Expiry: 25/12

Development Management - Delegated Officer Report

Application Number: NOTICE/0020/24 Recommendation – Prior Approval Required and Refused

Site: 206 Harbour Way, Shoreham-By-Sea

Proposal: Householder application for permitted development for prior approval for enlargement of a dwellinghouse by construction of an additional storey to a height of 2.8m above the existing flat roof with front and rear facing balconies.

Date of site visit: 8/11

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a mid terraced flat roofed three storey house on the south west side of Harbour Way. The house is in the middle of 20 terraced properties built in the 1970's which curve round the bend in Harbour Way and face the water at the western arm of Shoreham Harbour.

This is not a conservation area and the house is not a listed building.

The application is proposing to construct an additional storey on No.17 as development permitted by Schedule 2, Part 1, Class AA of the GPDO, as amended in 2020.

The new floor will raise the ridge height 2.8 metres above existing. The floor is recessed by 2.3 metres from the front and rear elevations to create roof terraces on both sides.

Class AA permits:

The enlargement of a dwellinghouse consisting of the construction of
(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted
AA.1. Development is not permitted by Class AA if—
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use).

Expiry: 25/12

Response: It has not.
(b) the dwellinghouse is located on—
(i) article 2(3) land; or
(ii) a site of special scientific interest;
Response: It is not.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
Response: It was not.

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise,
Response: It has not.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
Response: It will not.

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
Response: It will not.

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—
(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
Response: It will not.

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower
of—
(i) 3 metres; or
(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
Response: The applicant confirms it will not.

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;
Response: It is not.

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development;
Response: It will not.

Expiry: 25/12

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.
Response: It will not.

Conditions
AA.2.—(1)Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
Response: The application confirms materials of a similar appearance will be used.

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
Response: No side windows are proposed.

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse;
Response: The house is flat roofed and the proposed roof is flat.

And

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
Response: The application confirms use as a dwellinghouse will continue after development.

(3) The conditions in this sub-paragraph are as follows—
(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—
(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
(ii) the external appearance of the dwellinghouse, including the design and architectural features of—
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;
(iii) air traffic and defence asset impacts of the development; and
(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 201244 issued by the Secretary of State;
(b) before beginning the development, the developer must provide the local planning authority with a plan for the management of the construction of the development, which sets out the proposed development hours of operation

and how any adverse impact of noise, dust, vibration, and traffic on adjoining owners or occupiers will be mitigated;
(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;
(d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
(e) that notification must be in writing and include—
(i) the name of the developer;
(ii) the address of the dwellinghouse; and
(iii) the date of completion.

Procedure for applications for prior approval
AA.3.—(1)The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)

(2) The application must be accompanied by—
(a) a written description of the proposed development, including details of any works proposed;
(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
(c) a plan which is drawn to an identified scale and shows—
(i) the existing and proposed elevations of the dwellinghouse, and
(ii) the position and dimensions of the proposed windows.

(3) The local planning authority may refuse an application where, in its opinion—
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act45, such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—
(a) describes the proposed development, including the maximum height of the proposed additional storeys;
(b) provides the address of the proposed development; and
(c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.

(6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

Expiry: 25/12

(7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

(9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.

(11) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
(a) assessments of impacts or risks;
(b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 201947; and
(c) details of proposed building or other operations.

(12) The local planning authority must, when determining an application—
(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and
(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

(14) The development must be carried out in accordance with the details approved by the local planning authority.

(15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Relevant Planning History

None

Expiry: 25/12

Consultations

Brighton City Airport:

'I refer to your consultation email dated 5th November 2024. The airport safeguarding team has assessed the proposal in accordance with the CAA CAP 168 and we have no aerodrome safeguarding objection to the proposal.

However, we would like to draw your attention to the following:

Crane advice:
Due to the site being within 6km of Brighton City Airport the crane operator is required to submit all crane details such as maximum height, operating radius, name and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system.

For notification, please follow the link via CAA website:
Crane notification I Civil Aviation Authority (caa.co.uk)

Once crane notification has been received from the CAA, Brighton City Airport safeguarding team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued.

Specific CAA guidance for crane lighting/marking is given in CAP1096: Guidance to crane users on the crane notification process and obstacle lighting and marking (caa.co.uk)

Any changes to the information provided will generate a new assessment. If you require further assistance, please do not hesitate to contact me.'

