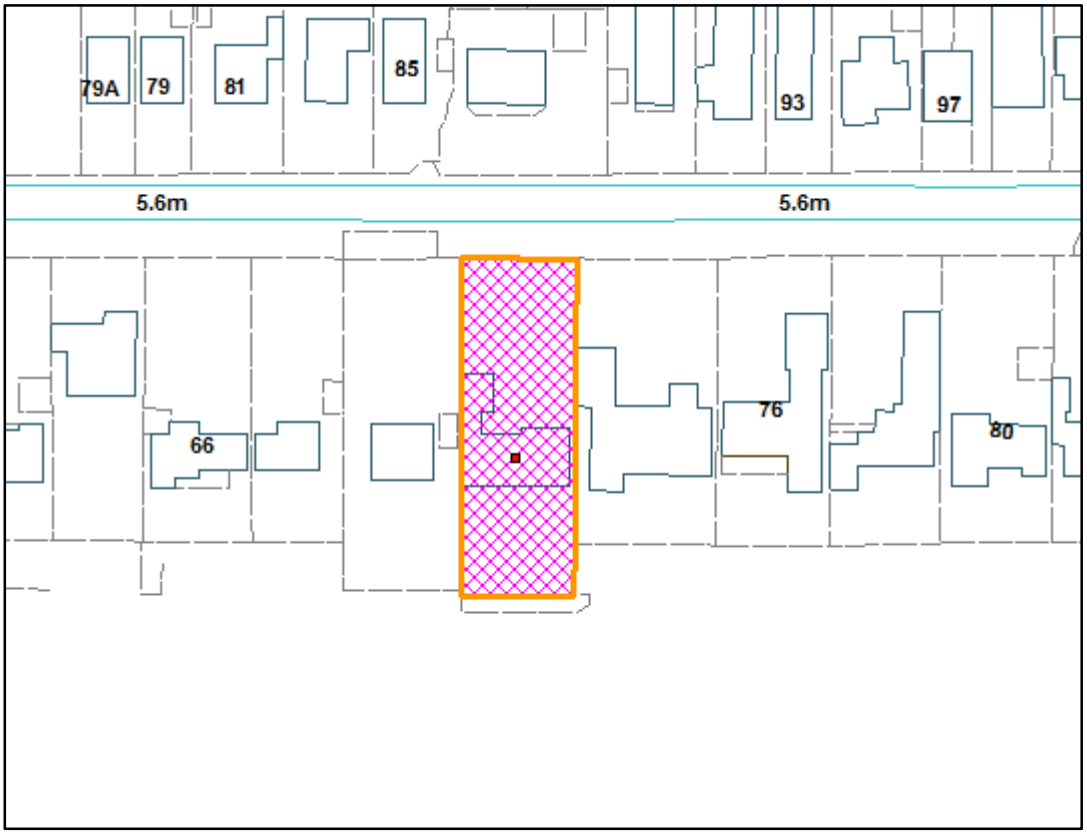
Application Number: AWDM/0464/18 **Recommendation – APPROVE,**

Site: **72 Old Fort Road, Shoreham-by-Sea**

Proposal: **Demolition of existing dwelling and outbuildings and erection of new replacement, two storey dwelling with balconies to front and rear, two detached garages to front and patio to rear.**

Applicant: Mr & Mrs Tony And Michelle Ritchie
Ward: Marine
Case Officer: Hannah Barker



Not to Scale

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Proposal, Site and Surroundings

The application relates to a detached two storey dwelling with tiled, gable roof, glazed entrance porch with steps up to the entrance and detached, hipped roof garage building to the property frontage. The property has an existing single storey section to the side, adjacent to the western boundary which projects forward towards the front of the site. It is understood that this single storey part of the building is a separate annex, with provision for kitchen, dining, bedroom, bathroom and reception room. The plans show the main part of the house to be of conventional style with

ground floor living accommodation and four bedrooms at first floor. The conservatory extension to the rear has been removed since the initial site visit.

