play-room, studio, home office and quiet space for the occupants and their family only. It will have the convenience of a w/c facility and an area to make refreshments.

The garden building will be solely for purposes ancillary to the occupation and enjoyment of the property as a whole and shall not be used as a separate dwelling or for any commercial purposes. At no time shall it be used for the purposes of primary living accommodation including bedroom, living room, dining room or kitchen.

If planning were to be approved then we would be happy that these conditions are stated on the approval notice."

Planning Assessment

Many representations have compared this current application to the previous applications for a dwelling and holiday let that were subsequently refused planning permission and

were dismissed on appeal. However, the current application is for neither of the uses which were the subject of the previous applications.

The proposal seeks to demolish an existing substandard garage and replace the building with a structure of the same footprint i.e. 5m x 6.15m but will be 2.5m in height. The replacement will be a garden room.

There will be no need to have any vehicular access to the site from the rear for the proposal as it is just to be used by the occupants of the host building no. 18 Southdown Road as a garden room. Such a building would normally be permitted development under The Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class E.

However E.3 of the above states: - *"In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse."*

(NB article 2(3) being land within (amongst other things) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas.)

Therefore because of section E.3, and the fact that the site and land in question is within a designated conservation area, planning permission is required for the replacement building.

Residential amenity

The main consideration in the determination of this application is the impact that such a use will have on the residential amenities of neighbouring occupiers.

The garden room, by its very nature would be ancillary to the main house and there would be an interaction with the main house. The applicant's agent has stated that the building is not to be used for the purposes of primary living accommodation, such as a bedroom, living room etc., and a condition limiting its use would be acceptable.

Because of the manner in which the building would be used, i.e. it is not primary living accommodation, it is not considered that the garden room would have any detrimental effects on the residential amenities on the neighbouring properties.

Accessibility and parking

Many objections received against this application and the application as initially submitted, were on the grounds that the access road/ track/ lane to the rear of the site is unsuitable for use for any additional traffic, due to its narrowness; is unlit; is unmade up; is often overgrown and that it floods. However, as outlined above, vehicular access to

the rear of the site is not part of this application, and thereby it is not appropriate to be considered here.

Visual Amenities and Impact on Conservation Area

The replacement building will be of the same footprint dimensions as the existing outbuilding and will be no higher than 2.5m. The elevation that will be positioned close to the mutual boundary with no. 20 will have no windows within it, and if approved, a condition preventing windows within that elevation would be appropriate.

The remaining elevations will each have windows within it, the west elevation will have a door and a window, and these will face towards the existing dwelling, the head height of the window will be some 2.25m making the window largely screened from view over a 2m high fence, but is considered not to result in any more visual disturbance to the neighbouring property than would occur from someone using the garden in some form.

The windows on the south and east elevations will also have the same head height and thereby these too will not result in the loss of visual amenity to the neighbouring properties.

The height of the structure at 2.5m would be some 500mm above a permitted boundary height of 2m, and because the structure is located away from the main dwelling it is not considered that the 500mm would result in unacceptable harm on the visual amenities of no. 20

The material proposed for the structure is Siberian Larch cladding, horizontally positioned. Siberian Larch is a very resinous wood which makes it durable and ideal for external use and therefore will be appropriate to be used on the outbuilding, and the use of this wood, would not adversely affect the visual amenities or the character or appearance of the conservation area.

Whilst the site is within a designated Conservation Area, the existing garage with a cubic content of some 87 cubic metres, is not a substantial building and planning permission for its demolition would not be required.

The new outbuilding within the rear garden is not considered to have an adverse impact on the Conservation Area and thereby will not affect its character or appearance.

Other issues

Objectors have made reference to the earlier applications that have been made on this site, and have re-iterated all the points that were applicable to those applications at the time, and suggest that they are pertinent considerations for this current application. Those applications related to the provision of a new unit of accommodation and commercial letting accommodation and have already been determined by the LPA and by the Planning Inspectorate, are not being re-considered here, not least because this application does not relate to the same subject matter of the previous applications but relates to a garden room, being an outbuilding which is incidental to the enjoyment of the existing dwelling.

A separate planning application would be required for the uses previously dismissed at appeal. Planning law is quite clear that each application submitted must be considered on its own merits and for the reasons set out above, the proposal which is the subject of this application is considered acceptable.

Recommendation

APPROVE subject to the following conditions:-

1. Approved plans

2. Standard time limit

3. Materials

4. Building to be used ancillary to the main dwelling and for no other purpose

5. No windows facing no. 20

8th February 2021