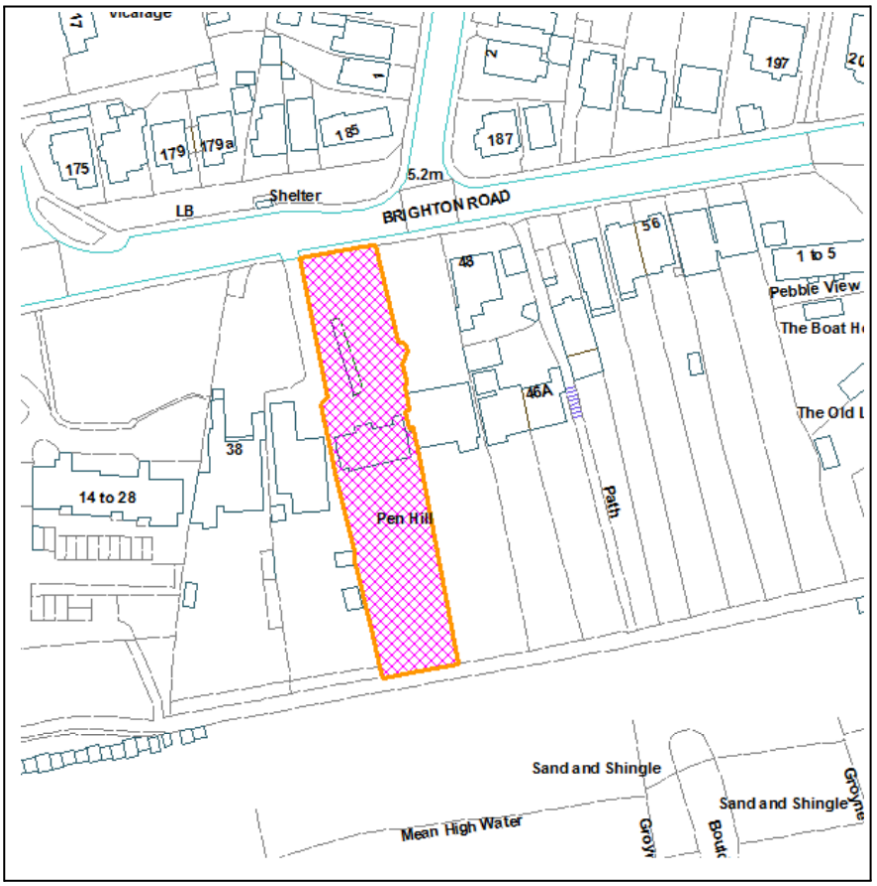
Application Number:	**AWDM/0970/23**	**Recommendation - APPROVE**
Site:	**42 Brighton Road, Lancing**	
Proposal:	**Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Increase in height of house by 0.85m, addition of first floor balconies to front elevation, addition of lightwells to front. Increase in height to garage block by 0.37m; addition of cladding to garden room**	
Applicant:	Mr Bernard	Ward: Widewater
Agent:	Mr Paul Smith - Domus Architecture Ltd	
Case Officer:	Peter Barnett	



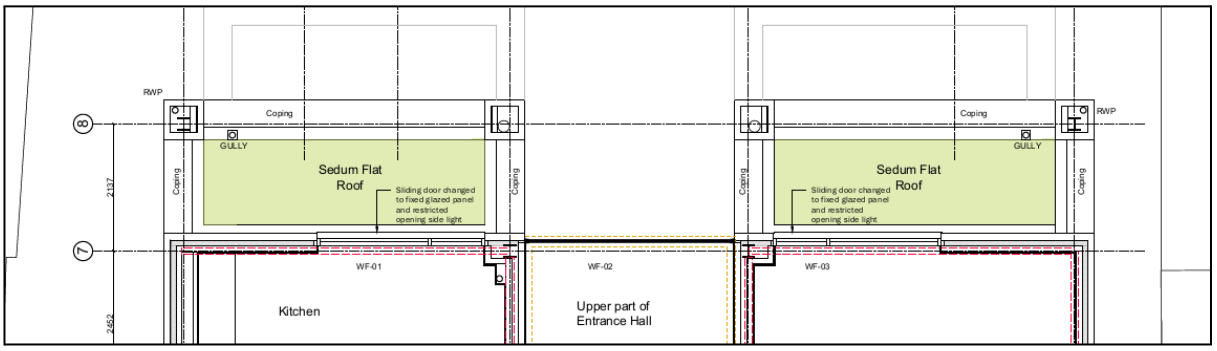
Not to Scale

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Updates since previous Planning Committee meetings

This application was considered by the Planning Committee on 4th March when Members resolved to approve the increase in the height of the dwelling, the addition of lightwells to the dwelling, the increase in the height of the garage block and the addition of cladding to the garden room. They also required the patio doors on the front of the dwelling at first floor level to be replaced with fixed glazing with ventilation, with details to be agreed.