As with other properties on the southern side of Old Fort Road the dwelling is set back from the highway with a large driveway and parking area. There is an existing swimming pool and pool building in the rear garden with the beach beyond.

The site is approx.18.5 metres wide and 57 metres in depth.

Permission is sought to remove the existing dwelling house and garage and for the erection of a new two storey detached dwelling house with two detached garage buildings to the front of the site.

Since the original submission two sets of amendments have been received showing the overall footprint of the building reduced, slight height reduction in roof and chimneys, reduction in eaves depth, alterations to the use of materials, changes to the rear first floor to reduce roof overhang with balcony and screens, set back of first floor of building at front.

The scheme as amended is for determination and consideration here. The plans show a large, uniform building with recessed covered porch, front and rear balconies with two symmetrically positioned garage buildings to the front of the site. The building has a width of 15.45 metres and depth of 13.9 metres including the balconies. The building is shown with two full storeys and a hipped roof, two chimneys are proposed, these are more visible from the rear as they are set down on the rear roof slope although they will exceed the ridge by 0.4 metres. The ridge height is 8.2 metres. The plans show this slightly lower than the ridge of the existing building. Generous living space is provided with 4 bedrooms with ensuites at first floor with a large landing. At ground floor there is proposed kitchen/dining space, living room, study, utility, cinema room and hall. The front first floor balcony faces north and is above the entrance. To the rear a balcony runs the full rear width of the building facing south. The balcony is 1.2 metres in depth and is shown with glazed balustrade. 1.8 metre high privacy screens are on the east and west end of the rear balcony.

The materials proposed are unusual and will contribute to the original design and will result in a striking appearance. The building does not replicate any other building form, design or materials nearby and like many other dwellings on Old Fort Road is considered to be a statement building, developed from the desires of the applicant.

At ground floor blue stone is proposed with white brick at first floor with white mortar, the roof is proposed to be natural blue slate and windows timber framed in dark grey.

The agent's Design and Access statement (as revised) states the following in describing the proposal *"The layout of the house is classical. The house is symmetrical from the front and rear. Any alterations to accommodate the floor layout is expressed on the side elevation so that the front and rear elevations can remain symmetrical."*

The site is within Flood Zone 3, the applicant's agent has submitted a Flood Risk Assessment with the application. To accompany this the agent's Design and Access

Statement states: - *"The ground floor has been elevated by 500mm to overcome flood risk. This measurement is taken from the average site level of 6 m above sea level. The ground floor is therefore set at 6.5m. Environment Agency data confirms the flood risk level in the year 2115 is 6.19m (above sea level). EA recommend new build ground floor level being 300mm above the flood risk level. The existing sill height of the front door is 6.31 and the back door is 6.32. It can therefore be demonstrated that the proposed ground floor is 185 mm above the existing ground floor level. Through good design we have therefore mitigated the risk of flooding with a minimal increase in floor level."*

The formal consultations response from the Environment Agency is set out below.

Comparing the proposal to the existing building at the site with regards to footprint and scale the ridge is no higher than existing. The bulk, scale and footprint are increased from that which exists on site. The building extends further to the north (front) of the site than the existing by 3.6 metres at first floor and 2.7 metres at ground floor, not including the front canopy porch which is an additional 1.9 metres. The building is set in from the properties either side further than the existing building, yet the height is increased adjacent to the boundary particularly to the west adjacent to no. 70 where there is currently a single storey section of building. This will be increased to the full two storey height.

