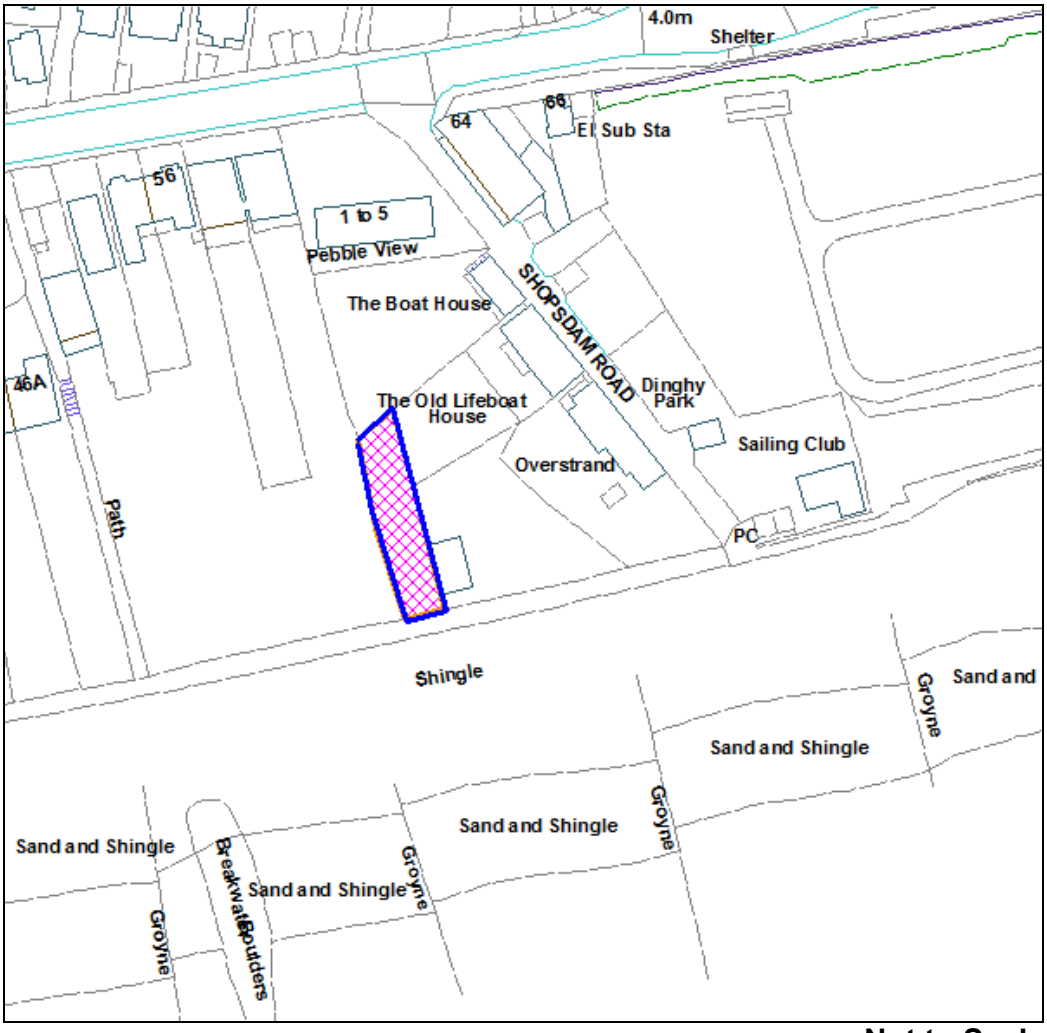
Application Number: AWDM/1264/16 **Recommendation – REFUSE**

Site: **The Old Lifeboat House Shopsdam Road, Lancing, West Sussex**

Proposal: **Construction of 1 x 3 bed dwelling (West of 10 Shopsdam Road)**

Applicant: Mr Des Moore Ward: Widewater
Case Officer: Matthew Porter



Not to Scale

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Proposal, Site and Surroundings

The proposal is for a detached 3 bed dwellinghouse to the rear and south of The 'Old Lifeboat House'. It would be a two-storey contemporary design orientated toward the sea, and built on silts (due to flood risk) with an external staircase. The building would measure (from lowest ground level) 9 metres in height, 18.6 metres in length, and 7 metres in width. There is no allocated parking for the building - it would be accessed by foot via the promenade.

