Development Control – Delegated Officer Report

Application Number: ADC/0357/10 Recommendation – REFUSE

Site: **Private car park opposite No's 1/3 Ship Street Shoreham-by-Sea BN43 5DB**

Proposal: **Three-storey flat-roofed house (with two bedrooms, integral garage and roof terrace)**

The Application

This is a revised design following the refusal of a previous application in March 2009 and the subsequent dismissal of an appeal (ADC/0447/08).

The site is located to the rear of the High Street, on the east side of Ship Street, opposite a three-storey flat-roofed 1960s office block at No's 1/3. It is currently vacant having previously been used as a private car park and was sold by the Council in 2008. Its dimensions are 9 metres deep and 6 metres wide. It has an open frontage onto Ship Street and is open to the north but is bounded on the south side by a brick wall (approximately 4 metres in height) which encloses a yard to the year of the bridal shop at No.62 High Street. To the rear (east) of the site is a similar but slightly taller wall which encloses the external yard of No.60 High Street.

Adjacent to the northern boundary of the site is an open access which provides vehicular and pedestrian private right of way from Ship Street to the rear of the commercial units and a row of 3 recently-built terraced houses No's 5, 5A and 5B John Street. Further to the north is the converted former RC church and its car park. On the west side of the street is a row of two-storey terraced cottages.

As before, permission is sought to build a three-storey, two-bedroom house of contemporary design with a flat roof (with a roof terrace). The proposed building would still fill the entire site but its height has been lowered so that the main structure is 8.5m high as compared to 9m before. The previous taller projections, other than a chimney and glazed balustrading, have been deleted so that the overall maximum height is 9.2m as compared to 10.8m before.

It would have off- street parking for one car (instead of 2 previously) with cycle parking in a groundfloor garage which, together with a separate binstore cupboard, have access off the street. The pedestrian entrance door is in the north side. The latter leads into a hall, utility and bathroom with stairs up to the first floor (two bedrooms and showerroom/WC), second floor (livingroom/ kitchen) and roof terrace. The previous structure over the stairs where they access the roof terrace has been omitted and the upper part of the stairs is now external but enclosed at the rear and side by a wall with openings in it. These openings are described as having privacy screens of close-grid wooden trellis with vines growing from planters. The roof terrace is shown

surrounded by a parapet wall plus obscure-glazed panels inset from it with shrub planting on the outer side. The chimney houses a barbecue.

Accompanying the application is a Design and Access Statement.

Consultations and Representations

West Sussex County Council: No objection from a transport aspect, given previous advice that there is no apparent visibility issue at the point of access onto one-way Ship Street and that there is a low risk of highway safety issues. The one parking space proposed is sufficient and 2 secure covered cycle parking spaces plus a sustainable transport contribution of £1,260 is required under the adopted Methodology.

From an archaeological aspect states that there is the possibility that earlier structures on the site will have disturbed earlier medieval deposits but may have caused only superficial disturbance. Therefore it is recommended that a standard condition should be imposed requiring a watching brief with a qualified archaeologist observing the excavations.

The Conservation Architect previously advised that the site can take a three-storey building of this form. The present design is minimalist and details of fenestrations and doors are required; the roof planting strip is not essential.

Adur District Conservation Advisory Group: Accept the design in principle but are concerned about the wood cladding.

Third Parties: 3 letters have been received from residents of No.5 John Street and No.11 Ship Street, and from the offices at No's 1-3 Ship Street.

No.5 John Street, who previously objected, states that he cannot see any major alteration to the design such as to overcome the appeal decision other than some (unspecified) change to the height. Information is needed as to the actual height measurements to assess the effect.

No.11 Ship Street objects on grounds that the proposed building, 14m away from the front windows of her house, would seriously restrict light to her livingroom and bedroom; the height and flat-roofed design is out of keeping with the character of other domestic properties; and there is concern about the safety of the front door opening outwards onto the accessway. She also refers to the lack of height dimensions on the plans and states it is impossible to see how the three-storey building can conceivably have lost enough height to be more acceptable than the previous application.

