Application Number: ADC/0350/08 Recommendation – APPROVE

Site: **'White Friars' 29 Church Street, Shoreham-by-Sea BN43 5DQ**

Proposal: **Single-storey rear extension and alterations, and heightening of existing boundary wall to 1.995 metres (from 1.776 metres)**

The Application

This is a further revised application following the initial refusal of ADC/0358/06 in December 2006 (which was dismissed at appeal) and the refusal of ADC/0090/08 in May 2008.

The application property comprises a two-storey end-of-terrace cottage located on the west side of Church Street, opposite the churchyard and adjoining a paved pedestrian alleyway linking Church Street and Middle Street.

The original application (ADC/0358/06) was refused because the proposed flat-roofed extension, by reason of its large size and unsympathetic design, would have detracted from the historic character and appearance of the existing dwelling and Conservation Area and represented an overdevelopment of the property which only has a very small rear garden (paved patio).

Following this refusal, the subsequent appeal was dismissed. The Inspector noted the distinctive historic charm of the locality and was concerned that the flat-roofed extension then proposed would be hard up against the flint wall on the southern side of the public alleyway and would be significantly higher (being shown protruding 0.5 metres above the top of the wall) and would:-

> *"appear as a cramped and incongruous development detracting from the appearance of the dwelling and the wall itself, which makes a significant contribution to the Conservation Area. Similarly, the proposal would harm the setting of 2 listed cottages north of the alleyway."*

However, in respect of the rear garden size falling far below the Council's minimum standard, the Inspector did not accept this as a justifiable reason, nor did he refer to loss of light or outlook to the cottages to the north.

The subsequent application ADC/0090/08 sought permission for an extension of reduced height, by lowering the floor level to below that of the house so that it would not protrude above the top of the flint boundary wall alongside the alleyway. This application was refused by Committee on 1 May 2008 due to the flat-roofed design and cramped siting having a harmful effect on the character of this historic house and wall within the Conservation Area.

The current application seeks permission for a similar extension (depth 2.6 metres and width 3.3 metres) but with a hipped roof covered with natural slates (maximum height 3.1 metres above the lower ground level within the site).

Also proposed is the increase in height of the flint boundary wall by 0.219 metre. When measured from the pedestrian alleyway adjacent to the site, this wall would consequently have a height of 1.995m as compared to a previous height of 1.776m. Work to the wall has already taken place and it has been increased to a current height of 1.86 metres (without any capping), although work has ceased following confirmation from the Council that planning permission is required due to the site being within the area covered by an Article 4 Direction (removing the usual 'permitted development rights' to erect walls up to 2m high.

Consultation and Representations

Adur District Conservation Advisory Group: Objects most strongly to this blatant overdevelopment of an already restricted site.

Third Parties: 2 letters of objection have been received from the neighbours to the north at No's 1 & 2 Old Swan Cottages, objecting on the following grounds:-

- Raising of wall will cause loss of light to south-facing windows to rooms which are already dark and gloomy (stated by the resident of No.2 as serving his sitting room), requiring artificial light during daylight hours and a resultant adverse effect on quality of life.
- Pitched roof of proposed extension is closer to their windows than the existing gable on the north side of the rear projection, although lower.
- Loss of view of the sky.
- Harmful to setting of listed buildings and Conservation Area.
- Reduction of rear space (which is already below Council minimum standard)
- Previous refusals and appeal dismissed.

[NB. the resident of 2 Old Swan Cottages has requested to speak at the committee meeting]

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, CH4-5, DEV1
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AB4, AB11, AH7 and Appendix 11 Supplementary Planning Guidance including 'Development Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG15 'Planning and the Historic Environment' (DoE 1994)

Planning Assessment

Policies

The property is located within the Conservation Area and makes a strong contribution to the historic character and appearance of the area. There is a statutory duty to have regard to the desirability of preserving or enhancing the character or appearance of conservation areas, as required by policies AB4 and CH4. The adjacent pair of houses to the north, on

the opposite side of the passageway, are grade II listed (No's 1 and 2 Old Swan Cottages). There is a similar duty with regard to preserving the setting of listed buildings, as reflected in policies AB11 and CH5.

Structure Plan policy DEV1 seeks to protect, and where possible, enhance the character and distinctiveness of an area, requiring high standards of design, layout and construction.

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, 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, retain sufficient garden area having regard to the character of the area, and accord with the Council's standards. Development Control Standard No.3 states that a terraced two-bedroom dwelling should have a minimum rear garden area of 50sqm, with a depth of at least 11m. It does not contain a standard for distances of buildings from front windows.

