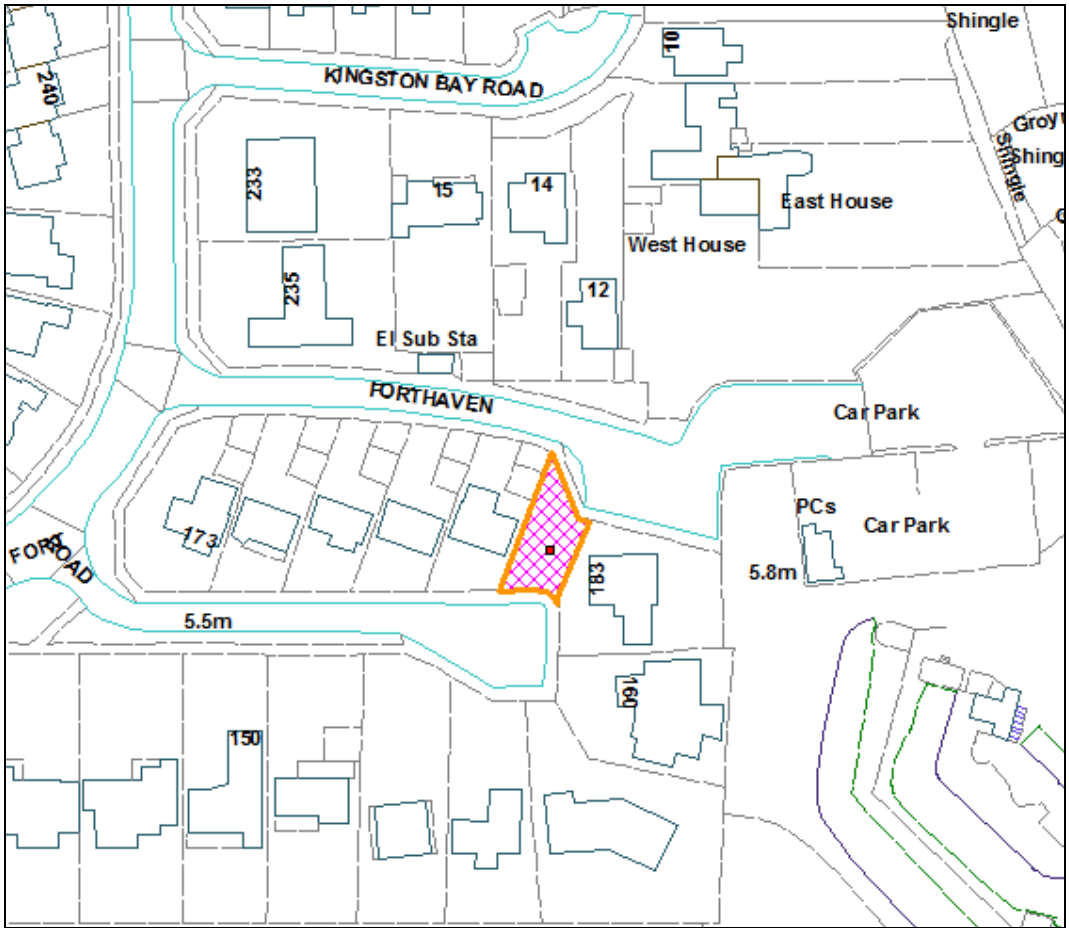
Application Number: AWDM/1711/16 **Recommendation – APPROVE**

Site: **Land West Of 183 Old Fort Road, Shoreham-By-Sea**

Proposal: **Demolition of existing double garage and erection of two-storey three-bedroom detached house with solar array on roof**

Applicant: Mr Paul Davis Ward: Marine
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

This application was deferred from the January Adur Planning Committee for a Members site visit to assess the impact on the neighbouring garden. The visit was scheduled to take place on 2 February. Since the last meeting, the applicant has commissioned a Daylight/Sunlight and Overshadowing Report and its findings are described later in this report.

The application site currently consists of an area of garden and a detached, flat-roofed double garage attached to the west side of 183 Old Fort Road. The site is at the eastern end of Shoreham Beach, within a cul-de-sac off the main stretch of Old Fort Road, close to the Old Fort itself.

The application proposes to demolish the garage and construct a two-storey contemporary 3-bedroom dwelling. It will have a 'saw tooth' roof which gives the appearance of a pitched roof when viewed from the front with a flat roof at the rear. The pitched roof will be covered with solar panels. The dwelling will have a rendered first floor which will overhang the facing brick ground floor at the front. The plot is also an irregular shape with a rear garden which is triangular-shaped and narrows to a sharp point to the north. The plot is approximately 10.5m wide at the front.