The offices at 1-3 Ship Street re-iterate their previous objection that the proposal would significantly and adversely affect light, privacy and enjoyment of their building because of the narrowness of the street.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB1, AB4, AH2, AH5 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.2 "Space Around New Dwellings and Flats"
'Good Practice Guidance Note: Internal Space Standards for New Homes' (ADC 2010)
Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003, amended 2010 & ADC 2004)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006, amended 2010)
PPS4 'Planning for Sustainable Economic Growth' and Practice Guidance 'Planning for Town Centres' (DCLG 2009)
PPS5 ' Planning for the Historic Environment' and Historic Environment Planning Practice Guide (DCLG 2010)

Planning Assessment

Policies

The site is in the Conservation Area where there is a statutory duty to pay special attention to the need to preserve or enhance its character or appearance. This is reflected in Local Plan policy AB4 which requires that *"New development within Conservation Areas will be required to be of a high standard of design and construction materials such as to preserve or enhance the character and appearance of the particular Conservation Area".*

In the Local Plan, the site (as with No.1/3 opposite) is included within the High Street area identified for mainly shopping use under policy AS1 (with office use under AE5 and AE6 also applying). However, given the very small size of the site and the lack of any existing shopping frontage in Ship Street and its predominantly residential character, it is not considered that a land-use objection is warranted. There is no loss of any existing commercial use to affect the vitality and viability of the town centre. Local Plan policies generally encourage redevelopment and infilling to help meet the demand for dwellinghouses and to make best use of urban land. The Shoreham Renaissance strategy (2006), aimed at the environmental and economic regeneration of the town centre, identifies some key sites for potential redevelopment and refers to the need for new residential accommodation of the highest architectural quality, but does not refer specifically to such small sites as the present proposal.

The relevant Local Plan policy AH2, related to housing development by way of infilling and redevelopment, expects development to be designed so that its appearance, character and scale create a pleasant place in which to live, is in keeping with and enhances the existing local environment with particular attention to the architectural form, height, materials, density and layout; it does not have an unneighbourly effect on existing dwellings by loss of privacy, light or outlook; it incorporates adequate standards of open amenity space, daylighting, outlook and privacy; plus adequate access and parking arrangements and accords with adopted standards (in this case the Council's

DC Standard No. 2 'Space Around New Dwellings and Flats' 1996 and the Revised West Sussex Parking Standards and Transport Contributions Methodology 2003, amended 2010).

Government policy in PPS3, in order to achieve a wide choice of high quality homes, improve affordability and create sustainable, inclusive, mixed communities, generally encourages the maximisation of the use of previously developed land for housing development at higher densities (although the requirement to avoid developments at less than 30 dwellings per hectare has now been deleted) and without rigid application of parking and amenity space standards. However, it is also states that "*Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".* It states "*Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation."*
"Similarly, in Conservation Areas and other local areas of special character where, if proper attention is paid to achieving good design, new development opportunities can be taken without adverse impacts on their character and appearance". "The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment".

PPS5 states that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. Policy HE7.2 states *"In considering the impact of a proposal on any heritage asset* (which includes Conservation Areas), *LPAs should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations – this understanding should be used by the LPA to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals".* HE7.5 states *"LPAs should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment – the consideration of design should include scale, height, massing, alignment, materials and use".*

Density, Character and Visual Amenity

The site is extremely small, only 9m by 6m, so the proposed development is at a very high net density equivalent to 185 dwellings per hectare.

In respect of the previous generally similar proposal for a flat-roofed three-storey house on this site, the Inspector concluded on this issue that "*The proposed development would be harmful to the character of the .....Conservation Area, contrary to saved policies AH2(a) and AB4 of the Local*

Plan which seek high standards of design particularly within the historic environment." She stated that the proposed "*tall narrow building*" would "*appear rather isolated from neighbouring buildings and therefore incongruous and discordant with the streetscene in the immediate vicinity. In particular, its height would appear out of character with nearby residential development which is predominantly two-storey terraces which include only occasional three-storey buildings. Furthermore its position, immediately opposite a three-storey office block, would introduce a sense of enclosure along this narrow street and would detract from the views of the (former) church.*"

The proposed building would conceal a currently unattractive parking area and also block from view the stark, tall brick walls forming the rear of buildings fronting the High Street. The redevelopment of this site would make better use of land in a highly sustainable town centre location. However, it is difficult to see that the changes to the scheme as now submitted address the above Inspector's findings. It is considered that the objections apply equally to the present proposal.

Although the overall height of the building has been reduced, it would still have a similar impact on the street in terms of mass and overall form. Moreover, the changes to its elevational treatment, particularly with its very prominent north side entirely clad with vertical timber boarding, would make it appear significantly more incongruous than the previous proposal.