The site is next to a boat yard. The 'Old Lifeboat House' itself is single storey fronting the road but has a lower floor at the rear (as the level of the land drops).

Shopsdam Road is an unmade road, which also serves as a public footpath to the seafront and beach. Its western side has been developed with a variety of buildings including 3 houses that replaced a former dwelling (Overstrand) and a large house that, together, were approved on appeal in 2010. This large house, and its neighbour (Lancing Sailing Club), front onto the promenade adjoining the beach.

This application is accompanied by a Flood Risk Assessment. It has been called-in by a Member for Widewater Ward.

A 7 dwelling scheme submitted at the same time as this scheme (AWDM/1263/16 refers). This has been withdrawn.

Relevant Planning History

AWDM/1263/16
Demolish existing dwelling house to the west of Shopsdam Road and replace with a terrace of 3 x 5 bed dwellings and associated car parking and 4 x 4 bed dwellings and associated car parking to the east of Shopsdam Road.
Withdrawn 18-11-2016

AWDM/0678/12
Demolition of existing garage and construction of 2 storey accommodation comprising ground floor bedroom and toilet, first floor living area with external terrace and ground floor parking space
Refused 26-07-2012
Appeal Dismissed 21-06-2013

AWDM/0104/11
Demolish existing dwellinghouse and erect 4 four-bedroom houses (with roof terraces) and 8 parking spaces (including existing garage)
Permitted 02-11-2011

ADC/0163/10
Four-bedroom detached dwelling house (with roof terrace, rear balcony and 2 no. covered parking spaces at front) on south part of garden of 'Overstrand'
Permitted 05-07-2010

ADC/0098/10
Demolish existing house and erect 4 four-bedroom houses (each with rear balconies and 2 parking spaces)
Refused 28-04-2010
Appeal Allowed 30-12-2010

Consultations

Environment Agency: *In absence of an acceptable FRA we **object** to the grant of planning permission and recommend refusal on this basis for the following reason. Reasons: The site is located within tidal Flood Zone 3 (0.5 AEP), and therefore considered to be at a high probability of flooding. An FRA has been submitted with the application. However, we consider that further details on mitigation measures is required in order to demonstrate they are adequate to deal with the effects and risks of a tidal flood event. The property will be at risk from overtopping of the sea defence embankment, and we require information on how the front of the property will be protected from any residual risks and associated wind-blow debris. Overcoming our objection. The applicant can overcome our objection by addressing the above issues. We recommend that they provide further information on: How the front of the property will be protected from overtopping of the sea defence embankment and any associated wind-blown debris such as shingle. Drawing(s) which show the proposed level of the property in relation to the level of the existing shingle (sea defence) embankment. Sequential Test. Before granting permission, the Local Planning Authority (LPA) should consider whether they are satisfied that the application demonstrates that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This is required by paragraph 10 of the National Planning Policy Framework. The responsibility for determining whether the Sequential Test has been met lies with the LPA. Our Flood Risk Standing Advice reminds you of this and provides advice on how to do this. Further advice is also accessible in the national Planning Practice Guidance. Safe access and egress. Please note that it is note our role to assess the detail of flood evacuation or emergency plans. We do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions. The national Planning Practice Guidance (NPPG) states that LPAs should consult their emergency planning staff to ensure evacuation plans are suitable through appropriate planning conditions (para. 57 of NPPG 'Flood Risk and Coastal Change'). We*

therefore recommend seeking comments from the relevant Local Authority emergence planners. Final Comments. Please consult us on the submission of any revised FRA.

