Development Management – Delegated Officer Report

Application Number: AWDM/0466/23 Recommendation – Approve

Site: Land West Of 9 Irene Avenue, Lancing

Proposal: Erection of a new single storey detached dwelling with car port on east side and 2 parking spaces. Application to Vary Condition 1 (Approved Plans) of previously approved AWDM/1469/21 to amend plans to include an additional bedroom with ensuite within the roofspace with roof lights to both side elevations.

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: Seen in connection with AWDM/1469/21

Site and Surroundings

This application relates to the rear half of the former rear garden of 9 Irene Avenue. No. 9 was recently sold with only half its rear garden. The site in question is overgrown and has several dilapidated outbuildings on it including a garage in the north west corner and greenhouses adjacent to the access road.

There is an unmetalled access road between Nos. 9 and 11 Irene Avenue which serves the rear of houses between 9 and 73 (odd) Irene Avenue. There is also an access between Nos. 41 and 43. Most of these house have outbuildings/garages in their rear gardens abutting the access road. The access between 9 and 11 is narrower at its entrance and appears less well used than the other.

There is a block of flats to the south of the site, Crabtree Lodge, and the west boundary is shared with the rear garden boundary of the house at 10 Pratton Avenue. This garden is 21 metres deep. Opposite the access road are newer houses north of which is Globe school.

The site is not in a conservation area and is not listed. There are no protected trees on the site but there is a mature, attractive tree outside the north west corner of the plot.

Proposal

Permission was granted in 2021 for the construction of a two bedroom bungalow on this plot (AWDM/1469/21). It would be 11.5 metres deep and 7.5 metres wide, excluding the car port. A 3 metre wide car port would sit between the side of the bungalow and the rear garden boundary of 9 Irene Avenue with tandem parking for 2 cars under it. It is a minimum of 1100mm off the south boundary, 9.73 metres off the west boundary and a minimum 1.4 metres off the north boundary respecting the side building line of No. 9.

It had a hipped roof front to back. It was 2.7 metres high to eaves and 6 metres to ridge.

This application seeks to amend the approved plans to include accommodation within the roofspace. The roof pitch and size of the building will not change. Rooflights are proposed on the east and west elevations.

Relevant Planning History

No. 9

AWDM/0978/21 - Proposed loft conversion (hip to gable) with 3 no. front roof lights, rear flat roof dormer with Juliette balcony and single storey rear extension. Approved.

The Site

AWDM/1469/21 - Erection of a new single storey detached dwelling with car port on east side and 2 parking spaces. Approved

AWDM/0469/23 - Approval of Details Reserved by Conditions: Condition 03 (Materials); Condition 04 (Construction Management Plan) and Condition 05 (Landscaping) of approved application AWDM/1469/21 - approved

Consultations

West Sussex County Council: The Highways Officer has no objection.

West Sussex Fire and Rescue: Evidence is required to show the access route meets the requirements of Approved Document B. A fire appliance requires a minimum width of 3.1m through any narrowing or gateway, 3.7m between road edge or curb, capable of supporting 18 Tonne axial weight and a suitable turning facility provided to enable the fire appliance to turn and make their exit, the current access route is more than 65m, 45m more than a fire appliance should need to reverse to make their exit.
Should suitable access or turning facility not be provided the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard could be used to mitigate insufficient access to the new build property. These systems will either extinguish or suppress a fire sufficiently to enable the attending fire crews to break out additional firefighting equipment to attend your property.

Adur&Worthing Councils: Public Health: No objections

Private Sector Housing: In this case, the upper bedroom is only accessed through the high risk kitchen/dining area

Technical Services: No comments received. Comments on previous application:
Flood risk- The application is within flood zone 1, and the site is not shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds.

Surface water drainage- the application indicates that it is proposed to discharge surface water to soakaway. This is acceptable in principle. Due to the scale of

development we have no conditions to request. Surface water drainage must be designed and constructed in accordance with building regulations.

Southern Water: No objection, usual informatives required.

Lancing Parish Council: Object on design grounds, decision regarding conditions deferred to officers

Representations

4 objections received from occupiers of 11, 31, 41 Irene Avenue, 10 Pratton Avenue:

- Previous proposal for a 2 storey building was rejected
- Access is not a public right of way
- More likely to be a family house, with more cars and disruption
- Fire appliance access not possible
- Rooflights will overlook

Subsequent comment received from the occupier of 10 Pratton Avenue:

I do not want windows overlooking my property
Windows should be on north and south elevations only

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 1, 2, 3, 15, 20, 28, 29, 31, 34 and 35
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

The principle of development can be supported as it creates a new dwelling within the built up area boundary albeit in a backland back garden position. For particular consideration is the impact of the proposals on the character and appearance of the area, neighbour amenity and the highway network.

Visual amenity

There are no other dwellings built in the rear gardens of Irene Avenue or Pratton Avenue and so in the very immediate vicinity this proposal would appear to be out of character. However, many of these properties have large outbuildings at the end of their gardens accessed from the shared access road, indeed there is a garage on site in the north west corner as well as various shed and greenhouses elsewhere.

A recent appeal decision rear of 88 Crabtree Lane is relevant to this case.