It is noted that the boundary lines are disputed by the adjacent neighbours and Officers have been advised that the boundary shown on the plans are incorrect. Officers have raised this issue with the applicant's agent and he has advised that this would be resolved prior to commencement of works. Under the Party Wall Act, details of work adjacent to existing boundaries must be discussed and agreed between neighbours and the agent has stated that there is no intention to move any boundaries, *"Please note that on the west side we are intending to build a new wall entirely on the application site where a boundary will be missing as a result of the demolition. All boundaries will be respected."*

Although currently the exact boundaries are not clear, this is not considered to affect the assessment of the proposal. This is a civil matter to be discussed and agreed by the relevant parties. The submitted ground floor plan shows the 'existing physical boundaries' marked i.e. the existing walls between neighbours and the site. Distances are shown between the proposed building and these physical structures. 1.6 metres is shown between the proposed garage on the eastern side of the property frontage and the existing wall at No. 74. There is a distance of 1.85 m shown between the new building and the existing wall between No.74 and the application site. Similarly 1.87 metres is shown between the front corner of the proposed house on the western side and the existing neighbouring garage at No. 70. Therefore, for the purpose of considering this proposal it can be seen the proposed spacing between the proposed development and adjacent properties. An appropriate assessment of the visual impact upon the street scene and residential amenity of neighbouring properties can be made. The existing (single storey at the front and two storey at the rear) building at No. 72 is abutting the side of No. 70, this set in will be increased to 1.87metres at the front as stated above and to the rear the distance between the buildings will be 2.6 metres.

The building design includes deep eaves as a feature and the revised plans show a further reduction in depth of these eaves to 0.7 metres overhang.

The plans do not give any details with regards to hard or soft landscaping to the rear other than a patio area being shown leading from the ground floor of the existing house. The frontage is shown with a gravel driveway with centrally positioned electronic gates with planting either side. The vehicular access is to be moved to a central position to compliment the symmetrical design of the new development.

Relevant site history

First Floor Side Extension, Infill Extension To Garage & Formation Of Pitched Roof To Garage - SU/134/98/TP

Detached Triple Garage At Front (Existing Garage Converted To Bedrooms With Front Bow Window); And Firstfloor Extension On E.Side - SU/142/00/TP

Pumphouse (For Swimming Pool) At Rear (Retrospective) - SU/84/01/TP

Consultations

West Sussex County Council: The **Highways** Officer does not consider that this proposal would have a severe impact on the operation of the highway network therefore is not contrary to the NPPF and that there are no highway capacity or safety concerns to resist the proposal. The VCO is shown on the plans as 8 metres in width, this should be a maximum of 6.4 metres. Boundary treatments to the front of the property should be no higher than 0.6 metres which will enable sufficient pedestrian visibility at the site. If the LPA are minded to approve the application the following conditions should be secured: - Access, vehicle parking and turning, cycle parking, informative - vehicular cross over - Minor Highway works.

The ***Private Sector Housing*** Manager has no objections.

Environmental Health: - Contaminated land a precautionary condition and PFA informative are recommended.

Environment Agency:
"We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk and we would wish to object to the application. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (March 2018) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2018) and the following mitigation measures detailed within the FRA:

- *Finished floor levels are set no lower than 6.60 metres above Ordnance Datum (AOD).*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason To reduce the risk of flooding to the proposed development and future occupants."

Southern Water: Recommends informatives

Representations

Original Plans:

Objections received from owner/occupiers of No. 70 Old Fort Road

- Errors on plans – boundary shown incorrectly to benefit of client. Plans will not benefit us as inferred in supporting evidence.
- Loss of light to dining area due to increase in height of building, eaves.
- Loss of light to art studio (employment space)
- Loss of light to landing corridor
- Raising the ground floor due to flood risk – No flood risk on Old Fort Road. No. 83 ticked no. to flood risk. No. 44 built down. Nos. 96 And 28 no flood risk.
- Misleading, steps up to the front.
- Building volume – incorrect – existing annex.
- Data misleading – significant increase in accommodation, roof volume not included, roof could be converted.
- Overlooking loss of privacy to rear patio/sunbathing area by veranda, veranda would overlook bedrooms.
- Eaves should be reduced and serve no purpose.
- Tarmac and tree details incorrect.
- Confusion over swimming pool and building that would be required. No information given.
- No details given as to how the rear of the building will be improved.
- No details given as to the intentions of the owners. No communication.
- Impact upon the historic property, pre war, overbearing.
- Change welcomed but more spacious development should be achieved.

