Development Management - Delegated Officer Report

Application Number: AWDM/1521/23 Recommendation – Approve

Site: 63 Lavington Road, Worthing

Proposal: Erection of a timber pre-fabricated single storey granny annexe for ancillary use to the main dwelling.

Site visit: 08.01.2024

Neighbours checked: Y

Additional neighbour notifications: 66 Broomfield Avenue notified 08.01.2024

Proposal, Site and Surroundings

The application site relates to a detached two storey dwelling located on the south side of Lavington Road. This is a predominantly residential area comprising of a mix of dwelling types and designs in the immediate locality. The house has been extended to the rear with a part 2 storey/part single storey addition with a flat roof. There is swimming pool within the rear garden which is enclosed by low fencing and a timber garden building sited in the south east corner of the garden. There is a small tree in front of the existing garden building, close to the eastern boundary. Close boarded timber fencing surrounds the rear garden at varying heights and with some shrub planting to its edges. There are several mature trees in the neighbouring garden land to the south and west of the site. There are no relevant Tree Preservation Orders on the site or neighbouring land.

Permission is sought for the construction of a detached annexe building positioned in the south east corner of the garden, with its longest side adjacent to the southern site boundary at a distance of between approximately 0.9 to 1 metre from this boundary, and between 0.6 to 0.7m to the east boundary, with its front elevation facing north. The application has been amended during its course and, as revised, the proposed building would measure approximately 12.6m (length) x 5m (width) x 3.3m (height) with a flat roof. The height of the building from ground level has been clarified in a section detail showing a 150mm void below the building but with floor levels set at 375mm in total from ground level and matching the height shown on the elevation drawings. The building would be finished in Cedral weatherboard horizontal cladding in ‘Tea Green’ and an EPDM roof.

The accommodation would provide a bedroom, shower room and kitchen/living area and would be occupied by the applicant’s parents to enable care and support to be provided by the applicant. The applicant’s Planning, Design and Access Statement confirms that the occupants will be regularly preparing and eating meals in the main dwelling, watching television/relaxing, socialising with the family and using existing household facilities in the main house. No new separate utilities or services would be provided. The garden area would be shared with no subdivision of the curtilage. The existing low level pool fencing would remain.

The Planning, Design and Access Statement outlines the sustainability credentials of the proposals including the reduction in waste and emissions as a result of its pre-fabricated construction, use of screw pile foundations reducing carbon emissions over conventional methods, use of FSC grade certificate timber (95%), use of A+ rated LED lighting.

Relevant site history

AWDM/1522/23 Application for a Lawful Development Certificate for proposed siting of a caravan for ancillary use to the main dwelling. Pending consideration

Consultations
None

Representations
Two representations have been received from the occupiers of No's 64 and 66 Broomfield Avenue to the immediate south of the site, objecting to the planning application on the grounds as summarised below:

- The scale and location is not in keeping with locality, large/out of keeping with existing outbuildings
- Siting at end of garden/proximity to neighbouring dwellings – does not blend with existing buildings to make it less obtrusive
- Siting in relation to neighbouring trees – potential damage through ground works and/or on overhanging branches and risk of falling trees to the proposed building
- Concern that height of building would be greater than stated/elevated above ground level, and as proposed would be higher than boundary fencing and visible
- Loss of privacy/overlooking particularly from windows in south elevation visible above fence line
- Noise/disturbance from occupation of building, close to boundaries
- Concern over future use as holiday let
- Impact of odours, in particular from kitchen and toilet/vent pipe
- The development would be in breach of restrictive covenants on the land

The issue of restrictive covenants as mentioned in representations would be a separate private legal matter for the applicant to investigate.

Relevant Planning Policies
Worthing Local Plan 2020-2036: SP1, DM5
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment

The Planning, Design and Access Statement outlines the need for the accommodation for two dependant relatives with the family assisting with the day to day needs of the

applicant's parents. It states that 'The proposed development would provide for the needs of the applicant's parents (which include care, communication, decision making, ongoing medical appointments, mobility, transport, practical and social activities, and emergency contact) in a way which is not possible in their current accommodation.' A personal statement has also been provided outlining the specific personal circumstances.

The size and scope of accommodation as originally proposed was considered excessive with concern raised that the accommodation would not be ancillary to the main dwelling. The applicant has sought to address this by reducing the overall size of the building by 2.4 metres in length and by deleting the separate study and utility room originally included. The amendments would go some way to limit the extent of accommodation and help reinforce a functional link with the main house with more reliance on the main house for laundry facilities, although the building as revised would still be very large and results in a detached building to provide primary living accommodation. Nevertheless the use of the annexe has been described in the application details and planning statement as ancillary to the main dwelling and that is what permission is sought for, with the occupants using facilities in the main dwelling as well as taking some meals and socialising/relaxing with the family and no separate curtilage or services/utilities are proposed. On the matter of whether it would be 'ancillary' despite its size and the facilities it provides, a suitably worded condition to restrict the use to an ancillary annexe building can provide control and be enforced as such, and so a refusal on those grounds would not be justified on that basis.

