Development Management – Delegated Officer Report

Application Number: AWDM/1519/22 Recommendation: Refuse

Site: 94 Brighton Road, Lancing

Proposal: Proposed attached three storey dwelling with same ridge height as No.94 plus 2no. parking spaces

Date of Site Visit: 1 November 2022

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application relates to a two storey house with rear dormer on the south side of Brighton Road. The property backs onto the Eastern Sands caravan park. Typically land banks up from Eastern Sands with the rear gardens being at first floor level when viewed from the front.

The existing house has a side porch and driveway with recessed flat roofed detached garage on its west side. There is a double width crossover shared with No. 92 and outside the site itself is a triple length parking bay and a single bay outside No. 92.

No.94 has recently been extended with a hip to gable roof extension and rear dormer. Composite pale green and grey cladding has been added to its upper floor and roof.

No. 92, to the east, also has a driveway and detached garage to the side. This garage has a shallow dual pitched roof and is linked to the house by an enclosed porch. There is a habitable room window behind the porch.

Planning permission is sought to demolish the garage and to erect an attached dwelling over 3 floors, including a rear dormer. It also involves the removal of the existing side porch and first floor side bay window from the existing house. At ground floor undercroft parking is proposed to retain the side access door to the existing house. Parking provision would be 2 spaces, to be shared between the existing and proposed houses.

A recessed ground floor will contain non habitable accommodation, comprising the main entrance, a utility room and shower room with cycle store behind. A side

passage to the rear garden continues under the first floor where bins and recycling is to be stored. The first floor has a kitchen/diner to the front, a bathroom and a south facing living room. There are two bedrooms in the roofspace. The ridge height will be the same as the existing house.

The application follows the refusal of a previous application earlier in the year. The proposal has been amended since that refusal to move the house further from the boundary so that is 6.36m from the side of No.92, compared with 5.8m in the last application.

Planning History:

AWDM/2055/20 - Proposed attached three storey dwelling with same ridge height as No.94 plus 2no. parking spaces - withdrawn

AWDM/1539/21 - Proposed attached three storey dwelling with same ridge height as No.94 plus 2no. parking spaces - refused

ADC/0374/08 - Two-storey side extension and single-storey rear extension with balcony above - approved

L/91/05 - Attached New Two-Bedroom House (With Rooms In Roof) On West Side With Access & Parking (And Rear Dormer On Roof Of Existing House) - approved

Consultations:

West Sussex County Council: The Highways Authority: Access and Visibility: The plans shows that a new vehicular crossover is proposed in place of the existing, and it suggests that it is to be widened. If works to the existing access are proposed, the applicant is advised to obtain the appropriate consents from WSCC prior to implementation. From inspection of WSCC mapping, there are no apparent visibility issues with the existing point of access onto Brighton Road. The LHA does not anticipate that the addition of one dwelling would result in an intensification of movements to or from the site. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.
Parking and Turning: The applicant proposes to demolish an existing single-car garage and replace with two parking bays. One parking space will be provided to both the existing and proposed dwelling. The WSCC Car Parking Demand Calculator indicates that both dwellings would require four car parking spaces between them. Consequently, overspill parking would have to be accommodated on-street. Whilst

on-street parking is limited in the vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the shortfall of two parking spaces would give rise to a highway safety concern or capacity issue, but the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view. On-site turning will not be achievable, so vehicles may have to exit the site in a reverse gear. However, this is the existing arrangement which has operated safely with no known highway safety concerns.
Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.
The applicant has demonstrated a cycle parking store. The inclusion of secure and covered cycle parking provision, in accordance with WSCC parking standards, helps promote the use of sustainable transport methods.
Sustainability: The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. Regular coastliner bus services can be caught nearby on Brighton Road. Lancing Train Station is situated approximately 1.6km northwest of the site.
Conclusion: The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Conditions: car and cycle parking

Adur and Worthing Councils: PSH: No objections on PSH grounds

Public Health: No comments received in connection with this application. Previous comments were:

Thank you for forwarding the updated Noise Assessment (ref: 10438A Dated 12/10/21). Due to elevated noise levels at this site prohibiting the opening of windows for ventilation this assessment confirms the use of MVHR for this development which is considered acceptable.

The assessment also provides details of the roof structure and the proposed noise attenuation this structure should provide. This is considered acceptable.

