Development Control – Delegated Officer Report

Application Number: ADC/0183/10 **Recommendation – APPROVE**

Site: **373 Upper Shoreham Road, Shoreham-by-Sea BN43 5NB**

Proposal: **Raising of part of rear garden (retrospective) and planting of hedge on adjacent part of east side boundary**

The Application

The application property is an extended detached bungalow, with rooms in the roof and rear extension and conservatory, on a site 14m wide and 47m long, that slopes gently down towards the rear (south).

Retrospective permission is again sought for the raising of a further portion of the rear garden by 1m in height, to create a paved area. It has extended the pre-existing raised patio (built about 30 years ago without permission) by a further 7m, from 11m to 18m overall length. The pre-existing patio surrounds a swimming pool located directly to the rear of the bungalow. The raised area is the width of the plot but the section alongside the east side boundary and south-east corner, in which it is now proposed to plant a hedge, consists of a walled planting bed. The retaining wall on the east side is about 0.3m away from the neighbour's close-boarded fence. The patio is tiled to match the surround of the swimming pool area.

A previous retrospective application for this extended raised area included a proposed 1.8m high fence on the eastern boundary and was refused in April 2010 (ADC/0035/10) on grounds that:-

1. *The proposed hardsurfaced area is out of character with the surrounding residential properties and results in an overdeveloped appearance which is unsympathetic to the environmental character of the area, contrary to policy AH7 of the Adur District Local Plan.*
2. *The proposed raised garden area would result in the need for a raised boundary treatment which would, due to its height and length, be an overbearing and unneighbourly feature which would result in the loss of residential amenity to the occupier of No.371 Upper Shoreham Road, contrary to policy AG1 and AH7 of the Adur District Local Plan.*

To the east is No.371, a detached bungalow with a room in the roof with a rear dormer window, and rear west side conservatory. It is sited in line with the applicant's dwelling, with their conservatory projecting midway along the applicants own conservatory. The dwelling has two steps from the back door down into the garden. Adjacent to the original boundary wall with the applicant's property, the owner of No.371 has constructed a very tall close-boarded fence (approx 2.5m high on the neighbour's side and 1.8m high on the applicant's side) which stretches to the end of the pre-existing patio at No.373, then continues as a 1.8m fence to the end of the garden.

To the west is No.375, a detached chalet-style bungalow. It is sited to the north of the building line with the application property but has been extended to the rear with a covered lean-to and west side rear conservatory. It has a significantly lower garden level from that of the raised patio area of the site. The boundary has a 1.2m high brick wall (measured from the applicant's side) lowering to a dwarf wall 0.3m in

height. The boundary is very well screened with trees and large shrubs on the neighbouring side.

To the rear (south) the dwellings in Greenacres are sited in excess of 25m from the raised garden area, and hidden by trees and shrubs.

Consultations and Representations

Third Parties: A letter of objection has again been received from the neighbour directly to the east (No.371). She reiterates her previous objections that with this structure in place anyone can see her comings and goings and she is fearful for her security as well as privacy. A hedge will not alleviate these fears and will do nothing to cut out noise, light pollution or conceal anyone standing on the structure. She questions whether a hedge could be planted in concrete as substantial depth of soil and good drainage is needed as well as many years to reach any height. The fence adjoining this part of the site is already over 1.5m tall and, if made higher, she would lose a great deal of light, causing a shadow and make her feel as if in a prison.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix II 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings.'
PPS 1 'Delivering Sustainable Development' (ODPM 2005)

Planning Assessment

Policies

There are no specific policies or guidance related to rear patios. However, policy AH7 of the Local Plan, relating to extensions and alterations, states that they should be designed so as not to result in an unacceptable degree of overlooking, loss of natural light or an overbearing effect on neighbouring dwellings, should be of sympathetic design, and the proportion of the garden area taken by the proposal should not be excessive having regard to the character of the area.

Development Control Standard No.3 entitled 'Extensions and Alterations to Dwellings' states that proposals will not be granted permission if they have an unacceptably adverse effect on neighbouring properties. The proposal should not result in direct overlooking of rooms, nor excessive amounts of overlooking of garden areas.