The size and positioning of the proposed annexe building would focus some activity towards the rear of the existing garden, but controls on its use to remain ancillary to the main dwelling would also limit its impact on residential amenity. In terms of its impact on the character area, having regard to the substantial garden size in this case with an unusually wide plot relative to neighbouring gardens, in this context it would not appear unreasonable and an acceptable garden area would still remain and so on balance could be accepted in this instance. Although the design is a standard flat roof and with few features to provide articulation or visual interest, the annexe building would not be readily visible in the streetscene and the use of horizontal cladding would appear appropriate for a garden building and so would not be unreasonable in this context.

One small tree would be removed in the rear garden adjacent to the eastern boundary but the applicant has agreed to plant a replacement tree which can be secured by condition. The use of a screw pile system would limit any compaction of the ground which would help to avoid adversely affecting the neighbouring trees.

In terms of the proximity of the proposed annexe building to neighbouring dwellings, the closest affected neighbour would be occupiers of the bungalow at No.97 Loxwood Avenue to the east whose rear garden is relatively shallow at approximately 11m in depth. The proposed building would higher than the existing garden building it would replace and more visible above the boundary fence and across 5 metres in width. However, it would be set in from the side boundary, would not extend significantly further northwards than the existing building, albeit it would be closer aligned to the boundary fence line, and its orientation with the side wall facing this side with no windows on this side would limit its impact. Decking proposed to the north side of the

annexe building would replace some of the existing decking area currently sited immediately adjacent to the east boundary, but would nevertheless potentially allow views towards No. 97 to the east given the height of boundary fencing on this side but this can be screened to avoid any significant loss of privacy. A condition for screening to the east side of the decking area is recommended.

At the rear, where the longest elevation would be adjacent to the neighbouring boundaries with No. 64 and 66 Broomfield Avenue, there would be a separation distance of at least 19 metres to the main rear wall of those dwellings which would be reasonable in terms of the impact of the built form and it is acknowledged that, in addition, the existing trees and shrubs provide a degree of screening at the rear of No.66 present. The building would nevertheless be visible above the boundary fence, particularly for occupiers of No.64 but it would be set in from the boundary. Two windows originally proposed on the rear (south) elevation have been deleted from the original proposals to address amenity concerns as highlighted in the representations and the remaining proposed window would serve the shower room which can be obscure glazed in the interests of protecting privacy. Concerns relating to the ventilation pipe are noted but the set in from the boundary and that it is not an enclosed space mean this is not considered to cause an adverse impact to neighbouring residents.

Given the position and orientation of the main windows/doors on the north elevation there is potential for some impact to neighbouring dwellings, although windows would not have a direct view towards dwellings on the east side due to their orientation. Views would be directed back towards the main dwelling but also towards the neighbouring dwelling to the west at No.64 with a separation distance of approximately 18 metres to the neighbour's ground floor extended accommodation. However this distance increases to the proposed main window to the annexe living space and patio doors to approximately 20.5m and 19.5 m but the existing garden is relatively open on this side with low fencing. Although this already allows inter-visibility between No.64 and the application site the annexe building would exacerbate the perception of overlooking so additional 2 metre high screen fencing on the length of the west side boundary is recommended in the interests of protecting privacy and can be secured by condition.

Conclusions

Although the proposals would result in a large detached building for primary living accommodation, in the specific circumstances of this case and having regard to the occupants' needs, it is considered that the proposed annexe accommodation can be suitably controlled to remain ancillary to the main dwelling and with no subdivision of the curtilage. On balance, the size of the building would not be excessive in the context of the existing substantial garden area or cause any significant harm to residential or visual amenity, or resulting from the intensification of the use of the site on the basis of the ancillary use, and so a refusal would not be justified in this instance.

Recommendation

APPROVE
Subject to Conditions:-

1. Permission relates to approved plans
2. Standard time limit
3. Materials as indicated
4. Screen fencing to be installed to western boundary of rear garden
5. Screen to patio/terrace to be installed
6. No subdivision of external curtilage
7. Obscure glazing etc (south elevation)
8. Replacement tree to be planted
9. No further windows/doors/alterations
10. Ancillary use/dependant relative

Informative

- The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Rebekah Hincke Date: 07.03.2024

Authorised by: Louise Prew Date: 13/03/2024