The dwelling will be set back from the front of No. 181 to the west but will also project further to the rear than that dwelling.

The site is at the end of the street and the existing dwelling is of a different form and scale to those to the west, being flat-roofed and two storeys with rendered walls compared with more traditional two storey dwellings with pitched roofs and facing brickwork. It provides an end stop to the cul-de-sac. There is a public parking area at the rear (north) of the site.

Two parking spaces are proposed for the new dwelling at the front of the site.

The application has been 'called in' by Councillor Loader.

Relevant Planning History

AWDM/0122/14 - Demolition of existing double garage and erection of two-storey three-bedroom detached house with solar array on roof – refused for the following reasons:

1. *The proposed dwelling, by reason of its size, design and siting within the plot, would represent an over development of the plot and would be a cramped, prominent and intrusive form of development, harmful to the character and appearance of the existing street scene. It would therefore be contrary to saved policies AG1 and AH2 of the Adur District Local Plan, Supplementary Planning Guidance' comprising Development Control Standard No.2 'Space Around New Dwellings and Flats' and the policies of the National Planning Policy Framework.*

2. *Having regard to the limited area of the site and its relationship to the existing residential property to the west (No.181), the proposal, by reason of its size and height, would give rise to an unneighbourly form of development which would be detrimental to the residential amenities and environment of the locality, resulting in loss of light and an overbearing effect on the existing dwelling contrary to the saved policies of the Adur District Plan (AG1, AH2) and the policies of the National Planning Policy Framework.*

Consultations

West Sussex County Council: The **Highway** Officer has no objection subject to conditions securing access, car and cycle parking. Comments that the dwelling will be served via a new dropped crossing access point from Old Fort Road. Old Fort Road is unclassified and subject to a 30 mph speed limit. The site is located at the eastern extend of Old Fort Road, which is a no through road at this point.

Given the context of the location no highways concerns would be raised to the implementation of a vehicle crossover in this location. The crossover must be implemented under licence to a specification obtained from WSCC Highways.

The proposed dwelling will be served via two off street car parking spaces. This would be considered appropriate for a dwelling of this size in this location. The applicant has demonstrated that 183 Old Fort Road will retain three off street spaces despite the loss of the garage. Again this quantity of provision would be considered appropriate for a dwelling of this size in this location.

The proposed dwelling should be provided a secure and covered cycle parking provision in the interests of sustainability. The garage of 183 Old Fort Road may have also been used as a cycle storage facility so unless already available I would also ask that 183 Old Fort Road is also provided with a replacement secure and covered cycle parking facility.

In conclusion the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

Adur & Worthing Councils: The **Engineer** has no objection. The site lies outside areas affected by surface water flooding according to the EA maps but lies within EA flood zone 2 and is surrounded by land within flood zone 3.

It is noted that the proposed ground floor levels of 6.0m shown on the drawings and referred to in the EA generic FRA, is the minimum required.

Disposal of surface water should be via soakaway as proposed, and with the area being underlain by shingle no formal soakage test will be required.

The **Private Sector Housing** Manager has no objections.

The **Environmental Health Contaminated Land** Officer recommends the precautionary condition and PFA informative.

Environment Agency: No objection subject to a condition requiring the development to be built in accordance with the submitted Flood Risk Assessment and specifically that finished floor levels are set no lower than 6.00m AOD. Comment that consideration

should be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels

Southern Water: Formal connection to public sewerage system required.

Representations

4 letters of objection received from the occupiers of 116, 156 and 181 Old Fort Road and the Chair of the Shoreham Beach Residents' Association:

- Increased traffic and parking in cul-de-sac which already suffers from congestion at times, causing refuse lorries to have difficulty in turning
- Existing garage will be demolished, therefore losing a parking space
- Existing drainage problem will be worsened
- Plot is too small with no space around the edge of the house to the boundary
- Previous application was refused
- Current scheme is an improvement but will still be cramped and detrimental to the street scene
- Overdevelopment
- Loss of light to rear patio and kitchen/utility of 181
- Increased sense of enclosure
- No meaningful daylight/sunlight analysis has been carried out
- Consideration should be given to draft policies of emerging neighbourhood plan for Shoreham Beach which seek to conserve the unique character of the area and resist poor design
- NPPF also seeks to secure high quality design and resist designs that fail to improve the character and quality of an area and the way it functions
- No sequential test has been carried out.
- Development in areas at risk of flooding should only be allowed in exceptional circumstances
- Previous reasons for refusal are still relevant
- Design does not complement its context and is not a good representation of a more contemporary style
- House will have limited amenity space

Applicant's response

The architect has responded to the objections as below:

- Parking- The proposals include two off street parking places which complies with policy.

