Application Number: ADC/0411/08 Recommendation - REFUSE

Site: **59 Penhill Road, Lancing BN15 8HB**

Proposal: **One-bedroom dwelling (attaching to sides of No's 57 and 61) on accessway**

The Application

The site comprises the private access way leading to the 'backland' site (known as No.59) behind the pair of semi-detached houses converted to flats (No's 61 & 63) on the road frontage. On the road frontage to the west is a terrace of houses (No's 51-57). No.59 formerly consisted of a warehouse and has been commenced to be redeveloped with a block of 5 one-bedroom dwellings, accessed from another existing accessway further east. Consequently, the present application site is no longer needed to access this redevelopment site at the rear (and is now in separate ownership). The proposed plot is 3.35m wide and 27m long.

The proposal is to infill the gap between the end-of-terrace house (No.57) to the west and the semi-detached house (No.61, now a pair of flats) to the east with a single-storey dwelling plus rooms in the roof served by front and rear dormers. It would be joined to both these houses.

The new dwelling would be 3.35m wide and 8.5m deep with an overall height of 5.4m. It would comprise a livingroom, kitchen and WC on the groundfloor plus a bedroom and bathroom in the roofspace. At the front would be a single parking space occupying almost the whole of the area in front of the proposed dwelling other than a path to the front door.

The application is accompanied by a brief Design and Access Statement which states that the site is in a residential area and the proposed 1.5 storey dwelling would sit comfortably between two-storey houses. It is stated that its footprint aligns with the existing street configuration and acts as a medium between the houses each side, with its ridge below and a front dormer, and materials matching those in the surrounding area. It states there will be a refuse store and a hard landscaped area to the front with one car parking space and some soft landscaping will be added in front of the dwelling (although it is not shown on the plan).

Consultations and Representations

West Sussex County Council: No highways objection subject to provision of cycle parking and a section 106 Obligation requiring payment of £1,080 to sustainable transport improvements in the area.

Adur District Council: The EHO states that the site is likely to be contaminated and a condition should be imposed requiring investigation and, if necessary, remediation.

Lancing Parish Council: Objects on grounds of overdevelopment of the site and a substandard development.

Third Parties: 5 letters have been received. The residents of No's 53, 57 & 61 (groundfloor flat and firstfloor flat) Penhill Road object on grounds that:-

- the accessway is far from disused as it is in daily use by the residents of No's 51, 53, 55, 57 & 61 and is the only access to the rear of the properties for emergency vehicles. The owners of No.57 state that they have lodged a right of prescription with the Land Registry having had uninterrupted access over it since they took possession in 1971. The firstfloor flat at No.61 states that she will have nowhere to put her refuse and recycling bins.
- the accessway is absolutely necessary to gain access to the rear of the neighbouring houses on foot and cycle (and for windowcleaners and to move in large items of furniture) and to maintain its eastern side, including guttering, and conservatory roof. The access beside No.51 is too narrow.
- the proposal dwelling would result in overlooking and loss of privacy and light. Where it projects beyond the building line, it would block light to No.57 from the south east.
- the new dwelling would not be the same style and age as the other houses.
- there are boiler flues and air vents on the sides of the adjacent houses, and a mains water pipe under the accessway.
- the proposal would affect the foundations of the adjacent houses which are both over 100 years old.
- the width of the site is only 3.343m-3.358m between the houses and not 3.75m as scaled from the applicant's submitted plan which is inaccurate (NB. the plan has since been corrected).
- permission was previously refused in 2005 for a development which included infilling the gap between the houses on the frontage NB. this is incorrect as it was only denoted on the plan and did not form part of the application (which was for 20 flats at the rear).

The owners of the development site to the rear have sent a letter stating that they welcome the proposal as it would improve security for the land to the rear (which has suffered 2 recent burglaries) and would enhance their development and the area.

