Development Management – Delegated Officer Report

Application Number: AWDM/0619/24 Recommendation: REFUSE

Site: 79 Hayley Road, Lancing, West Sussex

Proposal: Erection of garden shed outside of rear curtilage and change of use of land to be included within garden area (retrospective)

Date of Site Visit: 1st July 2024

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is a two storey terraced dwelling within an estate of similar dwellings. There is a rear garden enclosed to the rear and sides with close boarded fencing. Beyond the rear boundary is an access path which forms a right of way for neighbouring and the application site to access their rear gardens from the highway. Behind this path is a fence with a strip of land which runs parallel with the path along the back of the houses, beyond this is a water course.

Retrospective consent is sought for a garden shed which has been erected on the land to the rear of the path, adjacent to the water course. Consent is also sought to change the use of this land to be included within the curtilage of the dwelling house.

When visiting the site it was noted that a gate has been erected across the access path as no. 79 is the last property in the row with access. A second gate has been added into the fence between the path and the land where the shed is sited.

This retrospective application has been submitted following an enforcement enquiry.

The applicant has submitted a letter from 2009 from the Environment Agency to Adur Planning Department stating that they have no objection to a proposal to change the use of part of the rear garden enclosure by fencing. They state that the fence should not be within 2 metres of the bank. This is not considered to justify the development here. There are no plans accompanying this letter and the shed as erected is within 2 metres of the bank. It may refer to work already carried out however as information is limited it does not change the recommendation as set out below.

Consultations:

Southern Water: - Records show that the existing foul sewer is in the approximate position of the development. The exact position must be determined.

There are no public surface water sewers in the vicinity to serve this development, alternative means of draining surface water from this development are required.

Lancing Parish Council: - It was resolved to object to this application as the building is not within the curtilage of the property.

West Sussex County Council: The Highways Authority: -

The proposed (retrospective) shed has been located on the footway to the rear of 79 Hayley Road. From consulting WSCC local mapping database, it does not appear that this footway is maintained by WSCC. The proposal therefore would not be considered to raise any severe highways safety concerns.

WSCC Local Land Charges team has been consulted and has confirmed that the area in question is not owned or maintained at public expense by West Sussex County Council. Neither is it recorded as a Definitive Public Right of Way.
It is unclear from the plans submitted whether this rear pedestrian access serves and/or obstructs access to no 77 Hayley Road, however this would become a matter of amenity for the LPA to consider.

Based upon the above considerations the LHA have no Highways Safety concerns to raise to the proposal.

WSP Drainage Consultants: - We have no objection on surface water grounds. Due to the site, size, location and type of development we would recommend the approval of the application.

Adur and Worthing Councils:

Environmental Health: - No comments

Estates and Property Team: - We are objecting to this application for the following reasons. The land in question is owned by Adur District Council and not the applicant. Therefore the applicant has no right to erect a garden shed on the land or enclose it within their garden. This land is used by the Council to access the open ordinary surface water course that runs along the north of the subject property. We also note that there is an access path at this location which may be blocked by this proposal.

Representations: - None received.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 35, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area and other matters such as the proximity of the water course, access and land ownership.

Visual amenity

The shed as built is to the rear of the property, beyond the garden boundary and access path. It is not visible from the street scene however it is visible from neighbouring properties. The established pattern of residential development here is that of terraced dwellings with enclosed rear gardens. As stated above there is a path to the rear of the application site, land beyond this and a water course. The shed has been erected on land which is owned by Adur District Council. The shed is outside the rear boundary fence and accessed via a gate which has been installed in the fence to the north of the path which encloses the council land. It represents, prominent built form within a strip of undeveloped land to the rear of the terrace of houses. The siting of this development is therefore out of keeping with the character and appearance of the locality and harmful to the established residential layout.

To include this area of land within the residential curtilage of the dwelling house would give rise to an detrimental impact upon the character of the locality. It would set a precedent for further similar development which would be cumulatively harmful. The adjacent property layout to the west is noted, this has a rear boundary further to the north, however this does not justify the development here. This adjacent boundary is established and does not set a precedent here for additional encroachment.

Residential amenity

The shed is visible from the rear of neighbouring dwellings however it is not considered to result in loss of light or an overbearing impact in this case. The development does include a gate across the access path however this dwelling is at the end of the path so this does not restrict any access to local residents.

Other Matters

It is noted that Adur District Council own the land in which the shed is built and gated off and they object to the construction of the shed and use of this land. They require the land to maintain the water course which is directly adjacent to the building. Officers have notified the Property Team of this refusal for them to take any action they see fit. It is essential for the relevant authorities to access the water course and this development and use of land obstructs such action.

Recommendation

REFUSE

1. The shed and change of use of the land to garden area gives rise to an incongruous form of development which is detrimental to the character of the existing residential locality and built environment and would limit access to the adjacent water course. The proposal is therefore contrary to Policies 15, 35 and 36 of the Adur Local Plan and the NPPF.

Informative

1. List of refused plans

Is recommendation contrary to letter(s) of representation N

Case Officer: Hannah Barker Date: 24th September 2024

Authorised by: Peter Barnett Date: 25 September 2024