Amended plans have been received showing the patio doors removed and replaced with a fixed glazed panel and restricted side opening light.



This should be sufficient to prevent access to the sedum flat roof and its use as a balcony but further details are required of the extent of the restriction to the opening and this can be secured by condition.

This report is therefore simply to update Members on the receipt of the amendments to the glazing and to seek their approval to these changes. All other matters relating to the house were approved at the March Committee meeting.

The amendments were considered by Members at the meeting on 1st July but the decision was deferred to enable further amendments to be submitted in respect of a separate application relating to landscaping in the rear garden. Those amendments are considered under application reference AWDM/0163/24 which follows on this agenda.

Proposal, Site and Surroundings

The application site is on the south side of Brighton Road backing onto the beach. Planning permission was granted in 2022 for the demolition of an original bungalow on the site and the construction of a 4-bedroom 2 storey flat roofed dwelling (when viewed from Brighton Road) with a lower ground floor at the rear, resulting in three storeys at the rear. At the rear, there was to be a raised terrace adjacent to the house with a lower garden level beyond, leading to a sunken garden room sited towards the southern end of the garden.

At the front a two storey detached garage with guest accommodation above was proposed (AWDM/0923/21). Work is well underway on the construction of the new

house and garage/guest accommodation and it has become apparent that the development is not being built in accordance with the approved plans. This current application seeks approval for a number of amendments, which are set out in the paragraphs below.

According to the planning agent, the amendments arose as a result of building the new house with a steel frame with composite concrete floor decks, which meant that the floor constructions were deeper than originally anticipated. The building could not be lowered further into the ground because of the requirements of the Flood Risk Assessment so the building has become higher by 0.85m. The garage block at the front has also been raised in height by 0.37m.

A number of other changes were identified including the provision of first floor balconies at the front of the house in place of previously approved planted areas and the addition of lightwells to the basement area. During the course of the application, the applicant has agreed to reinstate the planted areas at the front and the use of these areas as balconies is no longer proposed. As reported above, the front patio doors are also to be replaced with fixed/restricted opening glazing.



The neighbouring property, No. 44, has recently undergone its own significant extension (AWDM/1941/21) and is also constructing a detached 2 bedroom dwelling in the front garden (AWDM/1394/21).

A separate application considers the landscaping and changes to the rear garden levels and is reported elsewhere on this agenda (AWDM/0163/24).

Relevant Planning History

AWDM/1288/20 - Demolition of existing bungalow and construction of 2 detached 4 bedroom dwellings over 3 storeys each with detached garages and associated landscaping works - approved but not proceeded with.

AWDM/0923/21 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest

bedroom over and cycle store to the north - approved

AWDM/0776/22 - Application for Approval of Details Reserved by Condition 6 (Drainage) of previously approved AWDM/0923/21 - approved

AWDM/0163/24 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Inclusion of a trellis/privacy screen along the area of terrace next to the sunken seating as part of proposed landscaping scheme - under consideration

Consultations

Environment Agency: No objection subject to a condition requiring development to be carried out in accordance with FRA.

Representations

5 letters of objection received from the occupiers of 38, 40, 44, 191A Brighton Road and a planning consultant representing a resident. Two of the objections have been re-iterated following the receipt of further information.

- Strongly object to the property being any higher
- The building is not in keeping with any properties along the road
- Strongly object to the garage with flat above being any taller as it overlooks adjoining garden and pool
- The description does not include all the changes
- Increase in height is greater than stated by applicant
- House sits significantly higher than the ridge of No.44
- Appears overly dominant and incongruous, detracting from immediate surroundings
- Front balconies are incongruous and alien features
- Rear garden sits significantly higher than that of No.44
- Question whether garden levels comply with approved plans
- A new wall is required, set 1m from the boundary with No. 44, in order to reduce overbearing impacts and to prevent overlooking
- Increase in height of house results in significant overbearing and overshadowing impacts on No.44, particularly to patio area of that property
- New balconies overlook new dwelling approved at No.44
- Increased overlooking to No.44 from raised garage with balcony
- No boundary treatment proposed between site and No. 44
- Landscaping to rear likely to lead to loss of light
- Drainage strategy not approved prior to work commencing
- Levels have not been approved by LPA
- Landscaping works not approved prior to commencement
- Concerns at increased flood risk
- Increased overlooking and loss of light
- Poor standard of care during construction by unneighbourly contractors

Relevant Planning Policies and Guidance

Adur Local Plan 2017 polices 15, 28, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'; No.2 'Extensions and Alterations to Dwellings'
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 (December 2023)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Relevant Legislation

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time the decision is being made in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Visual amenity

The approved plans show a contemporary dwelling which has a very different form to the neighbouring buildings, with a flat roof, 'box' form and extensive glazing. It was shown as being 0.6m taller than No. 44 but has now increased to be 1.45m higher. Its scale and design does make it stand out in its immediate surroundings but its impact is reduced by the two new buildings being constructed at the front of Nos. 42 and 44 which have more of an impact in the street scene.



