Development Management – Delegated Officer Report

Application Number: AWDM/1041/23 Recommendation: APPROVE

Site: 90 Brighton Road, Lancing, West Sussex

Proposal: Alterations and extensions to building including rear dormer to form 2nd floor and sub-division of the building to create 2no. 3 storey dwelling houses.

Date of Site Visit: 5th September 2023

Proposal, Site and Surroundings

The application site is a two storey semi detached dwelling house on the south side of Brighton Road Lancing. The building fronts the pavement onto Brighton Road and to the rear levels drop to the Eastern Sands Holiday Park where static mobile homes are positioned directly to the rear of the site. Beyond this is the beach. Brighton Road comprises a diverse collection of dwellings with different building scale and height, design and use of materials. There has been evolution of development overtime giving rise to an interesting and varied character. Many buildings on the south side of the road are three storeys in height. The attached dwelling is the same height as the existing application site however the adjacent dwelling is narrower and the roof form differs. The applicant's agent states in the submitted Design and Access Statement that these buildings have a very different character. The flats to the west are three storeys comprising five blocks of flats with garaging at ground level.

The dwelling currently has two garages, a bedroom, kitchen and two stores on the ground floor. At first floor a further three bedrooms, bathroom, two living rooms and a conservatory and loft storage in the roof. There is a small rear garden.

Consent is sought to alter and extend the existing building to create 2 no. residential dwellings. A second storey is shown added by removing the existing hip and adding a gabled roof with rear dormer extension. The levels are to change throughout the side with the ground floor below ground level to the rear. 2no. three storey dwellings would be created. Single storey rear flat roof extensions are proposed with sliding doors to match those above on the dormers. Solar panels are proposed on top of the roof and velux windows are proposed to the front roof slope. Contemporary materials are to be used, timber cladding and render. The appearance of the building is to be upgraded and remodelled.

The new dwellings both have a gym, study and bathroom on the ground floor. The eastern dwelling benefits from the existing parking space. Amended plans show the main entrance of this dwelling moved to the front to avoid obstruction of access by a

parked vehicle. Both dwellings on the first floor have two bedrooms, W.C and kitchen and living space in the roof on the second floor formed from the dormer. The original plans showed roof terraces and a deeper single storey extension adjacent to the attached neighbour. The extension is reduced to 3 metres in depth and the terraces have been removed and replaced with juliette balconies. Privacy screens have also been added to protect the adjacent occupiers from overlooking due to the full height window.

Consultations:

Adur and Worthing Councils: Environmental Health: -

As the development site is immediately adjacent to the busy A259, the proposed development should contain adequate acoustic protection from traffic noise. The proposed plans show bedrooms to the front of the site and these are likely to be the rooms that will
require such protection. Therefore I request the following be attached as a condition to any permission granted.

Construction work shall not commence until an acoustic assessment has been submitted to and agreed by the Local Planning Authority in respect of the exact noise exposure of the dwellings to traffic noise and an allied scheme prepared to protect habitable rooms from excess noise in relation to British Standard BS 8233: 2014.
Reason: To protect future residents form excessive traffic noise from Brighton Road in accordance with the National Planning Policy Framework and policy 34 of the Adur Local Plan.

In addition the following should be attached as conditions.

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Reason: To safeguard the residential amenity of the area.

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate, but not necessarily be restricted to the following matters:

the anticipated number, frequency and types of vehicles used during construction, the method of access and routing of vehicles during construction, HGV construction traffic routings shall be designed to minimise journey distance through the Councils Air Quality Management Areas (AQMA's), the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the Development, the erection and maintenance of security hoarding, a commitment to no burning on site, the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), methods to control dust from the site, a commitment to following BS5228:Code of Practice for noise and vibration control on construction and open sites, details of public and neighbour engagement both prior to and during construction works.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

Private Sector Housing: - No objections

National Highways: - No objection

The Environment Agency: - **Original comments**: - In the absence of an acceptable Flood Risk Assessment we object to this application and recommend that planning permission is refused.

