Development Control – Delegated Officer Report

Application Number: AWDM/0569/20 Recommendation APPROVE

Site: Mildmay, East Street, Lancing, BN15 8BB

Proposal: Summerhouse in rear garden for use as an annexe

Date of site visit: No site visits can be made at this time due to Covid-19 social distancing restrictions. Assessment has been assisted using the Applicants plan and photos; Earthlight mapping; and Google 3D of the site.

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

The property is a detached bungalow situated on a corner plot to the north side of East Street and the west side of Cecil Road. The property abuts the side boundary with Cecil Road, but is some 1m off the neighbouring mutual boundary with Coastal Haven to the west.

At the rear of the site are existing outbuildings i.e. garage and sheds, appearing to directly abut the mutual neighbouring boundary with no. 73 Cecil Road which itself has a small, limited rear garden but does have a larger side garden which abuts the boundary with the application site. The west side of the shed appears to abut the mutual side boundary with Coastal Haven.

The area is characterised by a mix of house types and sizes, but the commonality of this immediate area is that they all have limited small rear gardens.

Proposal

The application seeks permission to replace the outbuildings to provide an annex for an elderly relative, as permanent accommodation which will be ancillary to the main house.

Relevant Planning History:
L/203/01/TP Rear extension and roof extension on west side (with room in roof) plus front infill extension to south-west corner. **Approved 22.01.2002**

Representations:

Lancing Parish Council ~ No objection

2no. objections from 73 Cecil Road both with the same worded letter.

“I strongly object to the proposed development to be used as living accommodation for the following reasons:

1. The proposed height and length of the structure runs alongside most of the entire length of my narrow side garden. This will encroach upon the privacy of my home and small garden. It will be an overbearing structure which will overshadow the narrow space between the two properties and cause loss of light into my lounge and living room and turn my garden into a long narrow tunnel.

2. Noise, disturbance and smell. I object to the proposed structure being used as living accommodation in such close proximity as I will be able to overhear private conversations and other nuisance noises through a prefab wall especially during late evenings and night, when background noise is naturally much lower.
I strongly object to a toilet and shower room being placed on the boundary as unpleasant smells and embarrassing noises are emitted from a toilet and shower while in use. I have 3 very young grandchildren who will be merely feet away from this unpleasantness.

3. The proposed structure is butted right up against the boundary.
Existing is my gazebo and established fruit trees on the boundary.
There is no indication of where the proposed fences are planned, neither is it shown on the drawing, how access will be gained for maintenance to the rear elevation and rain water pipe.

4. As the proposed structure does not show that it is physically linked to the host property, I'm very concerned that it may become a separate unit of living accommodation, and I object to an exhaust vent and/or windows being installed in the rear elevation at a later date, extracting foul air into my garden.

I object and I'm troubled that the proposed summerhouse is to be used as a dwelling which will adversely affect the quality of my life and mental wellbeing as the nature of a garden for its tranquillity and enjoyment will be taken away if this was granted.

I would have no objection to a summerhouse at the full height of the existing garage and that it is not used as an annexe for living accommodation and toilet. The aggressive nature of the proposed development in such a closed space is excessive and I highly object to it.”

Relevant Planning Policies

Adur Local Plan policies: 1, 15
DM Standard No.2 SPG - Extensions and alterations to dwellings
National Planning Policy Framework (2019)
National Planning Practice Guidance

Planning Assessment

There is no objection in principle to the proposed development to provide ancillary accommodation for an elderly relative.

The key concerns would be creating a separate unit of accommodation, and that the replacement building does not affect the character of the area.

Visual & Residential Amenity

The existing sheds and garage are located to the boundary with both of the contiguous properties 'Coastal Haven' East Street to the west and 73 Cecil Road to the north. The replacement structure will be 'L' shaped and the whole structure will measure some 6m wide at the rear; with the larger section being x 3.55m deep x 3m wide at the front; and the narrower section being 2.55m deep x 3m wide at the front. The existing sheds and garage have a ground cover of approx. 7.3m x 4.7m.