- Overdevelopment- The proposals have a similar or better plot ratio when compared with other houses on the north side of Old Fort Road, and garden space and separation all comply with or exceed guidance. Separation distances

from adjoining buildings are generous and exceed those typical in the locality. The building does not appear cramped in its setting.

- Design- The design approach is set out in the DAS and takes care to key into the form and materials of the surrounding buildings while creating a fresh and contemporary building providing excellent amenity and sustainable living accommodation. It is carefully, and if modesty allows, well designed.

- Residential amenity of 181 Old Fort Road- The principal issues here are the effect on windows in the side elevation and the sense of enclosure to the north facing courtyard. The rear courtyard space of 181 is quite constrained by the garage block of 181 and the rear extension to the same building. We have taken great care to minimise impact on the adjoining building by increasing the separation distances (3m at ground floor and 4m at first floor as well as cutting back the roof to the rear of the building. The rear of our proposal is beyond the rear of 181; however this is simply a consequence of the chevron plan arrangement of these houses. If you take a line east from the centre of the courtyard elevation of 181, the corner of our proposal does not pass beyond it, and I believe this is a reasonable relationship. The separation distances are above and beyond normal practice and we believe the proposals will not impact the amenity of No. 181significantly.

- Daylighting- The room most affected with a window and glazed door of 181 facing the site is a shallow room that appears to be a utility or store room, due to careful design of the proposals (as discussed above) and the small room dimensions with a large glazed area we believe daylighting will remain acceptable. Although outlook will be reduced this would seem reasonable for a room in this position. The window at first floor is a secondary window to a well it room with a very large south facing window, and we believe the design has suitably addressed this issue. There are no windows in the western flank that could give rise to privacy issues.

- The emerging neighbourhood plan has been mentioned in objections, and I am fully aware of the current emerging policies as I have been closely involved with the development of these policies. The NP does not seek to prevent new development and is supportive of good quality sustainable design.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2 and Appendix 11 ‘Supplementary Planning Guidance’ comprising:
Development Control Standard No.2 ‘Space Around New Dwellings and Flats’
Submission Adur Local Plan (2016) Policy 15, 21
National Planning Policy Framework (CLG 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The proposal comprises new housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the street scene.

Visual amenity

The proposed dwelling will be set back behind the front of 181 by approximately 1.9m at ground floor level and 1.2m at first floor. When viewed from the west along Old Fort Road it will maintain the staggered line of housing in the cul de sac, albeit with less of a stagger than can be found elsewhere.

Even with less of a set-back, it is considered to be sufficient to ensure that the building is not unduly prominent in the street scene. The dwelling will have a lower ridge than No.181. A 2.05m gap is maintained to the boundary with No.181 and, while the proposed building will sit hard against the new boundary with No.183, sufficient space in excess of 2m will remain to the side of the house itself. Such distances ensure that the building will not appear cramped within the plot. Two car parking spaces are proposed at the front but with a landscaped area provided adjacent to the spaces which will help soften the frontage.

From Forthaven to the north the building will have a flat roofed appearance which reflects the form of No. 183. It will be taller than No.183 but lower than No.181 and is considered to be of an acceptable scale. It will sit forward of the rear of No.183 but will not project as far as the two-storey projection at the rear of No.181, or the garage of that property. Consequently, it is not considered that it will be unduly prominent in views from Forthaven.

Objections have been received to the design of the building but government guidance, in the form of the NPPF, advises that "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*"

Old Fort Road contains a wide variety of housing styles and within this particular section of the road there is also a mixture of traditional pitched roof and more contemporary flat roofed forms. The proposal attempts to respond to this variety and it is considered that the design successfully reinforces a sense of local distinctiveness. It does not represent a 'two-for-one' development in that an existing dwelling is not being demolished to accommodate the proposed building. It also does not result in the loss of a traditional bungalow, an issue over which there has been sensitivity in recent years. The form, scale and layout of the building are considered to respect the character and pattern of development in this part of the street and there are not considered to be sustainable reasons to object to the proposal on design grounds.