West Sussex County Council Rights of Way officer: *WSCC PROW does not have any objection to the proposal. Section of FP2050 that will be affected by this development runs along the access track, from Brighton Road, in a south easterly direction, to the existing and proposed properties in Shopsdam Road. Due to this footpath currently being used for private access by a number of residential properties West Sussex County Council PROW will not be raising an objection to this application. Any access along FP2050 by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right. Developers/landowners should ensure that public use of the PROW takes precedence over private/development vehicular traffic. The applicant must be advised that he will be liable for any damage to the surface arising from his exercise of private access rights. Any repairs or alterations must only be undertaken following agreement of the specification by the Rights of Way Team. Safe & convenient public access is to be available at all times across the full width of FP2050 and the route is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals. During construction works the Footpath cannot be obstructed or closed without a legal closure order from West Sussex County Council. If necessary developers may consider applying to WSCC to close the path temporarily and this would be at a cost to themselves. The granting of planning permission does not authorise obstruction of, interference to, or moving of any public right of way; this can only be done with the prior consent of the West Sussex County Councils Rights of Way Group. Any alteration to or replacement of the existing boundary with the Public Footpath 2050 or erection of new fence lines must be done in consultation with West Sussex County Councils Rights of Way Group. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of WSCC.*

West Sussex County Council Highway Authority: *West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application AWDM/1263/16 for seven dwellings to which no objections were raised. Shopsdam Road is privately maintained and footpath no. 2050 runs through it. The applicant should note the following with regard to the PROW (Public Right of Way): It is conceivable that the PROW will be affected by an increase in vehicular traffic either before or after the development is completed. Developers/landowners should ensure that public use of the PROW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved. The applicant would be liable for any damage to the surface arising from his exercise of private access rights. The plans do not show any vehicular*

access or parking proposed for the new dwelling. The Design and Access Statement makes reference to "The proposed development includes an integral parking space for each dwelling together with a cycle storage area within the ground floor of the building". However only one dwelling is proposed and it reads as if referring to a previous application. Please clarify whether any parking is proposed for the single dwelling and if so demonstrate this on a parking layout plan. Please ask the applicant for this further information and re-consult.

2nd consultation: Thank you for your email and clarification the new dwelling would have no car parking provision. It should be noted site is accessed via private road and that parking restrictions in the form of double yellow lines in the vicinity on Brighton Road would prevent any parking associated with the development from occurring in locations detrimental to highway safety (on the maintainable highway network).

Adur & Worthing Councils Engineers: *Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 3 but appears to be unaffected by surface water flooding, and has no history of flooding. The building will increase flood risk elsewhere as it physically takes up space, but the affect is so minimal as to be insignificant. There are bedrooms proposed for the ground floor but the indicative floor level is set above EA recommendations, so this again presents minimal risk. The site is effectively on the beach so surface water should be discharged directly into the ground. No other comments on this application.*

Adur & Worthing Councils Planning Policy: *As you are aware, no sequential test has been undertaken for the proposal although the NPPF and NPPG both indicate that one should be undertaken for any site that has not been allocated in a development plan . However, given that the scheme is only for 8 new dwellings and given Adur's inability to meet its full Objectively Assessed Need for Housing, it is my view that there would be very little merit in undertaking a detailed sequential test. If Adur could potentially meet all of its housing needs within Flood Zones 1 and 2, there may be some value to the test but this is not the case. It might be more useful for the applicant to add something to the planning statement stating something similar to what I have said above to show that they have considered the issue with some explanation about why it would have little practical use.*

Representations (summarised)