Revised comments: - We are satisfied that our previous objection (as per our letter dated 11 August 2023) can be removed provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Condition

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 16542/01/HOP/RPT/01, V2.0, dated 22.08.2023, by HOP

Consulting Limited) and the following mitigation measures it details:
• There shall be no habitable rooms on the ground floor.
• The first-floor finished floor level shall be set no lower than 5.8 metres above Ordnance Datum (AOD).
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.
Reason: To reduce the risk of flooding to the proposed development and future occupants. The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.
Please notify us immediately if you are unable to apply our suggested condition to allow further consideration and advice.

West Sussex County Council Highways: -

Access

Within the original plans submitted the pedestrian access to the dwelling was within the covered parking area to the east of the site. This potentially causing a hazard when the parking area was in use. The access to the dwelling has subsequently been moved to the front of the building to satisfy this concern.

The existing dwelling is served with two parking locations. The garage/car port to the east of the site is substandard in size to meet current WSCC guidance on garage spaces. The standard for a garage is currently 3m x 6m to adequately serve a single vehicle with space for cycle parking. Currently the dimensions show a much narrower arrangement. A second garage has been created to the western side of the site which facilitates an average sized vehicle. This space appears consistent with WSCC current standards though this garage is to be lost from the proposal. From observing local mapping data it appears that there is no vehicular crossover serving the larger garage, therefore meaning vehicles would currently be required to illegally bump the kerb to use the garage. Another observation is that the presence of a gate at the property boundary here also requires an obstruction of the Publicly Maintained Footway during its use and would result in pedestrians diverting into the highway. The proposal would require the closing off of the existing gated access which would pose a benefit to the Publicly Maintained Highway.

Parking and Capacity

From observation of the WSCC Parking Demand Calculator, the proposed development would generate the requirement for 4 parking spaces, 2 per dwelling. On street parking bays are present along Brighton Road and there are means of protection to prevent parking in unsafe locations within the adjoining highway network. Junction protection is present on adjoining roads of Brighton Road which also deters unsafe parking in key locations. The proposed parking area outlined

within the plans is considered substandard in dimension, a parking space is required to meet a minimum of 2.4 x 4.8m to serve an average sized vehicle. The LHA consider however that the parking space is an existing arrangement and has served the dwelling for some time with no known highways safety concerns. The space may not be desirable for all vehicles and therefore in these instances parking will need to be accommodated for on street. The LPA may wish to consider any existing parking pressures or capacity concerns within the locality. The LHA are unaware of such pressures within this location at this time and existing parking pressures are considered an amenity issue which is for the LPA to address, it is not however considered a safety concern. It is not considered that this would generate a severe material increase over the existing vehicular movements along Brighton Road.

Sustainability

Brighton Road is served with linked and lit pedestrian footways throughout, this makes travel on foot a more desirable option for shorter journeys. Shops and amenities are a 3 minute cycle or 15 minute walk from the proposal site and Lancing Railway station a 5 minute cycle from the proposal site. Regular bus routes operate along Brighton Road offering regular services to Littlehampton, Tarring, South Lancing and Brighton. Secure and covered cycle parking would be desirable to serve the dwellings- it is noted that only one of the dwellings will have rear garden access however, the LPA may therefore wish to consider if this is a viable request. Should this be deemed appropriate, a suitably worded condition is advised to be sealed against the application.

Conclusion

The LHA does not consider that the proposal would have a ‘severe’ impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para. 111), and there are no known transport grounds to resist the proposal. Should planning consent be granted, the following is advised to be sealed via condition alongside it.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Should any sewer be found during construction works an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Drainage Engineers: - Following a review of the submitted information, we would recommend requesting evidence of a sequential test due to the increase in vulnerability of the site by changing it from one dwelling to multiple. As stated in paragraph 28 of the Practice Guide, not owning the land cannot be used in order to pass the sequential test.

