Development Management – Delegated Officer Report

Application Number: AWDM/1963/19 Recommendation – Approve

Site: Meadowsweet, Old Salts Farm Road, Lancing, West Sussex

Proposal: Retrospective application for the retention of rear outbuilding in garden.

Date of site visit: 10th February 2020

Neighbours checked: Y

Site, Surroundings and Proposal

The property subject of the application comprises a detached dwelling house with front driveway and vehicular access with a side gate leading to a rear garden. At present a flat roof, single storey outbuilding occupies the space adjacent to the rear boundary of the property adjacent to a watercourse to the rear of the site. This application follows from a previously withdrawn application which sought consent for the retention of the cabin in the rear garden and a change of use to Air B and B accommodation, AWDM/1648/19. Officers considered this proposal to be unacceptable due to the impact upon residential amenities as the access to the cabin was via the side access adjacent to neighbouring properties and within a small amenity space within a confined residential area. It was considered that such activity would be detrimental. In addition the Environment Agency objected to the use of the cabin for sleeping accommodation due to the flood risk. The applicants were during this time using the cabin as accommodation and inside the building there were wash and cooking facilities with a shower room and kitchen area. This enabled the space to be used as such.

Officers advised that the building could remain however it could only be used ancillary to the main house and with no sleeping accommodation. It was requested that the kitchen area be removed to limit its current use and its potential future use to be a separate unit of accommodation. The kitchen area has been removed and the case officer visited to ensure this was the case, photos were taken as evidence.

Amended plans have been received which show the cabin to provide a main space and shower room only. The building is flat roofed with doors and windows to the front elevation only. The building has a maximum height of 2.76 metres, it is 6.67 metres wide and 3.67 metres in depth. Retrospective consent is applied for the use of the building (as altered) for ancillary/incidental use to the main dwelling house with no sleeping accommodation. Consideration was given to the need for a legal agreement to secure this use to limit any use of the building now and in the future as a separate residential unit or its potential use as let accommodation or sleeping accommodation in relation to the main house. In the light of the removal of the kitchen facilities and discussions with legal colleagues it is considered that in this case a condition will suffice.

Representations and Relevant Consultation Responses:

Lancing Parish Council: - No objection

Representations: - 1 objection from occupier of 1 Brook House

- Privacy noise and flood risk – Concern over the building being used as accommodation.

1 Objection from occupier of 2 Brook House – No objection to use as a summer house. Object to building being used for someone to live in.

Environment Agency: No objection subject to no sleeping accommodation remove objection to previous application for air B and B.

Private Sector Housing: - No objection

Drainage Engineers:
No sleeping accommodation should be provided within the outbuilding. The outbuilding also appears to be sited on the bank of the ordinary watercourse to the rear of the property. This is not appropriate, especially as it is at a location (outside of a bend) which could be more prone to bank instability. The development also restricts the householder's ability to access the watercourse and complete maintenance as is their Riparian responsibility. I therefore object to this application.

Southern Water: Standard advice and informatives advised.

West Sussex County Council Highways: -

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.
Summary: This proposal is for the retention of an outbuilding to the rear of the property. The site is located on Old Salts Farm Road, an unclassified road subject to a speed limit of 30 mph. This application is retrospective, with the garden cabin's construction finishing in June 2019. The LHA previously received a highways consultation request for this site under application AWDM/1648/19, raising no objections. The applicant withdrew this application. The LHA considered the principle of the outbuilding acceptable in the previously withdrawn application at this site. This application is solely for the retention of an existing outbuilding. No alterations are proposed to the existing access or parking provision for this proposal. There are no apparent visibility issues at the access onto Old Salts Farm Road.
An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access, which has been operating as such since June 2019, is operating unsafely or that the proposal would exacerbate an existing safety concern.

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 109), and that there are no transport grounds to resist the proposal.