Objection from Lancing Parish Council: *If permitted, precedent for other buildings in gardens and completely changing appearance of Lancing Beach, contravening ALP policy AH2. Application neglects to explain how property will be accessed and no parking arrangements given, therefore does not cater to parking and access needs required; insufficient access for emergency services and potential visitors. NPPF 39 should be considered. Building's appearance, character, and scale not in keeping with local environment. Additionally, size and*

location of development will result in unacceptable loss of privacy and light to residents contravening ALP policies AH2 and AH5. Does not display The Overstrand, three properties along Shopsdam Road, opposite Lancing Sailing Club and therefore does not indicate impact on these. Andrew Nicholson of Shopsdown Road, speaking on behalf of the other residents present at the meeting expressed great concern. In addition to reasons stated above, residents of The Overstrand expressed their concerns about developer, having ongoing issues regarding quality of their own homes built by the same developer. Acknowledged ALP policies AB12 and AT12 are no longer relevant. However, these are pertinent, as the proposal contravenes these policies, and still justified to this objection.

Objections from occupiers of 7, 8, 9, 10 Shopsdam Road, 58 & 60 Brighton Road, Flats 1, 2, 3, 4 & 5 Pebbleview 62 Brighton Road:

Design & townscape character *Need housing but not at any expense; greedy, opportunistic and excessive in the extreme. Extremely misleading stating "would not create any adverse impacts". Imagine row of houses on beachfront all the way to Beach Green. Nothing, but an exercise in garden grabbing. My own garden would be next to this. It sits between the Widewater (a conservation area) and beach with picturesque beach huts. A building right on the pathway will diminish striking views of the beach and completely destroy character and beauty of this Lancing coastline pathway, a special quiet beauty spot. Whole area overdeveloped. A major development should be subject to stringent planning regulations. Gravest concern is precedent. Potentially opens floodgates enabling house to be built with no apparent road access and on green land at the bottom of garden adjacent to the beach. Lancing Beach Green seen huge increase in visitors with The Perch and activities and visitors take traditional strolls along path to enjoy coastal views and wide open spaces. Will not enhance Lancing and its allure; detrimental to attraction of Lancing regardless of design and eco-build. This is not brownfield land. Not a house that addresses local housing need. To be built from profits of building 8 executive style homes. Surprise at scale and type especially given actions to prevent Overstrand being built and concerns raised on Facebook. Large size, unsympathetic design and use of materials unduly dominate and conspicuous form of development out of keeping in scale and appearance with surrounding built environment and detrimental to character of locality. Removes only green on Shopsdam Road. Fails to comply with policies AG1, AH7 and AH2 of Adur District Local Plan and Policy BE1 of South East Plan. Also contrary to the National Planning Policy Framework which states poor design that fails to improve character and quality of an area and way it functions should be resisted. Having regard to size and shape of site and its relationship to neighbouring houses, would constitute excessive overdevelopment of contrived layout and design. Development is purely designed to maximize returns to Developers and out of keeping with residential and environmental character of locality. Height, scale and massing of buildings not appropriately designed. As building occupy almost full extent of plot, they appear wedged into this small site and have to rely on borrowed neighbouring land to achieve some impression of*

space around structure. Lacks architectural merit and materials proposed lack detailing. Would be readily visible across coastline and seafront – where it would appear as isolated, discordant and incongruous feature in local environment, entirely out of keeping with character of our coastline and of no architectural merit. Mass and scale will alter area significantly. Much smaller and bears little relationship to the larger footprint residential buildings on the street. Feel myself calling out to you 'save character and beauty of this charming area', the wildlife nearby and local residents will be forever grateful. Please do not pass this large 'blot' on our coastline.