Government policy is set out in Planning Policy Statement PPS1 'Delivering Sustainable Development'. Relevant paragraphs are 17, which refers to the commitment to protecting and improving the environment; 18 which states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design; and 34 which states that good design is indivisible from good planning and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be acceptable.

Residential amenity

The existing 2.5m high east boundary fence was erected many years ago by the owner of No.371 to screen the swimming pool and previous raised patio at No.373. It is very dominant in the garden of No.371 and has an adverse effect on the outlook from the rear oonservatory of that property.

The extension of the raised patio at No.373 allows for direct overlooking of the central part of the rear garden of No.371. However, the rear windows (other than the dormer) of the bungalow itself at No.371 (about 15m away) and its rear conservatory (10m away) are largely screened from view by a conifer tree (approx 2.8m high and 1.8m wide) situated in the rear garden of No.371 immediately to the north east of the patio extension, as well as by the tall fence alongside the original raised patio. There are also 2 very young small trees situated to the east of the patio extension which in time would provide more screening if they are allowed to become larger.

It is not considered that there is unacceptable overlooking from the extended patio of the rear of the neighbouring bungalow itself at No.371 but it is considered that some form of suitable side screening is needed to reduce overlooking of the central portion of the rear garden of that property. A fence has previously been refused on grounds of overbearing impact. However, a hedge (or row of shrubs) would be more appropriate as it would have a 'softer' appearance and there is space to plant it in the planting bed on the east side of the patio. The ground conditions in this planting bed may not be ideal for a hedge but it should be possible to establish one with care. A condition can require replanting if it fails to survive within a 5 year period. However, it is considered that it would be preferable to retain planning control by only granting a temporary permission for the patio extension. This could enable the position to be reviewed and, if the hedge is unsuccessful, to require the patio to be altered to increase the size (including width) of the planting bed and the depth of soil.

It is not considered that the patio extension would result in increased noise or disturbance to neighbouring properties beyond that resulting from the pre-existing patio and swimming pool which are closer to the dwellings. Reduced security is also not considered to be a reason for refusal within this area away from public access.

The extended patio has no real effect on the neighbouring dwelling to the west (No.375), which has a particularly well screened garden due to the presence of mature trees and shrubs.

Visual amenity and character

The pre-existing raised patio and swimming pool, built some 30 years ago, changed the character of the rear of this particular property. Notwithstanding the previous refusal, it is not considered that the recent enlargement of the raised area has adversely affected the character and appearance to an excessive further degree. To the south of the raised area is the remaining 14m length of rear garden which is mainly hardsurfaced but has trees directly adjacent to the southern border with side planting.

Recommendation

Temporary APPROVAL for the reason:-

Although the groundfloor rear windows of the neighbouring dwellings are reasonably shielded from view from the raised patio, there is some overlooking of the rear

garden of No.371 to the east. The proposed hedge would prevent unacceptable overlooking but, because there is concern that it may not become established within the raised planting bed or grow to sufficient height, it is necessary to grant only a temporary planning permission in order to retain planning control and enable the impact to be re-assessed, having regard to the policies of the Adur District Local Plan (AG1, AH7).

Subject to:-

1. C1Di The raised area hereby permitted shall be..... expiring 31 July 2013 unless the local planning authority has granted a further planning permission for the retention of the raised area prior to that date.
   R. To enable the LPA to review whether or not the proposed hedge has been effective in preventing significant overlooking of the neighbouring property to the east having regard to policies AG1 and AH7 of the ADLP.
2. An evergreen hedge shall be planted in the full length of the planting bed on the east side of the raised area hereby permitted within 3 months of the date of this permission. It shall comprise euonymus or escallonia planted not more than 0.3m apart (or such other species/varieties or planting distances as agreed in writing beforehand with the LPA). Any parts of the hedge which within a period of 3 years from the date of this permission die or become seriously damaged or diseased shall be replaced.....etc (as C11Ai)
   R. To prevent significant overlooking of the neighbouring property to the east having regard to policies AG1 and AH7 of the ADLP.
3. This permission relates to the submitted approved 1/200 site layout plan; the 1/200 'Overview of the hedge on the left side of the garden'; the 1/200 'Planned side view left'; and the 1/200 'Planned side view right', all date stamped received on 25 May 2010.
   R. For the avoidance of doubt.

Case Officer: [redacted] Date: 8/7/10