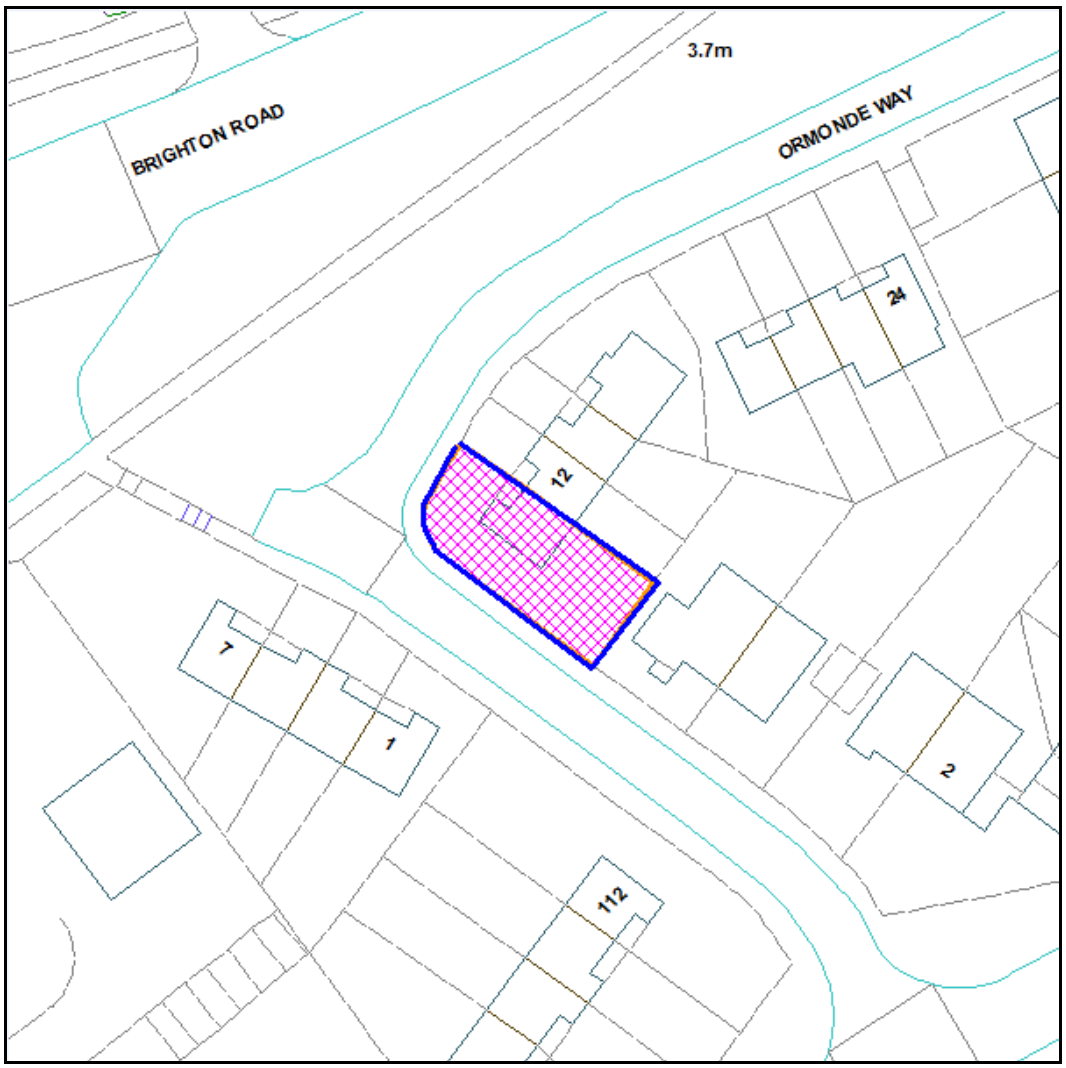
Application Number: AWDM/1947/17 **Recommendation – APPROVE**

Site: **10 Ormonde Way, Shoreham-by-Sea**

Proposal: **Erection of new end of terrace dwelling attached to the south side elevation and in a similar style to no. 10 Ormonde Way**

Applicant: Mrs S. McCarthy Ward: Marine
Case Officer: Eve Hearsey



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

This application seeks full permission for a 4 storey extension (the 3rd floor being within the roof space) on the southwest side of the dwelling No. 10 Ormonde Way, in order to provide an end of terrace, 2 bedroom dwellinghouse.

