Development Management - Delegated Officer Report

Application Number: AWDM/1021/24 Recommendation – Refuse

Site: Land Between 3 - 4 Holmbush Close, Shoreham-by-sea

Proposal: Erection of chalet bungalow with detached garage

Date of site visit: 11/9

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The proposal relates to the narrow strip of amenity land on the west side of Holmbush Close. It measures 36m long and has a depth of between 9m and 15m. To the rear, is the steep landscaped embankment on the eastern side of the M&S superstore car park, whilst to the south, opposite and north are bungalows (some with rooms in the roof) within this cul-de-sac.

Holmbush Close is characterised by properties set back from the street with generally wide open frontages. This gives the surrounding area a sense of openness which is characteristic of the cul-de-sac generally. The site itself has historically been used as highway verge, deliberately set aside when the estate was set out, but was subsequently found surplus to requirements and sold into private ownership. It is currently an overgrown grassy area, with a number of trees on the land, many of which are the subject of a Tree Preservation Order, 13.53/3/09(SU) refers. A 2009 street view image shows it as well kept in the past.



The site is not in a conservation area. There is an area of high risk surface water flooding on the road outside the northern half of the site.

Planning permission is sought to erect a chalet bungalow with front gable detail and two rear dormers. Two first floor en-suite bedrooms are proposed with a kitchen/diner and separate living room at ground floor. It is positioned 1100mm off the boundary with No. 3. It is 8 metres wide and a maximum 7.7 metres in depth. The overall height is 6.1 metres. A detached single storey garage is proposed on the north side with a new vehicle access.

The application is accompanied by a tree report, a Flood Risk Assessment and a surface water drainage sheet. The Council's drainage consultant has confirmed there is a surface water flooding issue outside the site on the northern half.

Relevant Planning History

AWDM/0159/15 - Change of use land into domestic curtilage, construction of garden shed/storage and wooden fence. Refused. Appeal Dismissed.

ADC/0492/10 - Construction of a chalet bungalow with attached garage (outline seeking approval of details of access, landscaping, layout and scale, with appearance reserved for future approval). Refused. Appeal Dismissed.

ADC/0442/09 - Construction of a chalet bungalow with access (outline with all detailed matters reserved). Refused.

Consultations

West Sussex County Council: The **Highways Authority**

Summary and Context
WSCC in its role as Local Highway Authority (LHA) has been reconsulted for the above application, following the applicant's submission of amended plans. The LHA previously provided comment on this application, dated 13/08/2024, requesting more information and advising modifications to the plans. Upon review of the amended plans, the LHA raise no highway safety concerns to the application proposals.

Access and Visibility
The applicant proposes a new vehicular access point on Holmbush Close to serve the application site. From inspection of WSCC mapping, there are no apparent visibility concerns with the proposed point of access on to Holmbush Close. The proposed access works will be subject to a licence obtained through the local WSCC Highway Area Office and constructed to a specification agreed with the local WSCC Highway Area Engineer.

Parking and Turning
The applicant proposes a single-bay garage and driveway to serve the bungalow. The proposed garage has now been enlarged to meet Manual for Streets (MfS) specifications and can considered for both vehicular and cycle parking provision. The proposed amount of off-street parking provision is appropriate for a dwelling of this size and location as per WSCC Parking Standards.

As per the LHAs recommendation, the proposed driveway layout has been amended so that a car can manoeuvre in and out of the proposed garage. Cars may still have to reverse out of the site on to the maintained highway, although

this would not be anticipated to give rise to an adverse highway safety impact in this location.

Sustainability
The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. There are opportunities for sustainable travel, with regular bus services available from nearby Holmbush Way or the Holmbush Centre.

Conclusion
The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition and informative should be applied:

Condition
Car parking space (details approved)
No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

Informative
Vehicle Crossover – Minor Highway Works
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.
Additional information about the licence application process can be found at the following web page:
http://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways-licence/

Council's Drainage consultant WSP:

Following a review of the submitted information, we have noted that insufficient information has been provided to demonstrate that the application is in accordance with the NPPF. The applicant should provide a Flood Risk Assessment that addresses the high surface water flood risk at the site and demonstrates safe access and egress, and the use of resistance and resilience measures.

