Expiry Date – 10/10/12

Development Control – Delegated Officer Report

Application Number: AWDM/0997/12 Recommendation – APPROVE

Site: 9 Anchor Close, Shoreham

Proposal: **Retention of side and rear conservatory.**

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to an end of terrace house on the west side of Anchor Close built in the late 1990's. These properties are built in buff bricks with red brick quoining and have wood effect uPVC windows.

The property has an attached garage on its north side which is less deep than the house. Beyond the north boundary is a passageway which runs along the backs of these houses, beyond which is a car park for a block of flats.

The framework of a conservatory extension has been erected. The extension is 'L' shaped and runs behind the garage and along the back of the house.

It measures 2.65 metres deep adjoining No. 8 and 5.2 metres in depth behind the garage. It is 2.4 metres high to eaves and has a shallow pitched roof which is less than 3 metres high.

Relevant Planning History

The house was built as part of a redevelopment scheme under planning reference SU/152/97 in the late 1990's. There are no permitted development restrictions relating to extensions to these properties.

Consultations

The ***Environmental Health*** officer – No objection. Potentially contaminated land but as the conservatory has been constructed we cannot add conditions retrospectively.

Representations

Two neighbours have objected, from No. 8 Anchor Close and 33 Mary's Place. Their objections are summarized as follows:

i. This is not a conservatory but a poorly constructed lean-to.
ii. The design is too large for the property.

iii. The elevation of the roof is not at a suitable angle and will result in rainwater not being able to flow away but will seep into the brickwork at No. 8 causing damp and in the long term structural damage.
iv. The elevation in the plans is greater than built.
v. The guttering which serves the back of both 8 and 9 has been cut and water is flowing straight on to the roof of this extension and onto the garden. This is noisy and could lead to flooding at the site and in the garden of No. 8.
vi. It rained heavily last night and the damage that has been done to the downpipe which serves the guttering caused the rain to back up in the guttering and causing sheets of water to poor down the window, patio doors and the wall of No. 8.If this is allowed to continue this will cause damp and the window and doors will need to be replaced at significant cost.
vii. Their guttering solution is to direct all rainwater from the roof of No. 8 and all roofs at 9 into a water butt. This will overflow and cause flooding.
viii. Flooding will damage the garden at 8 and possibly 7 and 6. Damage to the garden at 8 would necessitate legal action against the applicant.
ix. The concrete floor laid blocked air bricks. This could cause damp in the applicant's property and ay No. 8.
x. The construction is made of inferior materials. Untreated soft wood and filler and cheap plastic has been used for the roof which is very noisy in the rain.
xi. As it is so poorly constructed the extension is likely to fall into disrepair very quickly and be more unsightly.
xii. Ultimately it could collapse and cause damage to No. 8.
xiii. This lean-to is not in keeping with Anchor Close and other conservatories built, i.e. No. 6, in terms of size and colour. White uPVC is not in keeping with the wood effect uPVC of the original windows and doors.
xiv. The lean-to and other sheds in the garden give the property the appearance of commercial tip.
xv. Allowing this construction will de-value No. 8.
xvi. The building is constructed in white uPVC. The windows and doors in this terrace are wood effect uPVC. The materials are out of keeping.
xvii. White uPVC is intrusive and out of keeping.
xviii. The building is too close to the fence and the fanlights on the side overlook. the house and garden of No. 8. When open they trespass over the boundary.
xix. If guttering is added to this side it will also encroach.
xx. The boundary fence will be impossible to maintain now and it will fall into disrepair. When this happens the clear glass side wall will be visible to No. 8 leading to further overlooking.
xxi. When it rains the noise on the plastic roof makes it impossible to sleep in the back bedrooms of No. 8 or to hold a conversation in the living room without shutting the door and windows.
xxii. A plastic roofed lean to will not be sound proofed and as it is to be used as additional living space noise levels will be unacceptable.
xxiii. The works have been completed without permission

Relevant Planning Policies and Guidance

South East Plan (GOSE 2009): SCT1, BE1, CC1, CC6

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1 and AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings'.
National Planning Policy Framework (DCLG 2012)

Planning Assessment

Principle

Certain domestic extensions are permissible under permitted development. There isn't a condition on the original build of these houses that prevents extensions being added under permitted development. This extension as configured needs permission because the depth beyond the rear wall of the garage exceeds 3 metres and the side extension has a width greater than half that of the original property. However, it is material that a very similar extension could be built under Permitted Development rules.