Highway Access and parking *Provides for insufficient parking as 3 bed home next to footpath in one's garden with no direct car or emergency vehicle access seems foolhardy at very least and total disregard for current residents! Delivery vehicles, visitors, emergency services … where will they go!? Concerned it could be a matter of time for cars to use very popular public footpath to get access to this property. Know planning laws relaxed in last few years but thought one had to have vehicular access and parking to even contemplate building. Making educated guess this property will be using parking area associated with 7 home development. Next to busy boat yard so wide open to accidents. Shopsdam Road is charming and delightful very narrow single track unmade, unadopted road providing a vital link to seafront and beach, serving as public right of way on foot and a bridleway. Used by 6 homes, sailing club, school classes, equestrian establishments, dog walkers, and beach visitors. Coastline congested especially in summer months. To suggest will not have impact on road hard to believe; an accident waiting to happen. Shopsdam Road already has major access problem; too narrow to carry any increase in traffic. Frequently blocked by existing habitants thoughtless parking, delivery drivers or sailing club users unloading boats with trailers attached, forcing awkward reversing back onto extremely busy A259 especially at rush hour. Business parking at mouth of road adds to danger. Compounded on refuse collection days; if further houses this issue exacerbated. Quote Mrs Francis Smith from Lancing Regeneration website after building of just one property in Shopsdam Road, "it is now mud bath. It is busy public footpath now totally unusable"!! Concerned regarding disruption during construction period and would be grateful for condition for developer/contractor not to block Shopsdam Road with building materials or vehicles and for all contractor's equipment and vehicles to be stored or parked either on site or elsewhere. Driving out of Pebble view forecourt takes care and attention.*

Flood Risk *Lived at Pebble view since 1996 and witnessed gardens heavily flooded on a regular basis. Plans from Environment Agency outline area behind south boundary wall of Pebble view at flood risk. Concerned of increased flood risk to our property as if property built, water could be redirected to our property which sits at a lower level. Add risk of sewage flooding. Precedent to build more properties at flood risk.*

Residential Amenity *3 bed property on stilts complete with upper ridge level! Neighbouring residents on both Shopsdam Road and Brighton Road subject to*

loss of amenity. Will overlook our windows, balcony terraces and back gardens resulting in loss of privacy. Huge amount of glass impacting on privacy, particularly bedrooms and living rooms, a complaint upheld by yourselves made by applicant, Mrs Smith. Appreciate no house guaranteed view however we purchased our coastal house on basis we had sea views. One can look down the coast from sailing club and see beach huts, sea, gardens and beach green. Would extinguish any view we have of the sea; residents of Pebble View need to rename their property Concrete View. Unable to find height of development stated in absolute terms and assess impact on neighbouring properties. Will tower over existing buildings and create concrete and glass corridor. Will cast significant shade and cause huge shadow from southerly aspect given footprint, scale and proximity to other houses. Poor standard of accommodation with low quality design, small units and small rooms (not even complying with Building Regulations!). No amenity for future residents, cramped together on small site with no meaningful outside space. Design suffers from squeezing as many small units into as tight a space as possible. Increased noise from car traffic and from balconies. Lower ground floor flat is being boxed in by buildings. Once peaceful it has been like living on a building site.

Other matters *Scant regard for community or neighbours. Know private deals made between residents and developers and some may not wish to comment. No opposition from either Sailing Club or Boat House residents as promised to provide them with additional land in exchange for land and allowing development to pass smoothly. Applicant herself, Mrs Frances Smith, tirelessly objected, battled, and protested against sailing club/houses on Shopsdam Road, so a surprise. Smacks of hypocrisy. Ownership certificate and site boundaries incomplete/misleading. Developers make false representation they own land that belongs to sailing club but final decision subject to vote at general meeting. Hearsay but disturbing. This part of the application misleading and should be invalid. Plans do not accurately show land and dimensions; insufficient information as to how new building relates to existing buildings; use views that do not exist and misleading; deliberately shrunk to imply amenity space that will disappear completely; inconsistent and missing scales used means key distances and heights can only be estimated; development far closer to boundaries and road than indicated. Gives impression development is smaller and less imposing. Discrepancy between drawings and design and access statement; unclear and undisclosed at what distance to beach-path new house would be built. Having two applications very confusing; would like Council to consider both applications jointly as Major Development and restart consultation process with neighbours. Draw attention to refusal on east side of Shopsdam Road. Only been in our new build for 6 months and a surprise, Buildwise have at no time inferred development would be proposed, even though we are and always have been in constant contact with them to address our outstanding snagging and defects issues. The new build we occupy is the result of a larger development proposal which Council scaled down.*