We would recommend the application is not approved, until updated information is received that addresses the above points.

'The surface water flood risk we refer to is to the road as seen in the image below. As the risk isn't to the site, the applicant will just need to ensure the access to and from the site does not go through this patch of high risk. '



Southern Water:

'From the information received, Southern Water have no objections to the foul drainage as the applicant will be using a private sewer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

Under current legislation, Southern Water can consider the adoption of SuDS if they are to be designed and constructed in line with the Design and Construction Guidance (http://www.water.org.uk/sewerage-sector-guidance-approved-documents/). No new soakaways, swales, ponds, watercourses, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk'

Adur and Worthing Councils:

Council's Tree Officer:

'I have taken a look on site at these trees and found that the trees proposed to be removed have each been deliberately damaged. The base of each tree has been ring barked approximately 2 to 3 years ago. One tree, a common Ash appears to be recovering. I recommend that the application is REFUSED, and that the trees are allowed to remain, when and if there is a request to remove them they should each be replaced "like for like" to preserve the continuity of the TPO.'

Environmental Health: Hours of construction condition and details of a Construction management Plan condition recommended.

Private Sector Housing:

'Issues of concern identified regarding PSH legislation.

The application plans indicate an actionable hazard under Housing Act 2004 legislation, namely the creation of two inner room bedrooms on the first floor accessed from a high risk room (kitchen) as a result of the open plan layout. This may result in enforcement action being taken by the PSH team, which could include prohibition of the first floor rooms.

A protected means of escape would need to be created to remove/reduce the risk to an acceptable level and avoid enforcement action. Compliance with Building Regulation requirements for escape windows is unlikely to be sufficient to satisfy this.'

Representations

4 objections received summarised as follows:

1. Loss of protected trees.
2. Close to No. 3's boundary
3. Unsuitable for development and should remain open as directed previously by the Council
4. It is strange that trees where the house is proposed are not as healthy as they previously were and yet others on the site have flourished?

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 3, 18, 19, 20, 22, 31, 35 and 36
Adopted Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'' and No. 2 'Alterations and Extensions to Dwellings'.
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).
DCLG Technical Housing Standards 2015

Planning Assessment

Principle

The site is located within a residential part of the built-up area of Shoreham and there is no objection in principle to infill development in order to meet the housing requirements of the Local Plan.

The Adur Local Plan was adopted on 14th December 2017. Policy 3 sets out the Housing supply over the period 2011-2032 and gives a total figure of 3718 (an annual target of 177 dwellings per annum).

Paragraph 76 of the NPPF 2023 states:
"*Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:*
a) their adopted plan is less than five years old; and
b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded".

Paragraph 77 goes on to state:
"*In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply (*those authorities

which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need*). The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).*

The five year housing land supply position for the Adur Local Plan area, measured against the 2023 Standard Methodology figure for Adur of 448 dwellings per annum, and incorporating a 20% buffer as a result of the Housing Delivery Test 2022 measurement for Adur, demonstrates a 3.5 year supply of deliverable land as at 1st April 2023. (The Housing Delivery Test 2022, published December 2023, indicates that Adur delivered 72% of its requirement, and so a 20% buffer has been applied.)

As such, the presumption in favour of sustainable development, set out in the National Planning Policy Framework, applies. This states that permission should be granted unless one or both of two given criteria are met. Criterion (ii) states that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The impacts are assessed below.

The relevant issues in this case are the effects on the effects on the character and appearance of the area, neighbouring residential occupiers, impacts on protected trees, layout, design and highways.

Visual amenity

The land in question has become overgrown but this does not detract from the overall contribution this parcel of land makes to the wider street scene. It remains of considerable visual amenity.

The site's amenity value is enhanced by the trees on it, many of which are covered by a TPO. These trees contribute to the openness of the estate and provide a useful screen to the Holmbush shopping centre, to the west. The TPO'd trees to be removed have been deliberately damaged. One, an Ash, appears to be recovering. Their removal would be harmful to the appearance of this street. Any TPO'd trees to be removed should be replaced on a like for like basis to preserve the open, green character of this land.