We would also expect the applicant to follow the SuDS hierarchy in order to be in accordance with NPPF. Currently the proposed plans utilise a combined sewer and uncontrolled overland flow which will increase flood risk to downstream properties. We would recommend the refusal of this application until updated information is received that addresses the above points.
Reason
To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Representations: - Original application: - 2 objections received from the owner/occupier of 18 Southbank Court, Brighton Road and 92 Brighton Road.

- Highway safety, traffic and parking
- Plant, machinery, labour and materials are required all of which need to be delivered, handled and stored within the proposed dwelling conversion. Accidents and congestion.
- Pressure on sewage system.
- Impact on dog and baby
- Dangerous dust and asbestos.
- Impact of light and loss of privacy.
- No sunlight assessment submitted.
- The increased height and depth of building will block light.
- Affect mental health, quality of life.
- Unauthorised access to property.
- The proposals will alter the character of the semi detached dwellings and will not relate to the building.
- Detrimental impact on street scene
- Insufficient off street parking
- Insufficient parking and no storage

- Overlooking
- Increased noise and disturbance
- Flooding
- Contrary to Policy
- Plans are misleading
- Change to terrace
- Loss of larger family home.
- Overdevelopment
- Reduction in garden size
- Backland and infill

2 letters of support from 19 Southbank Court and 249 Brighton Road

- The development will improve the property and bring the area up in standards.
- The proposal will bring a neglected property back into positive use.

Amended Plans

1 objection from 92 Brighton Road

- The development is still considered unacceptable.
- All objections remain

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 28, 20, 22, 28, 34, 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 (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the proposed future occupiers. The effect on the character and appearance of the area, parking and highway matters, flood risk and drainage.

Visual amenity

The building as existing has no architectural or character merit. The proposal is seeking to improve the building quality and appearance of the site. The applicant's agent states "The proposed dwellings would have vertical timber weatherboards at first floor level with painted render below. The building would have a cohesive, contemporary aesthetic with materials that complement each other and result in an attractive building with a simple but pleasing style."

There are other examples of redevelopment with gabled roofs and rear dormers along Brighton Road. Nos. 94 and 96 have been extended and remodelled with contemporary cladding. There are many examples of similar scale development with the use of contemporary materials. It is noted that the site is a semi detached property and the scale and design of the proposal does not relate to the proposed attached dwelling. However the proposals seek to redevelop a site to upgrade and improve. The proposed design in relation to the attached dwelling would not be such to warrant a refusal in this case. The ridge heights remain relative and the development replicates similar works nearby. It is not considered that the proposed development would be harmful to the character and appearance of the street scene or surrounding built environment. As amended the scale and bulk of development has been reduced and can be supported here.

Residential amenity of future and existing occupiers

The proposed dwellings as amended meet the minimum requirements for 3 person two storey 2 bed dwellings and are in excess of 70 sqm. Both dwellings will have a rear private garden approximately 20 sqm, although limited in size there is external amenity space provision, access to public open space nearby and on balance this is acceptable. The new dwellings would provide generous space, light, outlook and privacy for the future occupiers.

Bedroom 2 of the dwelling on the west side has a window facing west towards the neighbouring building. To avoid overlooking this window is conditioned to be obscurely glazed up to 1.7 metres above finished floor level and windows shall have a maximum angle of opening of 45 degrees. This is to protect the privacy of the future and existing occupiers. On balance this arrangement is acceptable, there will still be light and some outlook and this is not the main bedroom at this dwelling. The applicant's agent has referred in their Design and Access Statement to an appeal case where an Inspector attached such a condition.

There are side windows at the adjacent block of flats and these currency face the building and the increased height and bulk will impact these windows further, however there is spacing between the buildings and front and rear aspect at the adjacent flats. On balance this relationship is acceptable and does not warrant a refusal here.