I would advise the following conditions:

Noise
The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Assessment (ref: 10438A Dated 12/10/21) and all works which form part of the approved scheme shall be completed before the permitted dwelling is occupied. Following completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and do not exceed the levels specified in BS8233:2014.

Ventilation
Construction work shall not commence unless and until a detailed ventilation plan for the development has been submitted to and approved by the local planning authority. The internal noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work as well as the units should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Hours of construction
Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works

Dust
Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

Technical Services: No comments received in connection with this application. Previous comments were:

As stated we do not support discharge of surface water to the foul sewer - and would maintain our objection to the application. If however, you are minded to approve the application despite our objection we would request that a surface water drainage

condition is applied to control the design- and hopefully lessen the negative impact of the development.

If you wanted one surface water drainage condition to encompass SW requirements as well as mine, you could potentially have a condition along the lines of the following:

“Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels will be required to support the design of any drainage. If discharge to foul sewer is proposed the following additional information will be required to support the drainage design; topographical survey, CCTV survey showing existing connection points, pipe sizes, gradients, and calculations demonstrating there will be no increase in total discharge to the foul sewer. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.”

and the accompanying informative:

“Surface water drainage design must have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Any surface water drainage design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design- this is required even for attenuation schemes in order to demonstrate the design will adequately resist flotation. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions.

I would note that the fact that Southern Water state they charge for surface water disposal is not evidence of surface water discharging to public sewer.

Southern Water: Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of

draining surface water from this development are required. Discharge of surface water runoff to public combined network can be allowed only once full assessment of other alternative methods have been carried out and discounted and at the discharge rates agreed with Southern Water as not introducing detriment to downstream network.

The applicant will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows. In situations where surface water is being considered for discharge to our network, we require the hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

Recommend condition:
Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Lancing Parish Council: No comment

Environment Agency: No objection subject to condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment.Sleeping accommodation is to be located on the second floor (7.2m AOD).

Representations

Letter of objection received from the occupier of 92 Brighton Road:

- Covenant prevents building of additional houses
- House would be overbearing and obtrusive
- Overlooking of garden and patio
- Loss of privacy
- Loss of light to ground level room and porch and east facing first floor window of sunroom
- Insufficient parking - none for existing house
- Surface water drainage concerns

Relevant Planning Policies

Adur Local Plan 2017 Policy 1, 2, 3, 9, 15, 18, 19, 20, 22, 28, 34, 35 and 36

‘Supplementary Planning Guidance’ comprising: Development Management Standard No.1 ‘Space Around Dwellings and Flats’’
Technical Housing Standards – nationally described space standard (DCLG 2015)
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The principle of development can be supported as it creates a family unit of accommodation on a brownfield site. For consideration is the impact of the proposals on the character and appearance of the area, the impacts of the development on neighbour amenity, the highways network, flood risk and future occupiers’ living conditions.

Visual amenity

An end of terrace dwelling would not in itself be out of character in this location. The particular design, with undercroft parking, is a familiar feature of other developments nearby albeit as part of a new build pair or terrace rather than added to an existing semi detached house. This arrangement was also part of the 2005 permission for an end of terrace dwelling.

However, the 2005 approval for an end of terrace house on this plot and the subsequent approval for a two storey side extension included a 1 metre wide boundary clearance and side passage adjacent to No. 92. This was to ensure compliance with the adopted SPG, now adopted Development Management Standard No. 1 Space Around Flats and Houses which seeks to avoid a cramped development and protect neighbours from harm.

This application has pulled the house further from the boundary and there is a gap of 0.74m between the side wall and the boundary. This reduces at roof level to 0.54m. This compares with just 0.25m to the side wall on the previous application. While an improvement, the proposal still fails to meet the recommended spacing to the boundary and will result in a cramped appearance, particularly if No.92 is extended or redeveloped in the future.

Residential amenity - neighbouring occupiers

The only affected neighbour is at No. 92 which has a shallow hipped roof garage between the site and their main flank wall. There is a habitable room window in the ground floor flank of No. 92 behind the porch. Outlook/light for this window is partially obstructed by their own garage. However, morning sunlight to this window will be further obstructed by the proposed house, daylight even more so. The

proximity of the proposed house to No. 92's side window fails to meet the 25 degree angle test stipulated in the BRE guidelines.