Objections received from owner/occupiers of No. 74 Old Fort Road

- Loss of light to dining room, the building will be closer and darker, large overhang.
- 1.4 m gap but does not take into account eaves measurement.
- Overlooking – rear garden raised therefore would need privacy protected, fences and obscured glazing.
- Chimneys increase height of development and are imposing.

- Misleading calculations relating to increase in scale and volume of property, detrimental to the overall impression of the property.
- The development will not be neighbourly as stated by the architect.
- Errors in the plans.

Objection received from owner/occupier of No. 87 Old Fort Road

- Massive development has taken place on the beach over the years.
- Concern is the massive size of the proposal.
- No improvements and overbearing to properties either side.

Objection received from owner/occupier of No. 85 Old Fort Road

- Monster building
- Unneighbourly
- Too high

Objection received from owner/occupier of No. 81 Old Fort Road

- Design, overdevelopment

Objection received from owner/occupier of No. 68 Old Fort Road

- Design, overdevelopment, privacy light and noise, trees and landscape.
- Over develop the site and over shadow adjacent properties.
- Over development has already taken place on the foreshore. Something I know the council are not keen to replicate.

Amended Plans (includes comments relating to both sets)

Objection received from owner/occupier of No. 70 Old Fort Road

- Previous comments objections still stand comments are in addition to those already made. There are still no representations in favour of this project.
- Architect has not visited either property to understand the issues raised.
- Insignificant amendments
- Main issues in original objection totally ignored.
- Boundary issues, incorrect 2 metres wall or retain existing wall.
- Loss of light welcome change in materials but building impact still same.
- The size and shape of the building needs to be changed significantly to be anywhere near to resolving the loss of light issues but unfortunately this has failed to happen.
- Height of building not justified.
- Remodelling of house could take place.

Objection received from owner/occupier of No. 74 Old Fort Road

- Continue to object, amendments have not addressed any of the issues raised. See previous objection letter. The amendments are token.

- Loss of light to side of property.
- Overbearing
- Overlooking/privacy
- Design
- Best way to improve this is to drop the symmetrical design in favour of a design that is more sympathetic to neighbouring properties.

Relevant Planning Policies

Adur Local Plan (2017) Policy 15, 21, 37
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Space Around New Dwellings and Flats'
National Planning Policy Framework (March 2018)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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

Principle

The proposal comprises replacing the existing dwelling 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, design and the effect on the character and appearance of the area. Flood Risk and highway issues are also for consideration.

Visual amenity

The proposed dwelling will be another addition to the already rather eclectic street scene in Old Fort Road. New replacement dwellings and older style buildings sit side by side, all varying in style and use of materials to form the very unique character of this locality. To the east is No. 74 a chalet style bungalow with garage to the front and to the west is No. 70 which has merit due to its history, it pre-dates the 2nd World War and is an example of art deco design.

The design and individual style of the dwelling proposed here has been developed by the architect and his client. It is not considered that the specific style or design can be questioned and it is not considered that there would be any grounds for refusal based solely on the overall design of the dwelling proposed as the street comprises so much variation. The use of contrasting materials in the form of a blue finish and white brick, again does not follow any existing materials but given the existing variation in materials brick, colour and render this variation is acceptable.

The key consideration here is how the development fits in scale, height and proportion in relation to adjacent dwellings and surrounding, existing development.

The agent's Design and Access Statement describes the proposed design, "The clients design brief is to design a house that would be classical and elegant. Many examples of classical villas were considered although a scholarly 'pastiche' design was considered not to be complimentary to Shoreham Beach. Influences from 'Caribbean' residential architecture were considered and a number of design principles became important to the appearance of the house." These are listed in the supporting document and include large eaves, symmetrical chimneys, covered entrance porch, symmetrical rear and front elevations, windows that have the proportions of classical sash windows and an elevated ground floor.