The amended proposals have reduced the bulk of development significantly resulting in a reasonable scale of development which on balance would not be significantly harmful to the adjacent, attached property. The reduction in depth of the single storey extension adjacent to the neighbouring conservatory and garden will limit any significant loss of light or overbearing impact in this case. It is acknowledged that the amenity space adjacent is limited in depth and the roof terrace and rear extension did impact upon this space. As amended, on balance the impact is acceptable. The privacy screens have been added to limit any indirect overlooking from the juliette balcony towards the neighbouring garden. The extension complies with the 45 degree test and is less than 3.5 metres as referred to in Development Management Standards no. 2.

There is existing development on this side of Brighton Road with rear balconies and windows facing towards the static homes to the rear. It is not considered the proposed development will give rise to increased overlooking taking on board the existing relationships. There is a precedent for such development here with increased height, bulk and outlook towards the south. There would be no greater harm than existing.

Highway Parking and Access

West Sussex County Council has advised that they have no objections to the proposals. There is an existing parking space which will be provided for one of the dwellings and there are on-street parking bays and parking restrictions in place to limit any highway safety concerns in terms of parking. The site is in a sustainable location within walking distance of local services and bus routes.

Flooding and Drainage

The application site is located in flood zone 3. The NPPF stresses the importance of avoiding inappropriate development in areas at risk of flooding and where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere (para 160). The Local Plan undertook a sequential, risk based approach to the location of development which took in all sources of flood risk. However, in view of the extent of housing need and the scarcity of land the Local Plan still had to allocate land at flood risk (New Monks Farm and Western Harbour Arm). The lack of land within the District meant that there were no sequentially preferable sites that could be allocated instead of these sites and the Plan still resulted in a shortfall of over 3,100 dwellings.

As this site is not allocated for development and falls within Flood Zone 3 there is a requirement for a sequential assessment to be undertaken. As requested by the engineers referenced above. The sequential assessment requires a review of

available sites for development with a preference for sites at lower flood risk to be developed first.

In terms of other potentially sequentially preferable sites local plans officers have reviewed the brownfield sites submitted as part of Strategic Housing Land Availability Assessment (SHLAA) and have resolved that the only sites that are potentially available are coming forward for development anyway given the demand for housing within the District. These windfall sites were anticipated as part of the Local Plan process and as a result there would still be a significant shortfall of housing even if all sites came forward. Therefore there is justification for development in this case and therefore no requirement for the sequential test in this case.

Engineers have also advised that SuDS hierarchy should be followed in this case. The agent's engineers have stated that soakaway and infiltration are not possible in this case due to the constraints of the site. There are also no water courses in proximity to the site that would offer a gravity connection for surface water runoff. Therefore discharge to a watercourse is not considered practicable at the site. The applicant's engineers have stated that "It has been proven that the existing property discharges rainwater to the public combined sewer located in Brighton Road. The proposals are to re use the existing lateral connection to manage the disposal of surface water runoff from the proposed development, as outlined in the submitted FRADS report. In conclusion it has been demonstrated that the surface water disposal hierarchy has been followed with the discharge of surface water to the combined sewer being the available and practicable option for surface water management at the 90 Brighton Road development." The applicant's engineers have also advised that rain gardens and green roofs are not solutions for this site due to design and site constraints.

The information provided is considered satisfactory and a condition is attached to ensure that details of surface water drainage are submitted prior to occupation and remain in good working order in perpetuity.

The Environment Agency has no objection to the proposal subject to the submitted FRA and no habitable accommodation on the ground floor. This has been conditioned along with a condition requesting details of drainage to be submitted and approved by the Local Planning Authority prior to commencement of works.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans

2. Standard 3 year time limit
3. Materials as shown on plans
4. Privacy screen
5. No openings on side elevation and obscure glazing
6. CMP
7. Hours of work
8. FRA
9. Acoustic assessment
10. Cycle parking
11. Solar Panels
12. Drainage
13. Details of ASHP

Is recommendation contrary to letter(s) of representation Y

1. Proactive with amendments
2. Southern water connection
3. Southern water sewer maybe on site.
4. Change of address.

Case Officer: Hannah Barker Date: 14th December 2023

Authorised by: Peter Barnett Date: 14 December 2023