Residential amenity

The host dwelling has eight windows on its west elevation but the proposed dwelling will stop short of projecting beyond those windows. At the rear, the dwelling will project beyond the rear wall of No.183 by 4m. However, the existing garage (which is to be demolished) already obstructs light and outlook to some extent for the existing ground floor rear window at 183 and it is considered that the proposed building, being sited further away, will enable a greater outlook from that window. Being to the north-west, the proposed dwelling will not have a serious adverse impact on light to 183.

To the west, 181 has a first floor side window facing the site which is a secondary window to a bedroom which is also served by front (south) facing patio doors leading to a balcony. The set back of the proposed dwelling should not adversely affect light or outlook to this room.

On the ground floor, 181 has a utility/kitchen window and door towards the rear of the side elevation and a small rear (north) facing patio at the rear. The patio has restricted light and outlook as a result of its position to the north of the building and the position and proximity of that property's detached garage and a two storey rear extension on the west side of 181. The previous refused proposal brought the house much closer to 181 (1m from the boundary) and would have adversely affected light and outlook to these areas. The current proposal has reduced the bulk of the dwelling by providing a flat roof at the rear and stepping in the first floor at the side. This results in less bulk and a greater distance to the boundary of 2.05m at ground floor and 3.3m at first floor (compared with 1m previously). While the proposed dwelling projects beyond the rear of 181, this follows the established, staggered pattern of development to the west and it will not breach a 45 degree line measured from the mid-point of the nearest ground floor opening in the rear elevation of 181. It is considered that the separation between the buildings (4m at first floor, compared with 2m previously) is sufficient to prevent any serious harm to the residential amenities of the occupiers of 181.

The applicant's Daylight/Sunlight and Overshadowing Report concludes that "the proposals meet the Building Research Establishment (BRE) guidelines' criteria with only a small difference between the existing and proposed situations. In conclusion, we are of the view that the effects of the proposed development with regard to daylight and sunlight are within the criteria suggested by the BRE guidelines."

The guidance advises that only those windows that have a reasonable expectation of daylight or sunlight need be assessed, such as “living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed.” In this case, the affected room is a utility room and does not need to be assessed. Nevertheless, the report demonstrates that “the reduction of daylight to the surrounding windows and the rooms they serve falls within the permissible criteria as set out in the BRE guidelines and that the property will continue to receive a good level of natural light.” With regard to amenity areas, while the neighbouring patio area closest to the boundary will lose light, there will be only a small reduction from 35% to 33% in the garden as a whole, which is well within BRE permitted guidelines.

The proposed dwelling would meet the National space standards (105sqm internal floor area compared with standard of 93sqm for a 5 person 3 bed house. It will have a garden area of over 100sqm. The rear garden would be of a triangular shape and would have a width of less than 3m at the north end and where it projects to the east. However, other properties to the north which back onto Forthaven also have similarly smaller gardens and it is considered, on balance, that the shape of the rear garden is not sufficient reason alone to justify refusal of the application. The host dwelling (183) will retain adequate garden space to the east.

Parking and access

The application provides space for 2 off-street parking spaces which is in accordance with current standards for a development of this size in this area. The existing garage to 183 will be lost but that property will still have sufficient space for off-street parking on its west side. WSCC have not raised an objection to the proposal and it is not considered that the proposal will cause increased congestion in the cul-de-sac.

Flood Risk

The site lies within Flood Zone 2 and is at risk of flooding. It is not considered that there are reasonably available sites in areas with a lower probability of flooding which are appropriate for new housing. A new house would help meet the Council’s 5 year housing land supply and, provided the site-specific flood risk assessment demonstrates that the development will be safe, there is no objection in principle to development on this site.

The applicant has submitted a Flood Risk Assessment with the application which states that the finished floor level of the dwelling would be 6m AOD which takes account of the 1 in 200 year storm surge level of 5.4m AOD, plus 600mm. The Council’s Drainage Engineer and the Environment Agency have not raised any objections and there are therefore no flood risk concerns with this proposal.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. External materials
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated 07/11/2016) and the following mitigation measure detailed within the FRA (Table 1.0):
   Finished floor levels are set no lower than 6.00m above Ordnance Datum (AOD).

   The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
5. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.
6. 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.
7. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided for both the approved dwelling and existing dwelling at 183 Old Fort Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.
8. Removal of PD rights for future extensions and outbuildings

Informatives:

1. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

2. Precautionary land contamination

3. PFA

4. Consideration should be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels

5. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water

6. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water

7. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6th February 2017