Development Control – Delegated Officer Report

Application Number: AWDM/1714/18 Recommendation APPROVE

Site: 14 Kingsland Close, Shoreham-by-Sea, BN43 6NQ

Proposal: Retention of garden store in rear garden. (Retrospective application)

Date of site visit: 13.01.2019

Neighbours checked: Y

Additional neighbour notifications: N

Site, Surroundings and Proposal

The application site is a two storey end of terrace residential property, positioned on the south side of the north section of Kingsland Close. A landscape buffer lies to the north of the property, which separates the 'Kingsland Close' estate from Middle Road. The estate comprises predominantly semi-detached and terrace dwellings.

The application seeks retrospective planning permission for the construction of a brick utility shed within the rear garden of the site. The brick structure measures approx. 4m wide x 3.8m deep x 2.4m high and is located some 500mm from the boundaries with no.'s 15 and 40 Kingsland Close.

Relevant Planning History:

SU/142/96 Housing Development Approved 1996
PD rights removed for extensions and outbuildings exceeding 10 cubic metres.

AWDM/1032/18 Hip to gable roof extension to east roof slope with rear dormer **Approved 23.10.2018**

AWDM/0590/18 Single storey rear extension **Approved 12.06.2018**

Representations: None received

Relevant Planning Policies
Adur Local Plan 2017: Policies 15
Development Management Standard no. 2 – Extensions and Alterations to Dwellings
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

The key issues are the effect on the residential and visual amenities of the locality.

Considerations

The brick utility shed requires planning permission for the reason that permitted development rights were withdrawn under the original planning application for the housing estate (SU/142/96 refers), therefore it has been constructed without the benefit of planning permission. If permitted development rights had not been withdrawn, the utility shed would have been deemed permitted development by virtue of The Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E ~ buildings etc. incidental to the enjoyment of a dwellinghouse.

The brick shed reduces the garden's length somewhat as it is situated in close proximity to the extended dwellinghouse. The original length of the rear garden was some 11m; following the construction of the rear extension, the garden length was reduced down to 7.5m. The construction of the brick utility shed has reduced the length again, down to 3.7m minus 500mm being the depth behind the brick shed, bringing the final length of the garden down to some 3.2m the width relating to the resultant garden directly behind the dwelling is some 5m making this area approx. 16 square metres.

However, there is a side section of garden measuring 3m wide x 11m long (33 square metres) between the side of the shed and the boundary with no. 13. Therefore, the resultant remaining garden land is some 49 square metres.

With regard to amenity space, the Development Management Standard No. 2, states that the area required for a rear garden should be 50 square metres for a 2 bedroom terraced dwelling and 65 square metres for a 3 bedroom terraced dwelling.

The original dwelling was a 3 bedroom end of terrace, and following permission to convert the loft, will be a 4 bedroom end of terrace.

The remaining rear amenity space will thereby not confirm to the DMS2 standard. However, it is considered that, in this case, there would be sufficient land available to the side of the outbuilding and between the rear extension and outbuilding, to be useful amenity space. It is considered that it is only acceptable because of the additional width of garden to the east side compared with other gardens in Kingsland Close. On balance, therefore, the development has not resulted in a harmful diminution of amenity space to the detriment of the residential amenities of the occupiers of 14 Kingsland Close.

The structure is 2.4m in height, making it some 400mm higher than a standard fence. It is not considered that the addition of 400mm (set away from the boundary by approx. 500mm) results in a loss of residential amenities to the contiguous properties no.'s 13, 15 and 40 Kingsland Close.

No. 15 lies to the west of the shed, and there is a degree of overshadowing from the shed in the mornings, but the shadowing is to the rear of their garden area and also for a limited time and thereby would not be materially affected by the shadowing.

No. 40 lies to the south, and thereby would not have any material shadowing onto their property whatsoever.

No. 13 lies to the east, and could have some shadowing onto their property had the shed been closer than the 4m that it is.

Further, even though the shed is approx. 400mm higher than a standard 2m high garden fence, it is not considered that this amount would result in any material overbearing onto the contiguous properties.

From the above, it is reasoned that the additional height would not materially affect the neighbouring residential properties by way of overlooking, overbearing, or overshadowing.

The reduction in garden amenity land is regrettable, but it is not considered to be so contentious as to warrant a refusal of planning permission.

As no material harm would result from the provision of the brick shed, it is thereby considered, on balance, that the application be approved.

Recommendation

APPROVE subject to Conditions:-

1. Approved plans
2. No additional windows

Informative

1. Approved without amendment

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

Case Officer: Eve Hearsey Date: 11.02.2019

Authorised by: Peter Barnett Date: 13 February 2019