Residential Amenity – for proposed dwelling

In terms of the residential amenities of the future occupiers of the proposed dwelling itself, it provides an acceptable internal living space of 115 square metres. Although it has no rear garden, external amenity space is proposed in the form of a roof terrace of 26 square metres, and off-street garage parking is also provided. The large windows to the front of the building serve the main living spaces, albeit across a narrow street, with secondary windows facing north onto the open car park to the side.

Residential Amenity – effect on existing dwellings

The Inspector concluded *"The development would adversely affect the living conditions of occupants of 5 John Street and 7 Ship Street contrary to policy AH2 of the Local Plan which seeks to protect the outlook from neighbouring dwellings."*

She stated in respect of No.5 John Street, obliquely to the rear, that "*the proposed height of the new dwelling would have an overbearing effect on the already limited amenity space to the rear of this particular house and would reduce the outlook from the kitchen window – I consider this would adversely affect the living conditions of the occupants, irrespective of whether or not there would be any direct overshadowing and loss of light.*"

The terrace of three houses to the north east of the site, No's 5, 7 & 9 John Street, permitted in 1999 (SU/128/99), are two storeys plus rooms in the roof

and have open-plan ground floors with kitchen and patio windows to the rear. They each have small rear garden areas only about 6m in depth. The closest house is No.5 which is at a slightly oblique angle, not directly to the rear of the application site, with a minimum distance of 14m between the proposed house and this neighbouring house. These existing houses (especially No.5), due to their positioning and proximity to the tall rear elevation at No.56/58 High Street (former Woolworths) receive limited light and outlook. The present proposal, despite its reduction in height on the nearest rear corner, would still add unacceptably to the overbearing effect.

As regards No.7 Ship Street, the Inspector stated *"This small terraced house would also be at an oblique angle to the proposed development. However, due to its orientation and its proximity across a narrow street, I consider that a three-storey building would appear dominating and overbearing from the living room making the house a less pleasant place in which to live."* This conclusion applies equally to the present proposal.

Effect on office building at 1-3 Ship Street

As regards these premises, the Inspector stated *"My attention was also drawn to the effect....on the working conditions of those in the office block.....The main reception area, in which someone works all day, looks out onto the narrow street and would directly face the new dwelling. The proposed height would mean that this outlook would be severely restricted and would, in my view, be overbearing and oppressive making this area a less pleasant place in which to work. This adds weight to my conclusion that the proposal would be unacceptable as it would be an unneighbourly form of development for users of nearby buildings."* The 0.5m height reduction of the present proposal as viewed from the front would not materially lessen the impact on this office building.

Access, Parking and Sustainability

The site is in a highly sustainable location, being in very close proximity to town centre facilities and amenities, with very good public transport links by bus and train. There is no objection to the loss of the existing parking. There is one car parking space and cycle parking proposed for the new dwelling within its garage.

The 'Revised West Sussex Parking Standards and Transport Contributions Methodology' was adopted by WSCC in 2003 and ADC in 2004 and amended in 2010. It involves payment of contributions to sustainable transport improvements in the area to help offset the impact of the increased travel demands resulting from new development. In this instance, the required contribution is £1,260 (calculated under the adopted formula). An Obligation was completed for the previous application but not the current one.

Archaeology

As the proposal entails ground works, there is potential for the excavations for foundations and services to cut into medieval features and deposits. Should permission be granted, a watching brief condition would be required as advised by WSCC.

Recommendation

REFUSE on grounds that:-

1. The proposed house, by reason of its design, height, scale and massing, would be detrimental to the streetscene and the character of the Conservation Area, contrary to policies AB4 and AH2 of the Adur District Local Plan.
2. The proposed house, by reason of its height, form and proximity to the existing houses to the rear (north east) and opposite (north west), would result in an overbearing effect and be detrimental to the residential amenities of the locality, contrary to the policy AH2 of the Adur District Local Plan. It would also have a similar effect on the office block opposite and adversely affect the occupiers of that building.
3. There is no evidence that the necessary contribution would be made to improvements to sustainable transport to help offset the effects of the travel demands generated by the proposed house as required by the West Sussex Revised Parking Standards and Transport Contributions Methodology.

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Case Officer: Keith Morgan Date: 10 December 2010