Permission was refused for a chalet bungalow in the rear garden of 88 Crabtree Lane last year, AWDM/1953/19 refers, 300 metres away. The development was subsequently allowed on appeal (PINS ref: APP/Y3805/W/20/3260455). In allowing the appeal the Inspector referred to the mixed vernacular of Crabtree Lane and the mixed sizes of surrounding gardens. The Inspector concluded that it would not be out of keeping or character to sub divide the plot as it is not read in the same context as the narrower gardens of terraced houses further to the north not least as they are separated from it by an access road. The same argument must apply in this case too.

Each application must be assessed on its own merits. Approving a bungalow here does not necessarily set a precedent for further houses to be built in the garden of the houses to the north.

9 Irene Avenue is a hipped roof bungalow as are 1- 7 (odd). The design of the proposal would also therefore not be out of keeping and the roof form is not changing as part of this revised proposal. The addition of rooflights does not have a significant visual impact.

Materials proposed in the concurrent approval of details application are timber cladding, powder coated aluminium doors and windows, slate roof tiles and buff multi facing bricks.

Residential amenity

The remaining garden of No. 9 Irene Avenue is at least 13 metres in length. Abutting the rear garden boundary of No. 9 is proposed a car port, which is 2.6 metres in height and extends to the eaves line. The main wall of the bungalow itself is a further 3.2 metres off this boundary. Development Management Standard No. 1 requires a minimum separation distance from the back of one house to the side of a single storey obstruction to be a minimum of 11 metres. This proposal more than meets this requirement.

A single bathroom window faces east towards No. 9. This will be obscurely glazed. Within the roofspace, a single rooflight is proposed on the east side to serve an en-suite. This can also be required to be obscure glazed. On the west side, a number of rooflights are proposed, serving a stairwell and a bedroom. The stairwell rooflight will sit above 1.7m above the floor level and will not result in overlooking. The bedroom rooflights need to be lower to the floor for escape purposes but they have been amended to be designed with two obscure glazed lower windows which are openable and two higher windows above, a minimum 1.7m above the floor. While the objections of the occupier to the west are noted, this arrangement should not result in adverse overlooking. That property has a 21 metre deep garden and the proposed bungalow is a further 9 metres off this shared boundary.

Crabtree Lodge is to the south of the site. It has stacked windows in its north elevation set well back behind the line of the build which overlook the end of the garden. The bungalow will sit forward of the front wall of Crabtree Lodge flats by about 6.2 metres

but at a distance of at least 3 metres. It is proposed due north of the flats. No significant light will be lost and nor will an obstruction to outlook occur.

To the north, the bungalow will be in line with the end of the rear garden of No. 11. No windows are proposed for the north or south roofslopes so no overlooking will occur.

The proposed dwelling will result in a slight intensification of the use of this shared access road. However, neighbours either side are used to vehicles using this access road and the level of intensification is not so great that a refusal could be justified.

Future Occupiers Living conditions

The proposed three bedroom, 4 person bungalow, has a floor area of 105 sqm which exceeds that required by the Technical Housing Standards. It has a rear garden in excess of 160sqm. This garden will be overshadowed by Crabtree Lodge for large parts of the day but does have a direct west facing aspect. The garden will also be overlooked by a flank window in Crabtree Lodge, believed to be a kitchen window. Nonetheless, it is not considered that these points make the proposal unviable or an unattractive prospect for somebody's new home.

The comments of the Private Sector Housing team are noted and an informative will be added to this permission.

Highways

The highway authority does not object to the use of this shared driveway for access purposes to a new dwelling. They consider the parking provision and turning available adequate also. They have raised the issue of whether the access is adequate for fire and refuse vehicles. West Sussex Fire and Rescue has responded but this is a matter that will be dealt with at the Building Control stage. Refuse vehicles do not use this access. It will be for the future occupier to take their bins to the kerbside on the day of collection.

The Construction Management Plan submitted separately has been approved by WSCC Highways.

Drainage

Surface water drainage is shown within the site. Foul drainage is shown to be connected to the existing drains at No. 9. The owner of No. 9 has advised that permission will not be given for this. Neighbours also claim use of the private access will not be granted to the developer. These are private, civil matters and not within the control of the planning process.

Tree

The lime tree outside the site is 10 metres from the building. It is not expected to be harmed at this distance. Other trees on the site are to be retained, as shown in the landscaping plan submitted separately.

Conclusion

This proposal would add create a new dwelling in a sustainable location close to services and bus routes that would not cause significant harm to local character or neighbour amenity.

The increase to a three bedroom dwelling is not expected to have a material impact on the area compared to the previous approved scheme. .

Recommendation APPROVE subject to the following conditions:

1. Approved Plans
2. 3 years
3. Materials as approved
4. Construction Management Plan as approved
5. Landscaping as approved
6. Walls and fences erected prior to occupation
7. PD removed
8. No new windows walls and roof
9. Rooflights to be obscure glazed as shown on approved plans
10. Car and cycle parking, refuse storage and EV charging provided prior to occupation

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. SW sewer connection
3. SW possible sewer on site

Is recommendation contrary to any representations? Yes.

Case Officer signed: Peter Barnett Date: 15 May 2023

Authorised and signed by: Gary Peck Date: 15 May 2023