Residential Amenity

The effects of the proposed extension and the proposed increase in wall height on the cottages on the north side of the pedestrian alleyway, No's 1 and 2 Old Swan Cottages, are relevant considerations. Objection has again been received on grounds that the cottages will suffer reduced light to their windows and suffer loss of outlook.

Not only the increased height of the boundary wall but the apex of the roof of the extension will be visible from the front south-facing windows of these two neighbouring properties which currently face onto the alleyway which is only about 2.5m wide.

The pitched roof of the proposed extension slopes away from the passageway and at its maximum height of 2.7 metres (as measured from the ground level of the passageway), its apex is at a distance of 2 metres from the north boundary and 4.5 metres from the neighbour's windows. Owing to its apex being away from the boundary, it would have less impact than the proposed flat-roofed extension (2.35m high and abutting the inner side of the wall) that formed the subject of the previous appeal. Despite objections from the neighbours, the Inspector made no comment about its effect on the windows of the objectors' cottages.

As to the flint wall on the north boundary (alongside the passageway), the application forming the subject of the appeal did not include any raising of this wall. The proposed increase in wall height forming part of the present application is only 0.22m. This would bringing it approximately level with the heads of the neighbours' windows. Whilst the wall does restrict light and outlook for the neighbours' windows, it is not considered that this small amount of increase would cause a significant additional effect in terms of daylighting or outlook.

In terms of the amenities of No.29 itself, the loss of garden space was raised in the Council's appeal submissions on the original application ADC/0358/06. In the present case, as with the appeal proposal, the external rear amenity area is reduced to only 13sqm (as compared to the minimum 50sqm standard), with a depth of only 3.2m (as compared to the minimum 11m). However, this was effectively over-ruled by the Inspector's decision on the appeal which stated:-

"I do not agree. LP policy AH7(c) requires that the proportion of the garden area taken by a domestic extension should not be excessive having regard to the character of the area. In my view, the reduction in the patio size would not be out of keeping with the compact character of the housing and would cause no harm to the living conditions of the property occupiers or their neighbours." ".....In any event, the existing garden area is far below the guideline figures for gardens contained in the SPG and I do not consider that the proposed reduction in its area would make a material difference to its usefulness in this case."

It is therefore not considered that it can reasonably be used as a reason to refuse the present application.

Impact on Conservation Area and Visual Amenity

The Committee considered the previous proposal (ADC/0090/08), owing to its flat-roofed design, to be harmful to the character and appearance of this historic dwellinghouse and flint boundary wall in the Conservation Area and this was the only reason the Inspector dismissed the appeal on the original application for a taller flat-roofed extension.
The current proposal addresses this by redesigning the extension to have a hipped roof. The proposal would add to the complexity of rooflines at the rear of this cottage, but the existing white-rendered gable on the side of the existing adjacent single-storey rear projection (to the south) is shown removed to prevent an over-complicated roof design, the proposed pitched roof being lower than this existing gable.
The roof is proposed to be covered with natural slates whereas the cottage itself has a plain clay tiled roof. This has been queried with the applicant's agent and his reply is awaited. It is considered slate would not be unacceptably out of keeping as the attached house to the south has slates but matching tiles would be preferable.

The increase in height of the flint wall is to screen the side wall of the extension so that all that would be visible from outside the property is the pitched roof of the extension, set within the boundary wall. The extension should not appear cramped because the pitched roof is set away from the boundary wall.

It is considered that the raised wall and extension, when viewed from the adjacent public alleyway and from Church Street and Middle Street, subject to sufficiently high quality construction of the flintwork and appropriate capping, would preserve the character and appearance of the Conservation Area and the setting of the adjacent listed buildings.

Recommendation

Subject to consideration of the applicant's agent's reply regarding roof material, APPROVE for reason that :-

The proposals would preserve the character and appearance of the Conservation Area and would not detract from the setting of the nearby listed buildings. They can take place without adversely affecting the residential amenities of nearby dwellings and, although the rear courtyard of the property would be reduced to a very small size, this would cause no material harm to living conditions and not be out of keeping in this town centre location. The proposal consequently accords with the relevant policies of the Adur District Local Plan (AB4, AB11, AH7) and adopted West Sussex Structure Plan (CH4-5, DEV1)

Subject to: -

1. C1Ci (Standard time limit)
2. C12Ei (External rendering and flintwork to match existing and head of flint wall to be finished in half round rubbed mortar with its overall height not exceeding 1.995m) (amended)
3. C12Ai (Details of roof material to be submitted and approved) (amended)

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