Development Management – Delegated Officer Report

Application Number: AWDM/0296/16 Recommendation – APPROVE

Site: 418 Upper Shoreham Road Shoreham-By-Sea

Proposal: Retention of permanent children's play equipment and pole-mounted sunshades in rear garden (retrospective)

Date of site visit: 15.02.16 (when considering AWDM/1840/15)

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

Permission was granted under ref ADC/0182/09 for the change of use of guesthouse/dwellinghouse to children's day nursery with one-bedroom flat on second floor; single storey east side infill extension and alterations to form twin accesses. This consent has since been implemented and the site is fully functional as a day nursery. The consent has recently been altered to give consent for up to 87 children at the nursery under AWDM/1840/15.

The site as existing has a front forecourt, block paved which allows for two cars at a time to drop off/collect. There is turning space on site. There are no significant changes to the surrounding locality from the date of the original consent, this remains a predominantly residential area and the main Upper Shoreham Road is a busy main route through Shoreham. It is a wide street with available off street parking no both sides.

When the case officer visited the site to assess the proposal to increase the numbers of children at the nursery it was noted that the rear external play area/garden was well equipped with permanently fixed play equipment, wooden structures and ancillary landscaping. An application was invited retrospectively for these works, the current application seeks permission for the following: -

A wooden play house
Woodland seating
Tree with swing
3.2 metre high poles for suspended sun shades in two area
Shed/play store
Timber bridge
Timber climbing frame (fort) up to 2.8 metres high
Wooden tepee 2.8 metres high
Wooden planters and ground level play equipment/plastic/wooden
Further ancillary permanently fixed play equipment.

Consultations:

Adur and Worthing Councils: - The Environmental Health Officer has no objections to the application.

Representations: None received.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, ACS1, ACS5, AH6
National Planning Policy Framework (CLG 2012).

Planning Assessment

Principle

Consent for the nursery has been granted in 2009 subject to conditions and amended by AWDM/1840/15. The matter for consideration here is the impact of the physical structures in the rear garden area by means of their physical presence and also their impact when in use by the children using the play area. Consideration is given to all the existing structures and equipment. No new play equipment or structures are proposed.

Residential amenity

The main properties to be affected by the rear garden area of the site are nos. 420 and 416 either side of the site and nos. 41, 43 and 45 Adur Avenue to the rear. All of these properties have been notified by letter of this application and no comments or objections have been received. At no time since the equipment has been installed have any complaints been received regarding the equipment and its use by any adjacent occupiers.

Most of the play equipment within the site is enclosed and screened by the surrounding wooden close boarded boundary fencing. Which to either side is between 1.6 and 1.8 metres high and at the rear is 2.4 metres in height. The ground level increases to the north therefore the fence is higher to the rear. Low level picket fencing is used to define and enclose areas within the garden for different age groups.

Two wooden shed/play house style buildings are adjacent to the western boundary these exceed the height of the boundary fence. These are however of modest scale and are no different to a standard garden shed being adjacent to a boundary. These do not result in any loss of light or overbearing impact to the occupiers of the adjacent dwelling.

Adjacent to the rear (north) boundary of the site is a wooden climbing frame with platforms. This has two ‘towers’ one 2.5 metres and 2.8 metres maximum height. The high level platforms which the children can access are 1.4 metres and 1.1 metres from the ground. The platforms are enclosed on three sides and with a flat

roof and therefore any children playing although there are at an elevated height adjacent to the boundary they do not have the ability to directly overlook the garden to the rear. A condition is attached to ensure that this is the case. Part of the structure does exceed the height of the boundary fence and would be visible to neighbouring properties yet there is some screening by mature trees beyond the rear boundary. The visible structure would not result in loss of privacy, loss of light or overbearing impact in this case.

There are 6 tall poles within the garden 3.2 metres in height. These remain in place at all times however a canvas sunshade is suspended between them to create shade for the children. These poles are silver in colour and slim, yet they are clearly visible and would be seen from neighbouring properties. Yet they would not result in any loss of light or overbearing impact.

Character and appearance

It is considered that the existing structures and equipment are suitable and appropriate to a day nursery with a large external space.

The poles mentioned above are high at 3.2 metres and are visible outside the site. Yet it is felt that this type of structure along with the other equipment and structures would not be out of place in this case. These would be acceptable to a lesser degree in a purely residential area, where less external paraphernalia would be the norm. The poles when considered in the context of the site as a whole are acceptable on balance.

Recommendation

APPROVE

1. Permission is granted retrospectively in accordance with Drawing no. 1411-20A – received 3rd March 2016.

Reason: - For avoidance of doubt and in the interests of proper planning.

2. The two platforms on Item 4 hereby permitted retrospectively shall each remain enclosed on three sides and with a flat roof not exceeding 2.8 metres and 2.5 metres as shown on the approved plans: - Drawing no. 1411-20A – received 3rd March 2016.

Reason: - To avoid overlooking and to protect the residential amenities of the occupiers of the adjacent dwellings.

<u>Informative</u>

1. The applicant is advised that any additional external play equipment, structures or otherwise will require planning permission. Consent should be sought prior to installation of any such equipment.

2. The applicant is advised that Condition 3 of ADC/0182/09 should be complied with at all times. This limits that number of children able to use the garden at any one time to 20.
3. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Hannah Barker Date: 25th April 2016

Authorised by: Jo Morin Date: 26.04.2016