The applicant's agent has provided justification for the raised floor levels and necessary height of the building due to Flood Risk issues. The site is located in Flood Zone 3 and as a result the EA do require finished floor levels to be a minimum of 6.60 above Ordnance Datum (AOD). However purely in terms of street scene, character and visual amenity the height of the building is consistent with the surrounding locality and does not represent an unusually tall building within the street, the height increase is only greater as a result of the chimneys which have been lowered from those originally submitted in the latest revision. In design terms the building is two storey with a hipped roof and it is not considered to be out of keeping here in form or height. The eaves height is lower than the adjacent flat roof at No. 70. A condition is attached to remove permitted development rights so that further additions to the roof cannot be carried out without prior approval from the LPA.

The space to each side of the dwellings is considered sufficient to avoid a visually cramped form of development when viewed from the street. Space exists between the buildings which is greater than existing, despite the scale and bulk of the building being greater. The proposal does not represent overdevelopment and is not significantly detrimental to the character and appearance of street scene or surrounding built environment. There would not be sufficient justification for refusal here in terms of visual amenity in the light of the overall character of Old Fort Road.

The proposed garages will not project beyond the line of the garage to the east and would be approximately 14m from the road. The garages are not considered to be unduly prominent or out of keeping.

Residential amenity

Six objections have been received from local residents in total including the neighbouring dwellings either side of the site. The objections still stand following the various amendments to the scheme.

The building proposed would be an increase in scale and footprint from that which currently exists. There would be increased impact upon the adjacent neighbours in terms of loss of light and some overbearing impact. However, it is considered that the loss of light and outlook which would result would not be so significant to warrant a refusal of the scheme in this case.

In the case of No. 70 to the west, there is currently a single storey section of existing dwelling adjacent to this boundary. This would be increased to two storey, therefore there will be an increased bulk and height of the building adjacent to this boundary. There are side windows at No. 70 which would be impacted. A ground floor side window serves a kitchen/ dining area, there is currently no outlook from this window as it faces onto the side wall of No. 72 within a narrow alley. Yet some limited light is received here due to the adjacent building being single storey adjacent to the boundary. The increased height of the building adjacent to the boundary will reduce light further, however, on balance it is not considered that a reduction of light to this area of already limited light and no outlook would give rise to sufficient justification for refusal here. There is a larger dining area to the rear of the dwelling, facing south with significant light and outlook.

The owner of No. 70 uses a ground floor room as an artists studio, the main part of this room faces south with light and outlook directly toward the beach. To the rear of this space is an ensuite bathroom facility with obscurely glazed window facing to the side toward the boundary with the application site. This space is used for mixing of paints and ancillary uses to the artist's studio area. As above this space is served by a side window which faces onto the side alley with no outlook and currently limited light which will be further reduced due to the increased height of the adjacent development. Again this impact, although acknowledged, would not justify a refusal of the scheme. Light and outlook would be received to the main part of the studio from the rear, south facing full height glazed door and side window. It is not considered that the loss of light to the ensuite facility would justify a refusal here.

At first floor at No. 70 is a side landing window this provides light to the corridor which runs along the full width of the first floor. The increase from single storey to two storey adjacent to this boundary will impact upon light received here but this window serves a landing and therefore loss of light to this space would not warrant a refusal.

The revised plans have shifted the development from the boundary increasing the spacing between the side windows and the new building, this combined with the change in use of materials has improved the scheme from that originally submitted. It is acknowledged that impact remains but not to the extent that a refusal of the scheme could be justified.

There are side windows at first and ground floor which will face onto No. 70 these are to be fitted with obscure glazing and be non-openable with the first floor windows with top opening fanlights only. Therefore no loss of privacy will occur. The balcony sides to the rear are to be fitted with privacy screens balconies which are commonplace on the beach and would not affect residential amenities detrimentally in this case provided the screens remain in place. A condition is proposed to deal with this issue. The front balcony is set in from the side boundaries, however, in the interests of neighbourliness a condition is also attached to ensure that balcony screens are in place at all times. As none are shown on the plan the condition requests details to be submitted and approved prior to occupation.

It is not considered that the new development will result in any overlooking of loss of privacy to the occupiers of No. 70. As above the side windows will be obscurely

glazed and non-openable as per the attached condition and the same applies with the balcony privacy screen.