Petition of objection (10 signatures) from Lancing Sailing Club: *Will greatly hinder running of sailing club, an RYA Champion Club committed to youth sailing and race coaching which has been part of our community in excess of 50 years. Would increase amount of traffic significantly, but Shopsdam Road is too narrow. Manoeuring a car along the road is difficult enough when cars are parked there and much more difficult if a boat trailer is attached. Shopsdam Road is one of few beach access points, and access for emergency services crucial.*

Relevant Planning Policies and Guidance

The National Planning Policy Framework
Adur Local Plan 1996 (saved) policies: AG1, AH2, AH3, AH5, AH6, AP4
Adur Local Plan 2016 (submission) policies: 1, 2, 3, 15, 19, 21, 22, 23, 29, 37

Planning Assessment

Principle

The National Planning Policy Framework (NPPF) is afforded considerable weight in decision-making due to the age of the current Local Plan while the emerging policies have yet to be adopted.

Previous appeals on development in Shopsdam Road are also of significant weight.

Government instruction to Local Planning Authorities (LPAs) is to make efficient use of land. The site is in the defined Built up Area Boundary where the principle of development is acceptable.

There is unmet housing need and demand in Adur. The proposal would contribute a family home to housing choice in the district, albeit that contribution would be a very modest one.

The site is sustainably located (as much as any other within the built-up area) but unlike 'brownfield' land, garden land such as is involved here, is not identified as a priority for residential development. The NPPF states LPAs should resist inappropriate development of residential gardens where poor design causes harm to an area and fails to improve its character and quality (paragraphs 53 and 64).

Saved Local Plan Policy AH2, which is in conformity with the NPPF, reflects this. It sets out that new residential infilling in the built up area is only acceptable subject to satisfying a set of design criteria. This is detailed out in the Council's adopted Development Control Standard No. 2 SPG *Space around new dwellings and Flats* and Good Practice Guidance Note *Internal Space Standards for New Homes.*

Townscape character and appearance and visual amenity

In approving the Overstrand scheme, the appeal Inspector did not raise objection to contemporary design for Shopsdam Road. He judged the architectural style of those four buildings related well to the sailing club building. There is nothing to suggest a contrary approach to architectural style should be taken in regard to the current proposal.

The promenade and beach at Lancing is an amenity asset, popular with the local community. It has its own character, and it is important that new development enhances this (in support of the wider regeneration aspirations of Lancing).

Paragraph 64 of the NPPF states permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area. Adur Policy AH2 requires the appearance, character and scale of a building to be in keeping, including particular attention to height, density and layout.

The scale of the new dwelling would be fairly comparable to 10 The Beach House. However, unlike The Beach House the new dwelling would sit apart from the line of development on the west side of Shopsdam Road, with the boat yard between. Consequentially, the new dwelling would have a looser relationship with the cluster of buildings along Shopsdam Road and a greater prominence than 10 The Beach House - so it is not necessary correct that its scale should match.

Back-land residential development is not characteristic of the local pattern of development. The new frontage development along Shopsdam Road has enhanced this street's particularly well defined building line. Frontage development along Brighton Road is equally made up of a fairly regimented line of dwellings fronting the street, with lengthy rear gardens. The position of the new dwelling would be markedly at odds with these prevailing street characters. Its physical closeness to the promenade would give it an undue assertiveness where it would be most readily visible in the public domain – when walking along the seafront heading west. Frontage development along this stretch of the promenade is entirely absent; there is a strong sense of openness and spaciousness due to the underdeveloped long rear gardens of the properties that front Brighton Road. As it would occupy almost the full extent of the narrow plot width, the new building would appear uncomfortably wedged into this site and out of scale. There would a consequential loss of open and spacious character.

The contrived orientation and deep siting of this back-land dwelling well away from the street frontage, together with its excessive scale and elevated two-storey massing, would represent an isolated anomalous form, discordant and incongruous to adjacent buildings. It would result in an uncomfortable and awkward relationship to the existing form and layout of development in the local area.