The scale and proximity of the new dwelling will also be overbearing to No. 92. The new dwelling has been set further off the shared boundary compared with the previous application, but maintains a gabled end. Adopted SPD No.1- Space Around Dwellings sets a 1 metre minimum gap to side boundaries to avoid a cramped appearance as well as to protect neighbouring amenity, and this was achieved in the 2005 design but is not achieved here. The previous approvals also included a hipped roof design which further helped to reduce bulk on the boundary.

Residential amenity - proposed occupiers

A noise assessment was submitted with the previous application to demonstrate that future occupiers will not be unduly affected by road noise. This has not been submitted with this application and will need to be if it is to be referred to in any planning condition. Environmental Health officers also wish to see a ventilation scheme.

The floor area of 82sqm for this 2 bedroom 3 person unit exceeds the minimum 70sqm required in the DCLG's Technical Housing Standard 2015 for a two bed 3 person unit, there is no standard for a 3 storey 2 bed, 3 person unit. However, the single bedroom just fails to meet the minimum floorspace figure of 7.5 sqm at 7.36sqm. The double bedroom falls well short of the minimum expected 11.5 sqm at 9.1 sqm. These sizes are likely to be reduced were a hipped roof added in order to reduce bulk at roof level.

Available garden area is 22sqm. This is less than half of the 50sqm expected for new terraced dwellings in Development Management Standard No. 1 'Space Around Dwellings and Flats' but is comparable to the houses in the immediate area.

These shortfalls further point to a cramped overdevelopment of the site.

Parking and Access

The proposal is to create two off street parking spaces on the forecourt in an undercroft arrangement, altering the existing crossover. The plans show a parking space for the existing and proposed house. Whilst this number of spaces falls short of the required standard and overspill will have to be accommodated on street the Highway Authority is satisfied that this will not give rise to a highway safety concern or capacity issue. There is considered to be sufficient availability of parking on street in the vicinity of the site and this should not give rise to an amenity issue.

Flood Risk and Drainage

Policy 36 of the Local Plan states that:

‘*New development within Adur must include some form of Sustainable Drainage System (SuDS) or other appropriate design measures in order to reduce the risks of surface water flooding and to mitigate the risk of pollution to groundwater sources. SuDS should be considered before other forms of disposal*.’

Due to site coverage with this development the applicant is not able to use an infiltration method of discharging surface water and therefore believes he "needs" to discharge to the foul sewer. The Council’s drainage engineer is not satisfied with this ‘unsustainable’ method for dealing with surface water flooding and describes the proposal as an overdevelopment of the site and ‘all in all, not a drainage policy compliant proposal as it stands’.

The applicant asserts that surface water from the existing house is drained to the foul sewer with Southern Water’s permission. It may therefore be possible, as a last resort, to drain proposed surface water to the foul sewer also. Southern Water may accept this method but not before they are satisfied that all other means of draining surface water have been explored and discounted if impossible. A detailed report will be required from the applicant outlining why more sustainable means of disposal are not achievable. Where drainage to the foul sewer is proposed a topographical site survey and/or a CCTV survey will be required with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

This is critical to ensure the development is adequately drained as both the applicant and neighbour at No.92 have referenced existing problems with surface water flooding. Any surface water scheme must deal with drainage from the site without exacerbating a surface water drainage issue at No. 92. The applicant has previously agreed a detailed surface water pre-commencement condition drafted by the Council’s drainage engineer which incorporates Southern Water’s comments and this would be imposed if the development is acceptable in all other respects..

With regard to flood risk, the Environment Agency has confirmed that the submitted Flood Risk Assessment is acceptable, in particular the positioning of bedrooms at second floor level.

Recommendation

REFUSE, for the following reason:

Due to proximity to the boundary, scale and design the proposal represents a cramped overdevelopment of the site which would be harmful to the living conditions of occupiers of No. 92 Brighton Road due to a loss of light and overbearing impact and harmful to visual amenity and the streetscene of this part of Brighton Road. The proposal is therefore contrary to policy 15 of the Adur Local Plan (2017), Development Management Standard No.1 'Space Around Dwellings and Flats', Technical Housing Standards – nationally described space standard (DCLG 2015) and the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation N

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.

Case Officer: Peter Barnett Date: 28 November 2022

Authorised by: Gary Peck Date: 28 November 2022