The general character of this suburban cul-de-sac is one of bungalows, many converted into chalet bungalows on generous plots, most of which are set well back from the street. In contrast, due to the constraints of the site's size and shape the proposed dwelling would sit closer to the road than others typically, with a less generous frontage. For instance, No. 3 is set no closer than 4 metres to the pavement edge, others further back still.

The proposed house is as close as 1.5 metres to it. It would differ markedly from the prevailing character. It would also have a rear garden depth of only 4

metres which again is untypical of the Close. Overall, garden size, including side garden would be acceptable however. Nonetheless it would appear unduly cramped on the plot. The dwelling would also be close to the boundary with no. 3. These factors together would result in the proposed development greatly diminishing the cul-de-sac's characteristic spaciousness. Moreover, this adverse impact would be further exacerbated by any fencing proposed alongside the public footpath, to enclose the side garden of the dwelling for privacy purposes.

We do not have a streetscene drawing showing the proposed dwelling in relation to No. 3. Comparing proposed eaves and ridge heights is therefore difficult. No. 3 and those to the south appear to have shallower pitched roofs and gable details. The house would appear anomalous in the streetscene. It would not improve local character and distinctiveness.

Trees

There are 14 trees on the site protected by a Tree Preservation Order. A Tree survey submitted indicates that trees 1 to 8 are in a very poor condition or dead with trees 9 and 10 in a poor condition. 9 of these trees are shown to be removed to facilitate this development.

The Council's tree officer visited the site and inspected the trees. In his opinion those to be removed have been deliberately damaged in the last 2 to 3 years by ring barking them. He recommends refusal of the application. If the trees do not recover an application to remove them should be made and should include a like for like replacement planting scheme.

We do not have an ecology report so the ecological value of this overgrown site is not understood.

Biodiversity

The planning application form states that this proposal is a self build and is therefore exempt from BNG.

Were this an approval a Section 106 Unilateral Undertaking would be required to guarantee the self build status and BNG exemption.

Residential amenity

It is not considered that the proposed house would be directly harmful to any neighbour.

Space Standards

The dwelling comfortably exceeds the minimum floorspace standard of 70sqm expected in the Technical Housing Standards for a 2 bed 4 person unit. The rear and side gardens also comfortably exceed the Council's garden space standard in adopted Development Management Standard No.1 Space Around New Dwellings and Flats.

Flood Risk

There is a known surface water flood risk on the road outside the site. It is not clear whether the proposed vehicle access goes through this. However, the proposed house and garage do not appear to be at any risk of flooding.

Highways

The Highway Authority is satisfied with the revised access and garage arrangement.

Conclusion

The proposal would unacceptably harm the character and appearance of the surrounding area by removing trees covered by a TPO, enclosing the land and erecting a poorly designed and sited house and garage. The modest contribution this single dwelling would make to housing need, notwithstanding the self build nature of this application, is not sufficient to outweigh the harm.

Recommendation

REFUSE for the following reasons:

1. The introduction of a cramped, poorly sited and incongruous dwelling and the change of use to domestic curtilage would result in the loss of an attractive area of amenity land to the detriment of the spacious and open character of the street scene and its landscaped setting which would not enhance local distinctiveness. The proposal is therefore contrary to policy 15 and the National Planning Policy Framework.
2. The proposals would result in the direct loss of 9 trees covered by a Tree Preservation Order and the potential loss of others which are of significant amenity value and which form an essential component of the character of Holmbush Close. The ecological significance of the site otherwise has not been demonstrated. The proposal is therefore contrary to policies 15 and 30 and of the Adur Local Plan, Development Management Standard No. 2 Extensions and Alterations to Dwellings and the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? N

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Case Officer: MOK Date: 23/10/24

Authorised by: PB Date: 23 October 2024

Appendix 1 – Appeal Decision APP/Y3805/W/15/3133156
Appendix 2 – Appeal Decision APP/73805/A/11/2158701