Application Number: ADC/0695/07 Recommendation – REFUSE

Site: 8A Parkside, Shoreham-by-Sea BN43 6HA

Proposal: Extensions to west side and front (south-east) of new bungalow (with felling of tree subject to TPO)

The Application

The property comprises a newly-erected detached bungalow, located to the rear of No's 10 and 12 Parkside. Planning permission for this three-bedroom bungalow and detached garage was granted in April 2007 (ADC/0344/06). An earlier application for a 4-bedroom chalet dwelling and garage (SU/60/06) was refused as were a pair of cottage-style dwellings (ADC/0346/06). These applications were refused mainly on grounds of being unacceptable 'backland' development out of keeping in scale and character and with inadequate access for the amount of development proposed.

The present application seeks permission to extend the bungalow on its western and southern flanks.

The proposed pitch-roofed western extension would protrude 2.3 metres into the rear/side garden (towards the back of the dwellings fronting Parkside). Its west side would have French doors and there would be small windows in its north and south elevations and a small south rooflight. This extension would enlarge the lounge.

The proposed southern extension would be much larger in size with a width of 7.3 metres extending beyond the existing eastern flank and a depth of 7.5 metres. It would sit between the bungalow and the detached garage and would have windows in all elevations and a new front door facing west. The roof would be pitched to match the main roof of the bungalow. It would provide a large master bedroom with ensuite and wheelchair store whilst the internal layout of the bungalow would be adjusted to retain three bedrooms and enlarged kitchen, breakfast and lounge rooms.

In order to facilitate the south extension, a horse chestnut tree subject to TPO 13.53/3/90(SU) that sits between the bungalow and the garage would need to be removed. A tree survey is enclosed with the application.

Consultations and Representations

Third Parties: 18 letters of objection have been received from residents at No's 4, 8, 10, 14, 16, 32 & 48 Parkside, 1, 3, 5 & 7 Greenways Crescent, 85 Downside, and 288, 290, 292, 294, 298 Upper Shoreham Road, and also from the Parkside Residents' Association. They object mainly on grounds that the extension would:-

1. Overdevelop the site, with a resultant building too large for the small space, and be out of keeping with the surrounding environment;
2. be a significant departure from the recently approved small-scale bungalow, the present proposal being an attempt to 'recover' larger proposals previously refused;
3. incrementally increase the size of an already intrusive building that appears to be making use of all the permissible land area for building such that it is increasingly out of keeping with neighbouring properties;
4. cause further loss of green space and semi-rural character;
5. result in the loss of a protected tree which is valued as important by neighbouring residents and which again should become a beautiful part of their view and a haven for birds when it re-grows;
6. overdominate neighbouring rear gardens and spoil the outlook from neighbouring properties, adding to the feeling of encroachment and giving a view of a conglomeration of roofs;
7. cause overlooking and loss of privacy, including to the east;
8. allow the possible future conversion of the extension into additional bedrooms, and future rooflights;
9. create additional traffic to and from the site;
10. the narrow access lane is unsuitable in width and construction for increased use especially heavy traffic
11. cause an additional period of disturbance during construction with constant lorries, diggers and heavy plant, infringing on human rights.

Questions are raised over how builders of the proposed extensions would gain access to the site and it is stated that the Residents Association will require consultation with them in advance and adequate prior notice.

[NB. the residents of No.10 Parkside and No.292 Upper Shoreham Road have requested to speak at the Committee meeting]

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005) (saved policies): LOC1, CH1, DEV1
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB25, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings'
Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)
'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)
PPS1 'Delivering Sustainable Development' (ODPM 2005)

Planning Assessment

Policies

Structure Plan policies seek to protect, and where possible, enhance the character and distinctiveness of an area, requiring high standards of design,

layout and construction (DEV1). Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general.

AB25 states that development which would adversely affect existing trees will only be granted where the trees are in poor health, of poor appearance and have little public amenity value.

Residential amenity

Representations from neighbouring residents refer to increased overlooking and overbearing impact on their rear gardens. The extensions would greatly increase the footprint of the bungalow from 106sqm to 170 sqm (62%), making the dwelling relatively large in floor area.

However, because the bungalow is of a low profile, with a hipped roof only 5m in overall height, it is not considered that the enlarged building, with extensions below the main ridge height, would be so overbearing as to warrant refusal.

With the 1.8m high boundary fences, and shrubs and trees, the windows in the proposed extensions would not cause unacceptable overlooking. The French doors in the western side of the proposed western extension would be the minimum 22m from the rear of No.12 and would be 24m from No.14 and 27m from No.10. The proposed west side window in the south extension would be 32m from the rear elevation of No.10 Parkside and 8 metres from the boundary fence. The south extension would be 30m from the nearest house in Greenways Crescent to the east and would only have a window to a store room in its east side.