Visual amenity

Policy AH7(b) of the Adur District Local Plan requires extensions to be of a design and materials sympathetic to the original dwelling and the area in general. Exceptions are noted for conservatories where the need to match materials is specifically excluded under the GPDO.

An objection has been raised to the size of the extension being out of keeping with the scale of the property. The conservatory extends less than 3 metres beyond the main rear wall of the house which is not considered to be excessive and leaves a perfectly adequate garden in excess of 120 sqm in area. Although at the rear of the house, it is visible from the adjacent pathway and parking court of East Point. However, it is partly screened by a tall fence and is not so prominent as to be unacceptably intrusive.

Whilst it would have been preferable to use wood effect uPVC to match the windows and doors in the original house the use of white uPVC is not considered to be so disharmonious as to justify a refusal.

Residential amenity

The extension measures 2.65 metres in depth adjoining the boundary with No. 8. It is 2.4 metres high to eaves and has a shallow pitched roof which is less than 3 metres high to ridge. This depth together with the extension being due north of No. 8 is not having any significant impact on the light received to No. 8. It is visible from No. 8 but is not having a significant impact on the outlook for residents from No. 8.

The extension is set only 14 cm of the shared boundary and has fanlight openings in the south wall. The application has been revised to show obscure glazing for this elevation and the agent has written confirming the applicant is prepared to accept a condition that the fanlight windows be fixed shut on installation and maintained as such in perpetuity. This overcomes the potential for objection and the threat of trespass over the boundary when the windows are opened. Whilst the potential for noise from rain falling on the conservatory is noted, this would not justify refusal.

Flood risk

The site is not in an area susceptible to flooding, including surface water flooding. Drainage issues and discharge of rainwater are of concern to the neighbour at No. 8. It is understood that this is largely because a down pipe has been disconnected during the build. As the build has been put on hold until the application is resolved, it has not been reconnected. Rainwater drainage issues should resolve once the down pipes are reconnected.

How rainwater is disposed of is not normally a planning matter. Damage caused to No. 8 as a result of this build will be a civil matter between the relevant parties/or a Building Regulations issue.

Recommendation

APPROVE for the reason:-

The conservatory is acceptable in terms of its impact on the local environment and amenities of neighbouring properties and a similar extension could be built under Permitted Development. Subject to the conditions proposed, it would consequently not conflict with saved policies AG1 and AH7 of the Adur District Local Plan 1993-2006 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings', South East Plan policies (CC1, CC6, BE1) and the National Planning Policy Framework.

Subject to Conditions:-

1. Completion within 6 months
2. Approved Drawings
3. Prior to first use the south side flank wall shall be installed in obscure glass and the fanlight openings fixed shut. These windows shall remain fixed shut and the entire elevation obscurely glazed in perpetuity.

   Reason: To prevent a loss of privacy to occupiers of No. 8 Anchor Close having regard to saved Local Plan policy AH7.

Informatives

This site is situated on or adjacent to a site which has been identified through Adur and Worthing Councils Contaminated Land Inspection Strategy as having the potential to be contaminated. During development of land potentially affected by contamination, it is the responsibility of the owner and developer to establish the extent of any potentially harmful material on this site.

Is recommendation contrary to any representations? Y

Case Officer signed: MOK Date: 12/10/12

Authorised and signed by: P Devonport Date: 17.10.12