Expiry Date – 10/5, EOT agreed to 24/5

Development Control – Delegated Officer Report

Application Number: AWDM/0414/19 Recommendation – Grant

Site: 47 Rosslyn Road, Shoreham

Proposal: Retention of outbuilding for use as art studio (retrospective).

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 26/4

Site and Surroundings

This application relates to a detached house on the north side of Rosslyn Road, in the heart of Shoreham. The property is narrow fronted and has a long narrow rear garden. It is not listed and is not in a conservation area.

Proposal

Permission is sought to retain a garden outbuilding erected at the end of last year. The outbuilding is positioned 12.75 metres from the rear conservatory on site. It is 3.52 metres off the rear boundary. It abuts the east garden boundary and is 1100mm off the west garden boundary. It has a floor area of 5 metres by 6 metres. Uneven ground gives it a height of between 2.75 metres and 2.9 metres. It is used for purposes incidental to the main dwelling as an art studio for the occupiers only.

Relevant Planning History

AWDM/0242/18 - Two storey rear extension to north elevation and new first floor window to side. Granted 4.5.18

Consultations

None undertaken.

Representations

12 letters of representation received from 10 addresses. 4 objections received from No. 45, 1 from No. 43. The remainder are from addresses well beyond the site or outside the borough.

The objections are summarized as follows:

1. Too high, too large for the garden, an eyesore for neighbours.

2. It is in the middle of the garden and not at the end like others, out of keeping.
3. Obstruction of view.
4. Owls, hedgehogs and bats have all been affected by this building. Experts should be consulted. The building should be removed.
5. Hedgehogs used the rear fence line as a run before this shed was erected. They have declined as a result of this building. The National Hedgehog Society should be consulted on this application.
6. Overlooks neighbour, obtrusive, invasion of privacy.
7. Too high and too close to the boundary with 45, all we see when we look out our back windows.
8. Will there be lots of people be coming and going causing further loss of privacy and noise?
9. Is this a business premises?
10. Painting it green has made it more of an eyesore.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2 and 15 including 'Development Management Standard No. 2 Extensions and Alterations to Dwellings'.

Planning Assessment

Principle

The principle of development can be supported as it upgrades a dwelling within the built up area boundary. For consideration is the impact of the proposals on the character and appearance of the area and the impacts of the development on neighbour amenity. The impact on local wildlife must also be considered.

Character

This site is within the heart of the residential suburb of Shoreham and not within a conservation area. Permission is not required for ancillary rear garden outbuildings if they do not cover more than half the area of garden, including the front garden. Where they are within 2 metres of a boundary they should be no more than 2.5 metres in height. Raised platforms and decking do not need permission if they are a maximum height of 300mm.

This garden outbuilding is being used by the home owners as an art studio. It is not used for tuition purposes and does not generate business activity or visits. Its use is incidental to the main dwelling.

Its footprint is not greater than allowed under permitted development, Class E of the GPDO. It is the building's height that means it needs planning permission as it exceeds 2.5 metres. The ground is uneven. Measured at the front and rear the building is 2.75 metres high. On the east side it is also 2.75 metres in height to apex. On the west side it is 2.9 metres high to apex. It is just over 1 metre off the west boundary with No. 45. It also includes 2 steps up to the door and a platform across the frontage which has a maximum height of 430mm and is 1100mm deep. This platform also needs permission.

In terms of character it is, untypically, not positioned along the back wall of the rear garden. Garages to the east and sheds in gardens to the west are further back in their respective gardens. It sits 3.5 metres off the back wall and is 12.75 metres from the conservatory at the rear of the house. It is 8.5 metres from the rear of No. 45, which sits further back from the road and deeper into their rear garden. In spite of its untypical position it is only the height that makes it need planning permission. This building, other than its height, could be erected in this position and with this footprint otherwise. It would be difficult to argue its position is harmful to character.

Neighbour amenity

The building is between 250mm and 400mm higher than it could be under PD. The flats to the east are separated from the site boundary by high hedging, their own driveway and garages at the rear of the site. A high laurel screen remains along the back garden boundary. These neighbours do not have a clear view of the outbuilding and are unaffected by it.

It is very apparent from the garden of No. 43, to the west as the panel fencing along the shared boundary does not exceed 1.8 metres. No. 43 does not have planting inside its boundary and there is a single apple tree on site providing only a small amount of screening.

However, it is 8.5 metres from the back wall of No. 45. At less than 3 metres in height it is not considered that its bulk or mass could be described as causing significant harm to occupiers' outlook or an overbearing effect.

There is a side window in the outbuilding which looks west. This could be obscurely glazed by film to ensure direct overlooking in close proximity of the boundary does not occur. The raised platform does give a brief elevated view over the fence but at only 1100mm depth it is unlikely to be used for purposes other than access to the studio. There is a potted plant on the western end of this platform.

Consequently it is not considered that the extra height involved causes such harm that a refusal could be justified or sustained on appeal. Asking the applicant to add trellis to the fence was discussed with the objector at 45. The fence is in a poor state of repair and would not withstand additional trellis. The objector asked that a hedgerow be planted inside the site boundary in place of the fence. This is considered excessive. It is open to the objector to add judicious screen planting within her own garden or an outbuilding of her own. Alternatively, the neighbours could discuss a replacement higher fence.

Wildlife

The garden is not a designated area of wildlife significance. The building's footprint and position are within PD limits. Disturbance to wildlife could not be avoided.

Recommendation APPROVE subject to the following conditions:

1. Approved Plans

2. Within 28 days of this permission film to obscure the west side window shall be applied to it and retained thereafter.

Reason: To minimise overlooking of the garden at No. 45 Rosslyn Road.

3. No new windows
4. Incidental use only

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to any representations? Yes.

Case Officer signed:	MOK	Date: 21.5.19
Authorised and signed by:	Peter Barnett	Date: 22 May 2019