There will be some decking to the front of the structure extending out some 420mm beyond the deepest part of the structure. The whole structure will have a cantilevered flat roof measuring over the building and the decking measuring approx. 6m x 4m

The eaves height of the building will be 2.2m and the overall height will be 2.5m. The structure will therefore be some 500mm higher than a standard height fence. The existing shed is pitched roofed, with gabled section appearing to be higher than the fence to no. 73 Cecil Road by more than 500mm. The existing garage sides onto the boundary with the neighbouring property, and the edge of the low pitch roof slightly overhangs no. 73. The replacement building will not overhang the neighbouring property and the agent has confirmed that the structure will be sited 200mm from the mutual boundary fence to allow for the RWP.

From a visual point of view the new structure will tidy up the existing outbuildings and will not be more visible from the street scene, particularly given that the existing shed has a ridge height greater than the proposal.

From the contiguous neighbouring properties, the new structure will not be as deep or as high as the existing shed and therefore it will not be as visible to 'Coastal Haven' and thereby it will not result in material harm to their existing residential amenities.

From no. 73 Cecil Road they have already written in expressing their disquiet about the matter, however some of the points raised are not material planning considerations.

The structure will be marginally higher than the existing low pitch garage, but the pitched roof shed is higher. At 2.5m in height, it is not considered that the overall height will give rise to material overbearing or overshadowing onto no. 73 that they express. It will be approx. 500mm higher than a 2m fence that could be erected on a side boundary without the need to gain planning permission, and the site is to the south of their property, but it will be sited some 4m distant (approx. 3.8m from the side elevation of the bungalow no. 73 to the mutual fence plus a further 200mm between the fence and the rear elevation of the structure). An outbuilding of the same height could be built as

permitted development (permission is required here as the proposed building proposes self-contained accommodation).

Google maps 3D shows an existing conservatory type extension to the rear of no. 73 which because of its oblique siting to the structure, will not be materially affected by the proposal. There are 2no. windows on the side elevation of no. 73 which they refer to as being their lounge and living room, and they face south. There is the potential for some additional overshadowing in addition to the existing fence, but it is considered that the 500mm will not cause material overshadowing to the neighbouring windows to justify the withholding of any planning permission.

With regard to the use of the structure, a condition on any approval preventing the use becoming an independent unit of accommodation would be appropriate, and in any case, the room sizes would not be adequate for such a use. A family member living in the annex, would also be able to use the existing dwelling for meals and company etc.

Noise can be generated from occupants of the existing dwelling and visitors using the garden, which would not be a planning consideration, and if the user of the annex caused excessive noise then that would be a matter for Environmental Health. The smells that may be generated from the use of the shower room is also not a planning consideration, and not one covered by Building Regulations. The structure will be sited 200mm from the mutual boundary, thereby allowing adequate room for the RWP on the applicants land together with any guttering required.

The introduction or not of fencing for boundaries is not a planning matter with such forms of development as proposed. Property maintenance is not a planning consideration for this form of development.

Whilst not physically linked to the existing dwellinghouse, it is not unusual for there to be detached annex's within the curtilage of properties, and a suitable condition on any approval preventing the annex becoming a separate unit of accommodation would be appropriate.

It is considered that the anxieties of the neighbouring property have been covered above, and it is considered that the application as proposed will not result in detrimental harm to the adjoining residential amenities or the character of the area in general.

Recommendation

APPROVE subject to the following condition(s)

1. Approved plans
2. Standard time limit
3. Not used as separate unit of residential accommodation.
4. Materials in accordance with application form and approved plans
5. No windows on west side or north side (rear) elevation

Informative

1. Approved following amendment

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Eve Hearsey Date: 22.07.2020

Authorised by: Peter Barnett Date: 23 July 2020