Representations

Three neighbour objections (204, 208 and 1 The Moorings):

1, Out of keeping in the terrace, streetscene, disrespectful to the rhythm of the terrace, curved appearance.
2. Highly visible from all directions, incongruous.
2. Contrary to condition 2 of the original 1973 permission regarding height, possibly to protect shipping/lighthouse sight.
3. Damage to neighbouring houses through vibration and water ingress into vulnerable roofs.
4. Loss of privacy in adjoining bedrooms and back gardens from balcony activity.
5. High winds already cause damage to the roofs of these houses. This addition would bear the brunt of these winds and possibly damage neighbouring houses.

Expiry: 25/12

Shoreham Beach Residents Association*: The extension is incongruous and out of keeping with the street scene.*

Relevant Planning Policies

Adur Local Plan 2017 Policies: 2, 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (December 2023)

Planning Assessment

The application meets the criteria set out in Class AA and is therefore subject to the considerations for prior approval.

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light

No significant loss of light will occur to any neighbour.

The additional storey will contain windows at third floor level and large roof terraces front and rear. Overlooking already occurs from the existing upper floor windows. The rear roof terrace will result in different/greater overlooking of neighbours' gardens including in The Moorings. Activity on either roof terrace has the potential to disturb neighbours in bedrooms on the 2nd floors adjoining.

Overlooking and loss of privacy will occur.

Adopted Local Plan Policy 15:

Quality of the Built Environment and Public Realm Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area.
Development should:
- *Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;*

When considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard.

Development Management Standard No.2 'Extensions and Alterations to Dwellings''

Expiry: 25/12

The effect on neighbouring properties
2.2 Proposals will not be granted planning permission if they have an unacceptably adverse effect on neighbouring properties. The main detrimental effects could be related to:
• Privacy - the proposal should not result in direct overlooking of rooms in neighbouring properties, nor excessive amounts of overlooking of garden areas

(ii) the external appearance of the dwellinghouse, including the design and architectural features of —
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;

Cab Housing Limited v Secretary of State for Levelling Up, Housing and Communities, and Broxbourne Borough Council [2022] EWHC 208 (Admin) (3 February 2022) states that the control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.

The scale of the additional floor is entirely above the continuous ridgeline of the terrace. The additional floor now proposed will tower above the terrace when viewed from all directions.

The resultant roofline would obtrusively project above that of the terrace and appear too prominent and incongruous in this terrace and in the streetscene generally. The result would not constitute a good standard of design and the proposal would unacceptably harm the character and appearance of the area.

The introduction of roof terraces front and rear is also an alien feature of this terrace. The window pattern, particularly on the rear elevation, does not respect the pattern of fenestration original to this terrace. These additional differences would exacerbate the incongruity of the proposal. External materials have already been changed from the typical horizontal white cladding to vertical black composite cladding.

<u>Adopted Local Plan Policy 15:</u>

Quality of the Built Environment and Public Realm Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.

Development should:
• Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;
• Make a positive contribution to the sense of place, local character and distinctiveness of an area.

Expiry: 25/12

When considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard.

Development Management Standard No.2 'Extensions and Alterations to Dwellings''

The appearance
2.5 The most important basic principle is that any extension should be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally.

2.6 The following principles should also help to ensure that the criteria discussed are met:
• Extensions should generally respect the architectural period and style of the existing dwelling and the area.
• External construction materials should usually match in colour and texture the materials of the existing dwelling.
• Windows or other openings should be in scale with the extension and should be in line with and match the proportions and style of existing windows.

Dormers and Roof Extensions.
3.14 Where permission is required, roof extensions should respect the scale, character and appearance of existing dwellings.

(iii) air traffic and defence asset impacts of the development;

The overall height of the building would be 10.8m. Brighton City Airport manager does not object but advises that a crane permit will be required.

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State

N/A

Recommendation

REFUSE Prior Approval for the following reasons:

1. The proposed development by reason of its scale, height and design within this terrace would introduce a visually dominant and obtrusive form of development culminating in harm to the external appearance of the terrace and general visual amenity. The proposal is therefore contrary to Policy 15 of the Adur Local Plan, adopted Development Management Standard No.2 'Extensions and Alterations to Dwellings'' and the National Planning Policy Framework.

Expiry: 25/12

2. The proposed roof terraces would result in increased overlooking to neighbours and potential noise, disturbance and loss of privacy to bedrooms in adjoining houses. The proposal is therefore contrary to Policy 15 of the Adur Local Plan, adopted Development Management Standard No.2 'Extensions and Alterations to Dwellings" and the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason 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 provide pre-application advice in respect of any future application for a revised development.

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

Case Officer:	MOK	Date: 29/11/24
Authorised by:	Peter Barnett	Date: 29 November 2024