[NB. the resident of No.53 Penhill Road requests to speak at the Committee meeting]

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005) (saved policies): LOC1, NE1, CH1, ERA1, DEV1, DEV4-5
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AH5 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space around New Dwellings and Flats'
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 and ADC 2004)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPS23 'Planning and Pollution Control' (ODPM 2004)

Planning Assessment

Policies

The site is located within a mainly residential part of the built-up area and the proposal constitutes infilling as provided for in both Structure and Local Plan policies. There is no objection in principle to infill development within the built-up area and, in order to meet the housing requirements of the approved Structure Plan and Local Plan, a significant proportion of housing development by way of 'unidentified' small infill sites is necessary.

Structure Plan policies give significant weight to making the best use of land through higher density development provided that the impact on the character of the area and environment is acceptable (LOC1, ERA1, CH1) and subject to policy DEV1 requiring high quality development. Policy NE1 requires the provision of new residential developments of sizes, types and tenures to suit the varied needs of local households and to minimise the need to develop Greenfield sites. Policy DEV4 states (amongst other things) that development should not be permitted unless the travel needs it generates are met. DEV5 states that "Development should not be permitted unless the level of parking is compatible with the need to avoid environmental or safety problems and the need is to encourage walking, cycling and the use of passenger transport where this is or can be a realistic alternative". The explanatory text refers to a transport contributions methodology (now adopted as TAD payments to sustainable transport improvements).

Local Plan policy AH2 relates to new residential development (by way of infilling and redevelopment) and states that new dwellings should be designed so that their appearance, character and scale create a pleasant place in which to live and are in keeping with and enhance the existing local environment with particular attention being paid to architectural form, height, materials, density, layout of buildings and hardsurfaced areas; they do not have an unneighbourly effect due to loss of privacy; daylight/sunlight; outlook or open space, incorporating adequate standards of residential amenity for the new dwellings in terms of amenity space, daylight, outlook and privacy; access and parking provision meets the adopted standards; and they accord with the Council's DC Standard No.2 'Space around New Dwellings and Flats'. AH5 states a presumption in favour of dwellings suitable for small households (single persons, small families and the elderly) as this is the area of greatest demand but regard will be had to the need for a mix of dwelling types in the locality.

Government policy guidance in PPS3 encourages best use of urban land for housing development, particularly affordable housing and a mixture of types to create a balanced community, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient and sustainable use of land without compromising the quality of the environment. PPS1 states:-

> "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

PPS3 also states that Councils should "facilitate good design by identifying the distinctive features that define the character of a particular local area..... ...Careful attention to design is particularly important where the chosen local strategy involves intensification of

the existing urban fabric... .....successful intensification need not mean high rise development or low quality accommodation with inappropriate space.....The density of existing development should not dictate that of new housing by stifling change or requiring a replication of existing style of form.....If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment."

Density, Character and Appearance

Although the plot is quite long, it is extremely narrow, with a width of only approximately 3.4m . The proposed dwelling equates to a net density of 105 dwellings per hectare (dph) which is far above PPS3 guidance of a minimum 30dph. However, the existing adjacent flat conversions at No's 61 & 63 have a net density of 130dph and the small one-bedroom houses commenced to be built at the rear are at 100dph (with floor areas of 60sqm). The adjacent terraced houses No's 51-57 are at 80dph and the newly-built flats to the north east at 85dph.

In terms of character and appearance, it is the narrowness of the proposed dwelling and its siting 'squeezed' between the adjacent houses that are the main concerns. The neighbourhood has a wide mixture of dwelling types but none appears as narrow as this proposal.

As previously stated, the adjacent flats (No's 61/63) to the east occupy a former pair of hip-roofed semi-detached houses. Their design does not lend itself to a two-storey house being squeezed into the gap. It would create a cramped and awkward-looking appearance, the effect on the streetscene being considered unacceptable, particularly when it results in the semi-detached houses being joined onto the terrace of houses to the west.

A simple low single-storey building might be acceptable if it were to fit beneath the eaves line and be set back from the main front elevations so as to appear as a subservient and unobtrusive extension. However, its small size would be such that it would be unlikely to be suitable as a separate dwelling.