Given the long gardens of neighbouring plots westwards, there is a real risk of a precedent for further plot subdivision for similar schemes along the promenade. This would be harmful as it would diminish its open and spacious character by incremental enclosure of its valued vistas.

It is concluded the development would not satisfy the criteria of Policy AH2(a) in that its appearance, character and scale would not be in keeping with the existing local environment. It would also be contrary to similar advice in the NPPF.

Flood risk and drainage

The site lies in tidal Flood Risk Zone 3, at a high probability of flooding.

A less than robust flood risk Sequential and Exception test has been submitted in this application. The responsibility for determining if the Sequential Test has been meet lies with the LPA. As the Council's planning policy officer notes Adur is unable to meet its housing need on sites at lower flood risk.

At appeal the Inspector judged the Overstrand scheme had passed the Exception test set out in national planning policy, partly as the Environment Agency raised no objection to the development on flood risk grounds (having been provided with a satisfactory Flood Risk Assessment).

His judgement was drawn from a 4 no. dwelling scheme, whereas the current proposal is for a single dwelling (and therefore less human health is to be put at risk).

However, the Environment Agency has objected this time. This is because the submitted Flood Risk Assessment is inadequate to demonstrate the mitigation measures which would deal with a tidal flood event (i.e. that the development is safe for its lifetime). The new dwelling would be at risk from overtopping of the sea defence embankment. Information is required on how the front of the property will be protected from any risks and wind-blow debris, such as shingle.

Without this, the Exception Test cannot be passed.

Separately, the Council's Engineers has noted there appears capacity on site to the control of surface water runoff - with its implications on flood risk.

The planning agent is alert to all this, but has confirmed the applicant does not wish to commit to the additional expense required to prove the development is safe.

This is reason enough to substantiate a refusal on flood risk since solutions would go to the heart of the design concept (and merit) of the new dwelling – so cannot be mitigated by way of condition. The proposal is therefore contrary to

national planning policy advice set out in the NPPF by failing to pass the Exception Test.

Residential Amenity – future occupiers

Saved Policy AH2 requires new developments to incorporate adequate standards of residential amenity in terms of open amenity space, daylight/sunlight, outlook and privacy.

Future occupiers would benefit from accommodation that would exceed the Council's adopted indoor living standards set out in its relevant SPG and Good Practice Guide, as well as offering a pleasant outlook to sea.

The drawings do not show the final position of the garden boundary for the new dwelling. However the drawing does demonstrate sufficient space to allow for truncation of the plot to provide a garden that would be close to satisfying the Council's adopted standard. Lapses in garden sizes have been accepted in the new development along Shopsdam Road.

Residential Amenity – neighbours

Saved Policy AH2 requires new developments not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, light, outlook.

The neighbours most impacted upon are those to the west, east and north (the development is physically removed from the remainder).

Neighbour to west (60 Brighton Road)

Windows and the outside staircase of the new dwelling would face west, and overlook this neighbour's garden. The new dwelling would cast a shadow across the garden. However, the neighbour's garden is some 75 metres in length. Only the far southern end of it would be affected, with adverse impact onto the habitable rooms of this property avoided. The affected garden is next to the promenade so already lacks privacy.

Neighbours to north (Flats 1-5 62 'Pebble View' Brighton Road)

The distance between the new dwelling and the 'Pebble View' flats is some 23 metres, negating potential adverse overshadowing and overbearing and intrusive overlooking into the private rooms of Pebble View (plus there is already an element of mutual overlooking).

Neighbours to east (The 'Old Lifeboat House', 'The Boat House', The Overstrand scheme (7, 8, 9 Shopsdam Road), 10 The Beach House)

The occupier of The Old Lifeboat House is the applicant, so has self-inflicted any consequential disadvantage to their own living conditions.

'The Boat House', 7-9 Shopsdam Road, and 10 The Beach House, are all built with rear terraces facing west that serve their principal living space. All these buildings have a favourable open outlook toward the beach.

