Development Management – Delegated Officer Report

Application Number: AWDM/0384/17 Recommendation: SPLIT DECISION – APPROVE that part of the application that relates to the retention of the extension to the northernmost shed; REFUSE that part of the application which relates to the alteration of the southern shed and fence line

Site: 23 Brighton Road, Lancing

Proposal: Part retrospective application for the retention of an extension to the northernmost shed to replace a small shed on site; and to alter southern shed and fence line to enable part of this shed to be used as a domestic garden shed by the occupiers of house at 23 Brighton Road.

Date of Site Visit: 2 May

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application is in 2 parts:

i) A retrospective application to retain an extension to the northernmost shed to replace a previous small shed on the site
ii) To alter the southern garden and fence line to enable part of the shed to be used as a domestic garden shed by the occupiers of 23 Brighton Road.

The application site consists of an area to the north of 23 Brighton Road and to the east of the Drumconner Rest Home.

Properties in Lancing Park are to the north while 21 Brighton Road (in the ownership of the applicant) is between number 23 and Drumconner.

Planning History:

Enforcement Notices were served in 2016 relating to the laying of a hard standing and the erection of 3 outbuildings and the change of use of land from residential to a mixed use of residential dwelling and use in connection with a residential care home. Both appeals were part allowed and are discussed further in the planning assessment below.

Consultations:

None undertaken

Representations:

Lancing Parish Council: no objection

Relevant Planning Policies:

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1 and AH7

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Planning Assessment

The application is in 2 distinct parts.

The extended shed on the northern boundary replaced a much older shed on the norther boundary which originally formed part of the Enforcement Notice but was withdrawn from it due to the fact it had been situ for over 20 years. In terms of the shed prior to its extension, the Inspector has commented that there was no adverse impact upon number 23 Brighton Road and that the properties in Lancing Park were 'even further away' and would not be 'detrimentally affected by the appearance of the building or a storage use'. It follows that the extension to this building would be considered similarly acceptable.

With regard to the garden shed, the application seeks to provide of this existing building to serve number 23 with the remainder of it retained to serve Drumconner. This building formed part of the Enforcement Notice.

The Inspector commented in his appeal decision:

I acknowledge that number 23 has a rear garden area in excess of the Council's adopted 100sq m standard but whether that is sufficient to provide a reasonable private amenity area is also a matter of location and what uses adjoin it. In this instance the large storage shed virtually intrudes into half the rear garden (even allowing for the fact that that is half the length it used to be) and sits only about 6m from the rear wall of the house and patio doors and indeed its rear wall forms the boundary at the edge of the raised decking.

9. The unauthorised building is about 2.4m tall and in my view has a very overbearing effect on the occupants of number 23 being located adjacent to the rear decking area and so close to the rear elevation and ground floor windows and patio doors. I acknowledge that it could be painted a much lighter colour (rather than be left in the darkish green that it now is) but that would make little difference to the very enclosing, obtrusive feeling that one gets standing on that rear decking area.

15. Far from being a low intensity storage use I consider that the use of this building, bearing in mind its proximity to number 23, results in an unacceptable loss of amenity through noise disturbance due to the comings and goings of people, particularly to and from the middle section and the activities that are carried on whilst they are there.

From the above, it is quite clear that the Inspector considered the retention of the shed as unacceptable.

Having considered the retention of the building unacceptable in its current form, the Inspector provided alternative scenarios for its future:

In this instance the appellant can choose to remove building B and return the land upon which it stands to the curtilage of 23 Brighton Road, in which case the recently erected fence forming the northern boundary of number 23 should be continued across to number 21.

23. In the alternative the appellant can leave building B where it is but still return it as well as the land to number 23 for the occupier of that property to use for some purpose incidental to the enjoyment of that dwelling house as such (or the occupiers could remove it if it is not required by them).

Hence if the building were to be retained, therefore, it would be solely for the use of number 23.

The current application seeks only provide a small part of the building to number 23 with the rest being retained as storage use for Drumconner, including the middle section the use of which the Inspector identified as unacceptable. There are no reasons to grant permission for this part of the proposal, therefore.

Recommendation

SPLIT DECISION

Retention of an extension to the northernmost shed to replace a small shed on site

APPROVE subject to Approved Plans condition

To alter southern shed and fence line to enable part of this shed to be used as a domestic garden shed by the occupiers of house at 23 Brighton Road.

REFUSE for the following reason:

The southern shed/storage building by way of its size and siting results in an overbearing effect on adjoining occupiers and its use for storage purposes is also unacceptable due to the impact of noise and disturbance. The retention of the building in its current form is therefore materially harmful to the living conditions of number 23 Brighton Road and conflicts with policy AH7 of the Adur District Local Plan 1996 and Policy 15 of the Submission Adur Local Plan 2016

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

Case Officer: Gary Peck Date: 19 June 2017

Authorised by: [redacted] Date: 20th June 2017.