There are side windows at No. 74 which serve a deep (north to south) open plan dining space and lounge area. This space also has a north aspect with the main kitchen window to the front and open aspect to the south from the lounge. Additional light and outlook is received from the two side windows. The additional depth of the building being set further forward than existing will remove some of the light and aspect to the side window serving the dining area. Despite the revised plans reducing the depth at first floor by 1 metre there will still be some impact. This impact is acknowledged, however light and outlook will still be received to this open plan area with the main aspect to the south through the lounge area.

On balance, the loss of light and outlook here would not have such a significant impact to warrant a refusal of the scheme in this case. It should also be noted that despite the increased depth and impact on outlook there remains a distance in excess of 4 metres between the windows impacted and the new building, which is a greater distance than already exists. The side elevation of the existing building at No. 72 is finished in light coloured materials. It is considered that any further development here should be in light materials also to limit impact. Despite the proposal being shown to have a blue finish at ground floor it is considered that the side elevations of the new building should be finished in lighter materials to lessen impact to both adjacent neighbours. A condition is attached to require samples of materials to be submitted prior to commencement of development.

There is concern that the change in levels to the rear patio area and side passage/access as a result of the development will give rise to increased levels to the rear resulting in overlooking to adjacent amenity space. A condition is attached to require that prior to commencement of works details of levels and sections of the proposed hard landscaping be submitted and approved, along with details of boundary treatment to be submitted and approved. This will ensure that boundary treatment of the correct height is to be installed on the agreed boundaries prior to commencement of works. This would help ensure that no loss of privacy will occur here between properties.

In addition the owner of No. 74 is concerned how they will access their side garage windows for maintenance if a boundary wall is built adjacent. Whilst this concern is appreciated, a new garden wall could be built up to 2 metres in height under permitted development rights.

Parking and Access

As set out above there are no objections to the development from the Highway Authority subject to the conditions and informatives being attached. There would be sufficient off street parking and cycle parking provision. The width of the vehicular access should be reduced in line with the advice and this is conditioned.

Flood Risk

The Environment Agency has no objection to the development subject to the condition set out above and attached to this recommendation.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Samples of materials to be submitted side elevations should be of a light coloured material to protect residential amenity.
4. Removal of PD including outbuildings/loft
5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2018) and the following mitigation measures detailed within the FRA:
   Finished floor levels are set no lower than 6.60 metres above Ordnance Datum (AOD).
   The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
   To reduce the risk of flooding to the proposed development and future occupants.
6. Hours of work
7. No development shall take place until details of hard landscaping proposed to the rear and side of the dwelling have been submitted and approved, including, levels and sections at the rear and side to include the proposed patio and any side pathways.
8. No development shall take place until details of means of enclosure including heights, sections and finish have been submitted to and approved by the LPA. The approved boundary treatment shall be installed prior to commencement of works and shall remain in place at all times during construction and once development is complete this shall be maintained as agreed at all times unless otherwise agreed in writing by the LPA.
9. Obscure glazing, east and west non openable windows opening fanlights at first floor.
10. Balcony privacy screens front and rear balconies.
11. No part of the development shall be first occupied until such time as the parking and vehicular access has been constructed to a maximum width of 6.4m. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the submitted plans, this includes garages for vehicular and cycle parking. These spaces shall thereafter be retained for their designated use.
12. Front boundary treatment shall not exceed 0.6 metres to not restrict pedestrian visibility.

<u>Informatives:</u>

1. The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to arrange for the Access Protection Line

(APL) to be extended across the existing dropped kerb access point on to Old Fort Road.

2. PFA

3. Contaminated Land

4. *Vehicle Crossover – Minor Highway Works*
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission goes not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/
Online applications can be made at the link below, alternatively please call 01243 642105.
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

5. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

6. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House,Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or
www.southernwater.co.uk. Please read our New Connections Services Charging
Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructurecharges.

7. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

8. Proactive with amendments