Development Management – Delegated Officer Report

Application Number: AWDM/1507/17 **Recommendation: APPROVE**

Site: **23 Brighton Road, Lancing**

Proposal: **Relocation of southern shed and boundary fence for Drumconner Nursing Home in rear garden of No.23 Brighton Road (part re-submission of AWDM/0384/17)**

Date of Site Visit:

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks planning permission to rotate a currently unauthorised shed through 90 degrees and to move an accompanying the fence line northwards at the rear of 23 Brighton Road.

The application site consists of an area to the north of 23 Brighton Road and to the east of the Drumconner Rest Home.

Properties in Lancing Park are to the north while 21 Brighton Road (in the ownership of the applicant) is between number 23 and Drumconner.

Planning History:

Enforcement Notices were served in 2016 relating to the laying of a hard standing and the erection of 3 outbuildings and the change of use of land from residential to a mixed use of residential dwelling and use in connection with a residential care home. Both appeals were part allowed and are discussed further in the planning assessment below.

A subsequent application: *Part retrospective application for the retention of an extension to the northernmost shed to replace a small shed on site; and to alter southern shed and fence line to enable part of this shed to be used as a domestic garden shed by the occupiers of house at 23 Brighton Road* was given a split decision with the northernmost shed being granted permission and the southern shed 9which is the subject of this further application) being refused (Application reference AWDM/0384/17).

Consultations:

No comments received

Representations:

Lancing Parish Council: no objection

Relevant Planning Policies:

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1 and AH7

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Planning Assessment

The shed in question is unauthorised and sits at a right angle and intrudes into the garden of 23 Brighton Road. In considering the previous Enforcement Notices, the Inspector stated:

8. I acknowledge that number 23 has a rear garden area in excess of the Council's adopted 100sq m standard but whether that is sufficient to provide a reasonable private amenity area is also a matter of location and what uses adjoin it. In this instance the large storage shed virtually intrudes into half the rear garden (even allowing for the fact that that is half the length it used to be) and sits only about 6m from the rear wall of the house and patio doors and indeed its rear wall forms the boundary at the edge of the raised decking.

9. The unauthorised building is about 2.4m tall and in my view has a very overbearing effect on the occupants of number 23 being located adjacent to the rear decking area and so close to the rear elevation and ground floor windows and patio doors. I acknowledge that it could be painted a much lighter colour (rather than be left in the darkish green that it now is) but that would make little difference to the very enclosing, obtrusive feeling that one gets standing on that rear decking area.

15. Far from being a low intensity storage use I consider that the use of this building, bearing in mind its proximity to number 23, results in an unacceptable loss of amenity through noise disturbance due to the comings and goings of people, particularly to and from the middle section and the activities that are carried on whilst they are there.

The previous application simply changed the use of part of the shed to residential use and did not relocate it and accordingly did not overcome the Inspector's previous concerns.

The current application relocates the shed through 90 degrees so that it would sit at the end of the newly formed garden for number 23. As such, it would no longer intrude into part of the garden and would sit at the end of it, being separated from the main part of the garden by a fence.

The Inspector previously set out a couple of options for the building:

In this instance the appellant can choose to remove building B and return the land upon which it stands to the curtilage of 23 Brighton Road, in which case the recently erected fence forming the northern boundary of number 23 should be continued across to number 21.

23. In the alternative the appellant can leave building B where it is but still return it as well as the land to number 23 for the occupier of that property to use for some purpose incidental to the enjoyment of that dwelling house as such (or the occupiers could remove it if it is not required by them).

The current proposal therefore does not represent either of the option suggested by the Inspector yet it is one he did not specifically discount either.

Indeed, the Inspector considered both the use of the car park and northernmost shed as acceptable since their distance from neighbouring properties, including number 23, was considered sufficient for there not to be a detrimental impact. Given that the relocated shed will now be located in effect partly on the aforementioned car park (and it will act as screen from the car park to number 23 as well) it is considered that this relocation is acceptable. It is recognised that the garden of 23 is reduced in size slightly as a result but a greater reduction already occurred when the car park was constructed which the Inspector found to be acceptable. The reduced garden area still exceeds the Council standard for rear gardens in any case. Whereas previously the building was about 7 metres at a right angle from the main dwelling, hence having the potential to cause disturbance which the Inspector identified, this distance now increases to just in excess of 12 metres with an intervening fence and is considered acceptable.

No objections have been received to the application (although 23 is in the ownership of the applicant) and for the reasons above, this revised proposal is considered acceptable.

Recommendation

APPROVE subject to the following condition:

1. Approved Plans
2. The development hereby permitted shall be implemented within 3 months of the date of this permission and the approved details maintained thereafter. Reason: The current location of the shed is considered to be unacceptable having regard to the previous appeal decision at the site.

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

Case Officer: G Peck Date: 27 November 2017

Authorised by: [signature] Date: 28th Nov 2017