Clear glazing in the new dwelling serving as the principal light source to a bedroom would face east. Additionally, the elevated entrance door to the new dwelling would allow for views onto the rears of these neighbouring buildings. This arrangement would give rise to loss of privacy due to the overlooking that would occur onto the rear terraces and living space of 'The Boat House', 7-9 Shopsdam Road, and 10 The Beach House.

The position of the new dwelling in relation to 'The Boat House' would be sufficiently distant to negate potential adverse overbearing and overshadowing. However 7-9 Shopsdam Road and 10 The Beach House would both experience substantial reduction in their outlook and aspect. Currently both benefit from open views westward offering favourable outlook and aspect, which would be substantially curtailed due to the position of the face-on flank of the new building at its elevated height and mass.

For these reasons, the proposal would give rise to unacceptable harm to the living conditions of the occupiers of 'The Boat House' 7-9 Shopsdam Road and 10 The Beach House by way of adverse overbearing and overshadowing and unacceptable overlooking and loss of privacy. Accordingly, the proposal is contrary to saved Adur Local Plan AH2 and allied Supplementary Planning Guidance.

Parking and accessibility

Shopsdam Road is unmade and lacks footways. Although narrow in parts, cars can pass for much of its length. It is straight, so there is visibility through its more restricted areas including the point of access onto Brighton Road. The street is a cul-de-sac.

Parking and accessibility are issues repeatedly raised by objectors in recent planning proposals in Shopsdam Street.

Yet in allowing the Overstand development at appeal, the Inspector did not support such assertions. He concluded: *"In comparison with the volume of traffic created by the Sailing Club, the additional traffic which would result from this development would be small"* (para 9).

This conclusion was drawn from a proposal involving the likely number of vehicular trips inherent of a 4 no. dwelling scheme. It is therefore difficult to argue how a similar conclusion could not be drawn on the traffic impacts arising

from a single dwelling - even if this does not benefit from its own allocated parking.

Subject to conditions, the Highway Authority raises no anticipated highway safety or capacity concerns. This includes all matters related to visibility/ emergency access/ bin collection/ sailing club operations. Equally, the West Sussex County Council Rights of Way officer raises no objection.

Recommendation

REFUSE for the following reasons:-

1) The constraints of this site are such that in terms of its irregular size, shape and relationship to neighbouring dwellings the proposed dwellinghouse building by reason of its scale, orientation, and siting on the site, would represent an unduly assertively anomalous and obtrusively awkward form which would be out of scale to adjacent buildings and at odds with the prevalent street pattern, its character, and sense of place as well. It would fail to improve the quality of the area. The development is therefore contrary to paragraphs 56 and 64 of the National Planning Policy Framework and Saved Adur Local Plan Policy AH2 with allied Supplementary Planning Guidance Development Control Standard No. 2

2) The proposal has failed to pass the Exception Test set out in the National Planning Policy Framework as it has not been adequately informed by a site-specific Flood Risk Assessment that the development would be appropriately flood resilient and resistant and that any residual risk can be safely managed, including by emergency planning, and it gives priority to the use of sustainable drainage systems. Accordingly, it would be contrary to Saved Adur Local Plan AP4 and paragraphs 100 to 103 of the National Planning Policy Framework in that the proposal has failed to pass the Exception Test as it is not adequately informed by a site-specific flood risk assessment demonstrating that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

3) The new dwellinghouse building would, by reason of its size, orientation of its fenestration, and proximity to the rear gardens of neighbouring properties to the east, adversely overbear and overshadow and result in intrusive loss of privacy and overlooking resulting in harm to the living conditions of neighbouring residential occupiers. As such the proposal is in conflict with saved policies of the Adur District Local Plan (AH2) with allied Supplementary Planning Guidance Development Control Standard No. 2and the Core Planning

Principle of the National Planning Policy Framework related to safeguarding residential amenities

6th February 2017