Development Management - Delegated Officer Report

Application Number: AWDM/0415/21 Recommendation – APPROVE

Site: 60 Brighton Road, Lancing, BN15 8ET

Proposal: Removal of condition 2 (privacy screen) of permission reference AWDM/2129/20

Date of site visit: visited when considering original application

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a detached bungalow on the south side of Brighton Road, Lancing. An approval for planning permission was granted by planning committee in February 2021 under reference AWDM/2129/20 for "Retrospective application for replacement of horizontal timber screens with painted vertical screens, new balustrade to lower terrace, extended steps from ground to lower terrace and increased lower terrace width (amendment to approved application AWDM/1875/19)."

Condition no. 2 of that permission stated:-

- *"The additional vertical privacy screening on the east side of the lower terrace shall be put in place within 2 months from the date of this permission and shall be retained in perpetuity of the terrace.*
  Reason: In the interests of residential amenity having regard to policy 15 of the Adur Local Plan."

The reason why this current application has been made to remove the condition is that a 2m high fence at the boundary with the neighbouring property at no. 5 Pebble View, Brighton Road, Lancing, has been erected in order to provide appropriate screening between the application site and the neighbour, thereby foregoing the need to provide the screening on the decking as required by the condition 2 of the earlier approval.

Lancing Parish Council: - No objections

Representations:

Support from Cllr McGregor, District Councillor;

- This application puts in place the exact condition I asked to impose for planning application AWDM/2129/20 when I attended the February 2021 planning meeting;
- I believe this option provides far better privacy for the neighbour's garden;

- Additionally, I believe this change will allow the applicant to have more freedom of movement on their terrace and the benefit of improved light in an area which is shaded by the balcony.

Objection from neighbour, 5 Pebble View, 62 Brighton Road

- The fence which has been installed on the boundary to my property is much higher than the 2m limit;
- I live in a basement flat and this fence casts a huge shadow over my courtyard garden which is unacceptable.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework 2019

Planning Assessment

Principle

The proposal comprises upgrading the existing housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

Visual & Residential Amenity

The addition of the condition on the previous application was put on the approval in order to provide a screen to the east side of the lower decking area, This was to satisfy the objections from the neighbouring property that they could see the people walking on the decking over their existing fence and that the users of the decking could see over the fencing into their garden.

The neighbouring property in question, no. 5 Pebble View, is a basement property and is therefore on lower land than the natural ground level of no. 60. The overlooking into/onto/between the two properties was thereby an inevitability because of the juxtaposition of a lower than ground floor property abutting a property which is of naturally higher land. It was clear from site visits that no. 5 could be overlooked from many positions within the grounds of no. 60 and from within the dwelling of no. 60. Users of the garden of no. 60 could always see into the garden of no. 5 Pebble View.

The works that have been undertaken to no. 60 have in many respects reduced the overlooking to no. 5, for example by the provision of a planting bed next to the boundary with no. 5 and by moving the external staircase from the original position close to the boundary with no. 5 over to the other side of no. 60's property, closer to no. 58.

As no. 5 had objected on numerous occasions that they were being overlooked, and that they considered that the overlooking was increased by the decking at no. 60 a condition was attached to the approval to have screening put on the edge of the decking. But notwithstanding that, there was still garden land between the new decking and the boundary to no.5, which, at any point, left views into the garden of no. 5 from persons using the garden at no. 60.

The owner at no.60 has considered that the erection of a 2m fence on their own land very close to the boundary edge with no. 5 would satisfy the overlooking situation better than the screening on the decking some 3m from the mutual boundary.

The owners of no.60 have now done this, as is their right under Permitted Development, Part 2, Minor Operations Class A – gates, fences, walls etc. of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). A subsequent site visit has taken place, and it can be confirmed that the fence has provided a most effective boundary screen which provides a barrier to overlooking onto the adjoining property no. 5.

There are though some negative impacts to the fence onto no.5 in that because they are on land below the natural ground level, the resultant boundary next to no.60 for them is higher than 2m as viewed from no.5 This however, is an expected problem with basement properties, but with regard to the specific perceived problems that no.5 has been experiencing, was the only solution. And furthermore, the fencing will prevent overlooking occurring from no.60 to no. 5 when the strip of garden land next to the fence and between the decking is being utilized.

It is thereby considered appropriate to remove the condition 2 of AWDM/2129/20, as clearly the construction of the 2m high fence alongside the boundary to no. 5 renders the requirements of the previous condition no.2 no longer necessary. A new condition is proposed which secures the fence screen for the life of the terrace.

Recommendation

APPROVE, subject to the following conditions:

1. Approved Plans
2. Fence to be retained

Approved without amendment

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

Case Officer: Eve Hearsey Date: 05.05.2021

Authorised by: Peter Barnett Date: 7 May 2021