In the wider context, the three storey flat roofed flats at The Haven to the west remain the dominant feature in the street scene and there is permission to build several houses in front of The Haven which will further change the street scene once built. As such, while of a significant size in comparison with its immediate neighbours, the new dwelling is not considered to cause such visual harm as to warrant refusal.

From the seafront the new house at No. 42 does appear as a large building but it is set back some distance from the seafront path and does not appear unduly overbearing for users of the path. Again, when seen in a wider context, it does not appear overly dominant.



Residential amenity

The increased height of the house does result in a more imposing building but it is not considered that there is significant harm to residential amenity as a result. The extensive glazing and balconies/terraces at the rear of the property were previously approved and are not substantially higher or have a materially more harmful impact than the original plans.



The introduction of balconies to the front had the potential to overlook the new dwelling at the front of No.44 and, following advice from Officers, the plans have reverted to the original design which was a planted flat roof projection in front of lounge and kitchen at first floor level. A sedum roof is now shown for this area and, together with the changes to the glazing, access to this area is restricted. This can be controlled by condition to prevent access or use of the area as a balcony.

As such, there is not considered to be harm to neighbouring amenity from these amendments. The increase in height of the garage/accommodation at the front of the site is considered to be minor and does not result in increased overlooking.

Flood Risk and Drainage

The Environment Agency has previously assessed the works as carried out and had no objection subject to compliance with the previously approved FRA. The Council's drainage consultant has also advised that they have no objection provided there has been no change to the drainage. The surface water drainage details were approved under a separate application for approval of details reserved by condition (AWDM/0776/22). The recent survey has revealed that the ground levels are as shown in the approved FRA and no further details are therefore required.

Garden Levels

In assessing this s73A application it is necessary to review whether any of the original planning conditions should be re-imposed. Condition 10 of the original planning permission (requiring details to be submitted and approved regarding ground levels) was not discharged and the works that have been carried out are unauthorised. This matter is considered in detail in the report elsewhere on this agenda for application AWDM/0163/24. A new condition 16 is proposed below which requires the garden levels adjacent to No 44 to be reduced in height prior to the occupation of the dwelling.

Recommendation

APPROVE subject to the following conditions:

1. Approved Plans.

2. Car parking to be provided.

3. Cycle parking to be provided.

4. EV charging to be provided.

5. Drainage scheme to be implemented as approved.

6. Construction Management Plan to be adhered to at all times.

7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: Flood Risk Assessment Prepared by Ambiental 42 Brighton Road, Lancing, BN15 8JB July 2021 6339) and the following mitigation measures it details:-
   Sleeping accommodation is to be located on the ground floor and above.
   These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
   The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

8. Removal of PD Class A, AA, B.

9. Balcony screens to be installed prior to first use.

10. Obscure glaze side windows.

11. Noise assessment for guest accommodation to be completed prior to occupation.

12. To be carried out in accordance with previously approved energy statement and water efficiency statement.

13. Garage and guest accommodation to be used ancillary to dwelling.

14. No access to planted flat roof areas at first floor at front of dwelling at any time other than for maintenance.

15. The house shall not be occupied until the patio doors at first floor level at the front of the house have been replaced with fixed glazed panels and restricted side opening lights, in accordance with the details shown on drawing no.A2-03 Rev. O received 26th April 2024, and in accordance with further details to be submitted and approved by the LPA clarifying the extent of the opening of the side opening lights.

16. The garden works and landscaping shall be carried out in accordance with the approved plans submitted with AWDM/0163/24; A1-08 C, A3-12 A and A3-13 C. Within one month of the date of this permission a timetable for the implementation of the garden works and landscaping shall be submitted to the local planning authority for its written approval. The works shall be carried out in accordance with the approved timetable and completed prior to the occupation of the dwelling. Written notice must be given to the local planning authority to confirm that the garden works and landscaping have been completed in accordance with the approved plans and timetable prior to the occupation of the dwelling and the local planning authority must be permitted access to the development within 28 days of receipt of the written notice to check that the works have been completed in accordance with the approved plans. The dwelling is not to be occupied until the local planning authority has confirmed in writing that the garden works and landscaping have been completed in accordance with the approved plans, such confirmation to be provided within 14 days of the local planning authority's inspection of the development.