expires
13.09

Development Control – Delegated Officer Report

Application Number: ADC/0415/07 Recommendation - Refuse

Site: 41 High Street Shoreham-by-Sea West Sussex BN43 5DD

Proposal: First floor extension to restaurant (revision) ADC/0488/06

The Application

The application is a re-submission of an approved application (ADC/488/06) for a first floor rear extension to provide additional seating area to 'Toscas' restaurant, with amendments to the length of the proposed extension to a total of 9.5m. The height and width of the proposals remains the same as those of the approved application.

The original application (ADC/488/06) when first submitted was for a similar designed extension which would have been 12.3m in length, this was subsequently amended before approval in line with officers comments to the approved 7.5m on the basis that the proposals would have been unacceptably overbearing and unneighbourly, unacceptable in size with respect to the character of surrounding the Conservation Area.

Consultations and Representations

Third Parties

There has been a letter of objection received on behalf of, and signed by, the owners of No's 2, 4 & 5 Town Quay Apartments. They feel that due to the proximity of the apartments to the restaurant, a further extension would mean more delivery vans, overflowing bins, rubbish collections and more customers using the tiny road for parking which would result in more noise and blocked parking. They feel this part of the river is an amenity spot in a conservation area and that if the extension is allowed that four bins will not be able to cope with the increased amount of rubbish. They go on to state that the extension will deprive the main bedrooms of light, and that on very warm evenings the fire doors and/or windows will be left open, and that there will be a need for more staff who will use the roof area to get to the restaurant, and to sit and talk with more noise.

Contributors

ADCAG have made no objection.

County Planning Services – Design and Conservation – Suggests that the agreed reduced footprint was correct in respect to the adjacent property. The revised increase is creating an overpowering extension.

WSCC Highways – Have noted that a previous permitted application on the site under ADC/488/06 for the construction of a 65sqm extension, and that the current application proposes a larger extension of 75sqm is unlikely to generate any material increase in traffic given the sustainable location.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, NE9, CH4, DEV1, DEV4-5.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7, AT12, AS1, AH7. Development Control Standard No.3 'Extensions and Alterations to Dwellings'.
Adur Development Plan – Submission Core Strategy 2006-26 (ADC 2007) R1, STC1, STc3, T3-4, ENV10.
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS6 ' Planning for Town Centres' (ODPM 2005)
PPg15 ' Planning and the Historic Environment' (DoE 1994)

Planning Assessment

The main concerns are the effects that the proposed extension would have on the appearance and character of the Conservation Area and the amenity of nearby residential properties.

Policies
The core principle underpinning Government guidance is that of sustainable development, and the commitment to developing and supporting successful, thriving, safer and inclusive communities. PPS6 states amongst other things, that development should promote social inclusion, that deficiencies in provision in areas with poor access to facilities are remedied and that sustainable patterns of development should be delivered, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel.

Structure Plan Policy DEV1 requires that development be of high quality with regards to construction, layout, scale and appearance, taking into account amongst other things, the need to integrate with adjoining land uses and minimise potential conflicts between uses and activities. Also, to consider the townscape, streetscape, skyline and views into and out of the site. DEV4 states development should not be permitted unless the travel needs it generates are met.

Policy STC3 of the Adur Development Plan – Submission Core Strategy regarding Shoreham Renaissance states all new development will be required to enhance the vitality, viability and attractiveness of the town centre.

Policy AS1 of the Local Plan states that extensions to existing food and drink premises will be permitted provided there will be no loss of residential accommodation at upper floor level, no loss of amenity to nearby residences and the development is of a scale and design appropriate to the locality. AB14 relates to town centre development specifically and emphasises the importance of new development being sympathetic to the location. Policy AB4 requires that development be of a high standard of design and construction materials to preserve or enhance the character of the Conservation Area.

Residential amenity – Outlook / Overbearing effect

The main concern with the original application was the effect that the extension would have on the two adjacent residential dwellings at first floor level. The property to the west (No.43) has obscure glazing to the south elevation which serves a bathroom and entrance lobby, however the flat to the east (Flat 1, No.39) has sliding glazed doors and a balcony with views towards the south. This is the only external amenity area for the use by the occupier of the flat.

The eastern side flat would be overlapped by the proposal by 5.7m (4.5m past the end of the balcony) which would be 2.0m further than the previously approved application. Dev Control Standard No.3 entitled 'Extensions and Alterations to dwellings' whilst not explicitly dealing with extensions to commercial premises or flats does have relevance with regards to the effect extensions can have on the outlook and privacy of adjacent properties. It states that when a rear extension is more than 3.5m in length and is within 1m of the boundary with an attached property it is considered that there would be an unacceptably overbearing effect and loss of outlook from the attached property.

In this instance it is considered that due to the proximity to the boundary and the proposed amount that the extension would project past the adjacent flat, that the extension would have an unacceptably overbearing effect which would result in considerable loss of residential amenity to the occupiers.

Residential amenity - Light

The properties in Town Quay Apartments have bedrooms on the NW side of the building (with east facing windows) and living rooms to the east. The proposed extension would not have an effect on the outlook or amount of light available to these rooms as the proposed extension would be to the NE of them and seen against a background of the two-storey elements of the High Street Buildings.

Residential amenity - Privacy

The south elevation of the extension is mainly glazed and concerns have been raised that the doors could be used to access the flat roof area for access. The Planning Conditions of the previous approval requiring the roof-lights to be secured shut and the doors in the southern elevation being used for only emergency exit purposes would be sufficient to prevent there being any loss of privacy through noise nuisance.

Visual amenity

The site lies in the Conservation Area where policy AB4 requires a high standard of design and construction materials such as to preserve or enhance the character and appearance of the area. There are already other additions to the rear of buildings in the High Street seen in the context of the river-scene, and it is considered the proposed extension as amended would be in keeping design and use of materials with its surroundings. Although it would have an overbearing effect on the residential property to the east the increase in size would be seen against the built form of the adjacent properties and mainly from the other side of the river rather than from close proximity, and it is considered that, on balance, it would not detract adversely from the character of the Conservation Area.

The storage of wheeled bins at the rear of the property adjacent to an area which has public seating is not considered to be detrimental to visual amenity or to the public enjoyment of the river.

Recommendation

REFUSE for reason that :-

H21AR – amended.

The proposed extension, by reason of its excessive size, would be overbearing and detrimental to the residential amenities of the adjoining property (Flat 1, No. 39 High Street) , thereby conflicting with the policies of the West Sussex Structure Plan (DEV1) and the Adur District Local Plan (~~AH2~~).
~~AC1~~ AS1

Case Officer: [signature]
Date: 10.09.07

[signature]
10/9