exp 13/7

Development Control – Delegated Officer Report

Application Number: ADC/0096/10 **Recommendation – APPROVE**

Site: **269 Old Shoreham Road, Southwick BN42 4LP**

Proposal: **Retention of detached building at rear (for purposes incidental to house) (Renewal of ADC/0215/09)**

The Application

The timber building forming the subject of this renewal application, which was erected in 2007 and previously formed the subject of an enforcement notice relating to its erection as a 'dwelling', was granted temporary permission as a non-habitable annex on 21 July 2009. The reason for the temporary condition was "*To enable the LPA to review the impact of the building in the winter months when there is less screening by trees and shrubs having regard to policies AG1 and AH7..*"

The property is a greatly extended semi-detached house, situated in a row of semi-detached and detached houses built in the 1920s. It backs onto an open space in Prince Charles Close where there is a line of mature sycamore trees along the boundary (one being within the appeal site) which are subject to TPO. The plot measures 56m deep and 12m wide and slopes gently upwards to the north.

The building in question is 30m from the rear of the house and reached by a new paved pathway. It measures 10m wide and 7.8m deep, with an overall ridge height of 4m. It is built of timber and has timber walls (but with the side walls externally clad with hanging tiles). The ridged roof is covered with roofing felt. There is a small projecting front porch roof.

The previous application was accompanied by a letter from the father stating that the building is intended as a garden annex for purposes incidental to the enjoyment of the dwellinghouse, and in particular for his son's dialysis machine. He states that the machine cannot be accommodated in the house because his son and his wife have an extended family and the rooms in the house are required for them to dwell in. He states that the side walls of the building are flanked by trees; there is a 1.8m high fence on the boundary with the playing area on the north side; it cannot now be seen from the front through the gap between the houses as a security fence has been erected; and, when the garden is landscaped, conifer trees will be planted in front of it.

Consultations and Representations

Third Parties: No comments received.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993–2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development (ODPM 2005)

Planning Assessment

Policies

Policy AH7 of the Local Plan is entitled householder proposals but, as with the supplementary guidance in the Council's DC Standard No.3, only relates to extensions and alterations to dwellings rather than detached outbuildings. However, the requirements are of some relevance, namely proposals should be of sympathetic design and materials to the original dwelling and the area in general and be designed so as not to result in an unacceptable degree of overlooking, loss of natural light or overbearing effect on neighbouring dwellings.

Visual Amenity

The building, which has the appearance of a timber bungalow, is to the rear of the houses on Old Shoreham Road and, although it can be slightly glimpsed through the gap between the houses, it does not affect the streetscene of that road. It adjoins the rear boundary with the open space in Prince Charles Close, from which it is visible, but, being on lower ground and with large trees along the boundary, it does not have a significant visual impact as seen from the north.

There are numerous shrubs along the east and west side boundaries (on both the applicants property and the neighbouring properties) which largely screen the building from view. It has very little visual effect as seen from the neighbouring houses either side or from their rear gardens, except from the very end portion of the garden to the west. It can be seen from some first-floor windows of the neighbouring houses but even then, because of the large amount of shrub and tree screening, its impact is not significant.

The building is very large in size for a garden building and it is positioned on higher ground than the houses. Although it does not occupy an excessive proportion of the relatively large rear garden, it is considered that, were it not for the screening by shrubs, it would overdominate the outlook from the rear of the houses and appear out of scale in its context.

Previously, the neighbour stated that their shrubs had become overgrown and needed to be substantially pruned and that, as they are mainly deciduous, they lose their leaves in winter and the building is then more prominent. However, rather than being cut back, it appears that the shrubs have now become larger and more effective as a screen. Although the site has not been seen in mid-winter, it is considered that there is insufficient reason to retain the building under a temporary permission.

Residential Amenity

The outlook from the windows of the building, which are mainly at the front (south), is towards the rear windows of the houses on the frontage. The actual distance between the facing windows is about 25m which is more than the Council's minimum standard of 22m. As stated above, there are shrubs on the side boundaries which form an effective screen.

The building is stated as intended to be used for purposes ancillary to the dwellinghouse on the site and not as a dwelling. Provided this remains the case, and it is not used as primary living accommodation, its usage should not adversely affect the residential amenities of the adjacent dwellings to a serious degree.
However, as stated above, the building has central heating, a fitted kitchen and shower-room and is connected to the sewer. It is clearly capable of being used as

primary living accommodation or even as an independent residential unit as its history shows. Under current planning case law, were it to be permitted, it could be used for primary living accommodation (ie. a residential annex) without needing any further planning permission. Consequently, a condition needs to be re-imposed to control this.

Parking provision

The entire frontage of the property is regularly used to park 5 cars. However, additional parking is only required if the building were used as primary living accommodation. As stated above, this is not the applicants' stated intention and it can continue to be controlled by imposing a condition.

Recommendation

APPROVE for the reason:-

Although the building is relatively large, it is a sufficient distance away from neighbouring houses, from which it is well-screened by shrubs and trees. It does not have a significant visual impact and, provided it is not used as primary living accommodation, it does not have an unacceptable effect on the residential amenities of neighbouring properties. Consequently, it does not conflict with the policies of the Adur District Local Plan (AG1, AH7).

Subject to:-

1. The building hereby permitted shall only be used for the applicant's dialysis treatment and other purposes incidental to the enjoyment of the existing house (No.269) but not for the purposes of primary living accommodation (living room, bedroom, kitchen or dining room) or for any commercial purpose.
   R. as 02 of ADC/0215/09
2. Subject to the above condition, the building hereby permitted shall only be used by persons resident in the existing house (No.269) and not by any other persons. R. as above
3. This permission relates to the following plans:-
   501/01 – Location Plan date stamped received 18 May 2010
   501/02 – Site Plan date stamped received 18 May 2010
   A136/01/e – Elevations and floor plan of Garden Building date stamped received 18 May 2010.
   R. For the avoidance of doubt.

Case Officer [redacted] Date 5/7/10