Visual amenity

The extensions as proposed would be in keeping with the design of the bungalow, with hipped roofs other than the small gable on the west side extension.

The larger extension would sit between the bungalow and the garage, within an unused section of the front hardstanding. It would not be unacceptable in its visual effect were it not for loss of the tree subject to TPO (see below).

The smaller side extension would reduce the rear garden space only marginally, leaving an area of 190 square metres which still greatly exceeds the Council's DC minimum standard of 100sqm rear garden space for detached dwellings over 120sqm floor area.

Trees

The main concern is with regard to the loss of the protected Horse Chestnut tree. This tree was made subject to TPO in 1990 following an application for a house on the site. It was decided at the time that this tree contributed significantly to the amenities of a number of houses whose gardens back onto the site, a contribution that would increase as the tree grew. However, an application was approved by Committee in February 2007 to pollard the tree. This was after the applicant's arboriculturist and the Council's Assistant Parks Officer stated the work was essential in order to safeguard the future health of the tree (because the branches were growing from former pollards and had insufficient structural strength). This work was subsequently carried out leaving the tree greatly reduced in size.

This application includes the same tree survey (March 2006) as submitted with the above application. This survey expresses the view that the tree was not particularly suitable for a TPO having been pollarded prior to 1990 and is of low amenity value as it is sited in a rear garden amidst other trees and away from public view. This opinion was given prior to the development of the site when the tree was surrounded by other vegetation. It is now the only tree of significance on the plot and a clear feature between the bungalow and its garage. Although it is of low height and appearance due to the recent pollarding, it will grow back in time to its former size. The arboriculturist reports that there is no evidence of decay on the tree so its overall health is not in question.

At no time during the previous three applications for dwellings on this site was the subject of the removal of this tree raised. Indeed the arboriculturist's reports were specific in recommending a suitable protection area and fencing around the tree to safeguard its survival. The recent application to pollard the tree again did not raise any concerns over the tree's health or longevity. In addition, the decision to refuse application ADC/0346/06 specified the removal of the protected tree as a key reason for refusal.

There is no evidence to suggest that the tree is in poor condition. Likewise, although significantly reduced in size due to recent pollarding, it is considered to have greater potential amenity value as it is now an individual tree within a developed plot rather than amidst other vegetation. To allow its removal is considered to be contrary to Local Plan policy AB25 and inconsistent with the aims of Structure Plan policy DEV1 which requires high quality development and CH1 which aims to protect the character of settlements.

Access and parking

The committee report on the previous application ADC/0344/06 for this bungalow stated that there was concern about whether the access way was satisfactory to serve the proposed bungalow without causing unacceptable detriment to safety and/or disturbance to neighbouring properties. In particular, it is very narrow (only 2.9m between high walls) and relatively long (55m in total), without any passing places or turning facility. If one vehicle

were to meet another after entering the track, one of the vehicles would have to reverse, potentially a considerable distance. Nevertheless, on balance, it was concluded that "the proposed bungalow is sufficiently modest in size as to be unlikely to generate so much additional traffic as to cause significant problems of obstruction, conflict of movement, detriment to safety or disturbance".

The present proposal increases the size of the bungalow by over 60% such that it can no longer be said to be a modest-sized dwelling. Nevertheless, it is felt that it would be difficult to demonstrate that the proposed increase in size would lead to a corresponding increase in traffic using the access lane or, even if it could be demonstrated, that this increase would cause unacceptable danger to other users or excessive disturbance to neighbours. Parking provision would not be reduced and is adequate to serve the extended dwelling.

The temporary effects of construction traffic associated with a householder proposal such as this are not a matter that would justify refusal of planning permission.

Human rights

One of the objectors has contended there would be contravention of the Human Rights Act. Article 8 of the convention safeguards respect for family life and home whilst Article 1 of the first protocol relates to peaceful enjoyment of property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate. In this instance, as set out in this report, the interests of those affected by this proposal have been considered. It is considered that their rights would not be violated.

Recommendation

REFUSE on the ground that :-

1. The proposed southern extension, because it necessitates the loss of the horse chestnut tree subject to TPO, would be detrimental to the visual amenities and character of the area and would conflict with policy AB25 of the Adur District Local Plan requiring the retention of existing trees and with the objectives of policies CH1 and DEV1 of the West Sussex Structure Plan which require high quality development and protection of the character of settlements.

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