The submitted proposal, with its front projection and dormer window in the roof, appears too prominent. Moreover, its design is incongruous with the bay-fronted design of the houses either side, to which it would be attached.

Residential Amenity – for resident(s) of the proposed dwelling

The Council does not have any internal space standards for new dwellings other than in DC Standard No.4 'Flat Conversions'. This cannot be directly applied to the case in question and can only be used as a broad basis for comparison. In this context, it states a minimum floor area of 45sqm for a one-bedroom flat whereas the present proposal is only 39 square metres. This is markedly smaller than the adjacent houses and slightly smaller than the adjacent flat conversions. In terms of room sizes, the proposed livingroom would be extremely small (only approximately 9sqm) and is considered so small as to result in unsatisfactory living conditions for resident(s) of the proposed dwelling. It is well below the minimum 14sqm contained in the above DC Standard for conversions.

Externally, it would have a 45 square metre rear garden (13m long) which is only marginally less than the 50 square metre minimum standard for a two-bedroom terraced dwelling contained in the Council's Development Control Standard No.2 'Space around

New Dwellings and Flats'. However, its usefulness and value is limited by its long and very narrow shape.

Residential Amenity – effect on existing dwellings

The house at No.57 would be affected by the proposed dwelling projecting further at the front (by 1.1m with a height of 2.8m-3.6m), where it would cause some loss of light and outlook to the adjacent front bay window of No.57, and at the rear, where it would partially abut the conservatory of No.57. It would consequently adversely affect the residential amenities of No.57.

Access and Parking provision

The site is in a sustainable location close to central Lancing. The plan shows a proposed front hardstanding to provide space for one car (utilising the existing dropped kerb access). This complies, for a one-bedroom dwelling, with the maximum standard of one car space in the Revised West Sussex Parking Standards, subject to cycle parking also being provided which would also have to be at the front.

Under the adopted Transport Contributions Methodology, also required is a section 106 Obligation undertaking to pay a TAD contribution of £1,080 towards sustainable transport improvements in the locality, to offset the travel demands from the proposed development.

With regard to loss of the accessway and the difficulties this may create for the existing residents in gaining access to their rear gardens other than through their houses or flats, there appears to be an alternative much narrower pedestrian means of access to the rear at the side of No.51 which appears disused. The applicant disputes that there is any right of way and, in respect of No.57 which has lodged prescriptive rights, points out that that property has no access directly onto the site, only via the gate off the narrow rear access path. This matter is essentially a private one between the parties concerned but the proposal may result in residents storing their refuse bins in their front gardens which would have a detrimental effect on the streetscene.

Other matters

The neighbours have pointed out that the proposal cannot be built without relocating and making alternative provision for various services located on the outer walls of their house/flats either side. On the side of No.61 (2 flats), there is a projecting boiler flue outlet (with projecting casing) and 3 air vents flush with the wall, plus 2 further air vents protruding from the ground. On the side of the house at No.57, there is a high level projecting boiler flue, plus 2 pipes projecting from the wall, and part of the guttering of the rear conservatory would have to be removed.
Whether it is feasible to relocate or alter these items is a matter of negotiation between the applicant and the neighbouring owners concerned and the relevant regulations relating to the utilities involved. The applicant's agent has responded that they believe that it would not be necessary to interfere with the boiler flue at No.57 but that the boiler flue of No.61 has no right to be there and the owner will have to move it. The agent states that the services represent an unlawful use of the land and the applicant does not recognise any right for them to be there.
Whilst the issue of services is clearly important to the neighbours, as with loss of the accessway, it is a private civil matter between the parties concerned (and partly covered by other legislation) and not a matter that would justify refusal of planning permission.

Recommendation

REFUSE on the grounds that:-

1. The proposed dwellinghouse would be detrimental to the streetscene by reason of its excessively cramped appearance and by reason of its design which would appear incongruous with the neighbouring buildings to which it would be attached.
2. The proposed dwellinghouse would be of insufficient size to provide satisfactory living conditions for the occupant(s) and would result in loss of light and outlook to the attached house (No.57), and would consequently be detrimental to the residential amenities of the locality.

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