Relevant Planning Policies:

Adur Local Plan Policy 15 and 36 (2017)
The National Planning Policy Framework 2018
National Planning Practice

Planning Assessment:

The main issues raised by this proposal and for consideration here are impact upon the visual amenity and character of the locality and residential amenity, flood risk and parking are also matters raised here.

Residential Amenity

The main properties to be affected by this development are the detached dwellings either side either side of the application site and also the property at Willow Brook to the rear of the site. The building itself is not considered to have any adverse impact upon neighbours in terms of its structure, it is modest in scale and adjacent to the rear boundary and an out building such as this is not uncommon in residential locations such as this.

The use as proposed here, to be ancillary to the main dwelling will involve its use by members of the household only, the occupiers of Meadowsweet. Ancillary would mean that this space can be used as a hobbies room, play room, gym, extra amenity space used in connection with the main dwelling. It is considered that this use would not result in any activity which would be detrimental to the residential amenities of the adjacent occupiers. There would be no activity associated with this building which would be out of keeping in a residential location such as this.

The restrictive condition restricting any use of the building for sleeping plus the removal of the kitchen within the out building will limit its use to those ancillary uses only. There will be no consent to use the building as a separate dwelling or to let for air B and B or similar.

Visual Amenity and Character of the Dwelling and Surrounding Locality

The building is set back to the rear of the main dwelling within the rear garden. It is not visible within the street scene. The overall footprint and scale of the building is not considered to be overly large in relation to the plot size it is a subservient form of development and outbuildings such as this are not uncommon in residential areas such as this. It does not result in any loss of light or overbearing impact in this case.

The proposed use of the building is also in keeping with the residential character of this locality. The use as an ancillary out building for the enjoyment of the occupiers of

the household will not give rise to any activity or development which would be detrimental here. The restrictive condition attached will ensure that the building is used in a way that is suitable within this locality ancillary in nature with no business use permitted. Sleeping accommodation will also be restricted here - this limits the use of the building in keeping with the character of the locality however it is also a requirement in terms of flood risk which is discussed below.

Flood Risk

Due to the flood risk in this locality the Environment Agency have stated that they have no objection to the proposed building provided that there is no sleeping accommodation provided. A condition is attached to ensure that this is the case and the applicants have been advised of the permitted use of the building and what is included as 'ancillary.'

Highways and Parking

There is no issue with regards to highway safety matters or parking. The property has an existing driveway and access from the highway. The ancillary use of the building will not impact upon this existing situation.

Other Matters

The Council's Engineer has objected to this application in the light of the position of the building on this bank and potential bank instability. She has also advised that the development also restricts the householder's ability to access the watercourse and complete maintenance as is their Riparian responsibility. These matters although important are covered by separate legislation and in this case are not considered to warrant a refusal. A smaller building could still be sited in that location without the need for planning permission. In terms of Riparian responsibility there is access to the water course from the rear garden of the application site to the north of the building. The applicant will be advised of these matters and informatives are attached.

Recommendation

Approve subject to the following conditions: -

1. The outbuilding hereby permitted shall be occupied solely for purposes ancillary and incidental to the occupation and enjoyment of the property (Meadowsweet) as a whole as a single dwellinghouse and shall not be used as sleeping accommodation, or primary living accommodation (no bedroom or kitchen shall be installed) or business use.

   {\b Reason}: {\i In the interests of residential amenity and flood risk having regard to policy 15 and 36 of the Adur Local Plan.}

2. The details contained within the Flood Risk Assessment received 20th January 2020 shall be complied with at all times.

3. Approved Plans

Informative

1. Proactive with amendments.
2. The applicant is advised that access to the water course must be retained at all times to maintain and complete their Riparian responsibility.
3. It is advised that there may be bank instability as a result of the siting of the building and the applicant should be aware of this impact.
4. Southern water

Is recommendation contrary to any representations? Y

Case Officer signed: Hannah Barker Date: 24th March 2020

Authorised and signed by: Peter Barnett Date: 24 March 2020