The ground floor accommodation will include a storage and cycle store room; storage and utility room; a wc and further storage cupboard; open plan Living Room and Kitchen on the first floor; 2no. bedrooms on the second floor; and a bathroom and storage cupboard on the third floor.

The external measurements of the proposal would be approx. 5.3 metres wide x 7.8 metres long x 9.4 metres high to the ridge.

The rear garden serving the new dwelling would be 9 metres long x approx. 5.3 metres wide, and the front garden has a curve to it, but its measurements are, at its greatest points, approx. 5.2 metres wide x 5.2 metres long.

The side elevation of the new dwelling would have one window at ground floor level serving the hall; and two windows at the second floor level serving stairs and hallway. All of the windows will be obscure glazed.

Ormonde Way comprises predominantly 3 storey terraced, residential properties, and lies within a residential area within the Shoreham Beach where the properties are mixed in design and sizes, namely bungalows, houses and blocks of flats. There is a petrol garage to the south west of the application site close to the turning (The Saltings) into the beach estate off the coast road the A259 Brighton Road.

The application site is on land directly parallel to the A259 which itself is noticeably higher land than the proposed site. An access road; a greensward; and a public footpath separate the A259 from the dwellings. A set of steps at either end of the greensward gives pedestrian access to the Brighton Road.

The 4 storey pitched roof terraced dwelling has flat roof dormers in the front elevation for the 2nd floor, the roof of the dormers being not much higher than eaves level. The other end of the terrace, No. 16 has a flat roof 2 storey side extension. The adjacent terrace to the south west, also 3 storey and of a similar design, appear to have integral garages in some of them.

The application terrace has no garages but do have hardsurfaced front areas for the parking of cars. The designs of the terrace from the front are generally similar but there are some differences in fenestration. The application site has a side garden and a wider rear and front garden area. The boundary wall around the side garden is approx. 1.8 metres high and directly abuts the pavement area.

The application is accompanied by a Flood Risk Assessment.

Relevant Planning History

Subject property

AWDM/0330/17: Erection of new end-of-terrace dwelling attached to the south side elevation and in a similar style to No.10 Ormonde Way - application withdrawn

SU/219/05/TP End-Of-Terrace Townhouse (Attached To SW Side): Refused in 2006

No. 7 Ormonde Way

AWDM/1474/15 Erection of new 3 bedroom dwelling attached to North West side elevation of No.7 and associated elevation alterations to existing house including enlarged front dormer – approved in March 2016

Consultations

Environment Agency

No objections to the proposed development, subject to the inclusion of the below condition in any permission granted.

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

- No habitable accommodation to be provided at ground floor.

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.

Reasons
The site is located within fluvial Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306).

Paragraphs 100 and 102 ('the Exceptions Test') of the National Planning Policy Framework (NPPF) require that development in areas of flood risk should be made safe without increasing flood risk elsewhere.

The National Planning Practice Guidance (PPG) states that development should be made safe by designing buildings to avoid flooding, e.g. by raising floor levels (Ref. 7-054-20150415).

The submitted floor plans to the proposed dwelling show that no habitable rooms will be located at ground floor.

The above mitigation measures are required in order to protect people and property from flooding, in accordance with the NPPF."

Southern Water:

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, 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. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk"."

WSCC Highways:

The Highway Authority has raised no objection to the proposal but require the applicant to demonstrate that a car can be accommodated on the frontage. 2.4 metres by 4.8 metres clear space should be available, 6 metre depth where the space fronts a means of entrance/ escape to the property or any bay window.

Adur & Worthing Councils:

Private Sector Housing: No objections

Environmental Health: Concern is raised over the potential for noise to be a serious consideration to residents when assessing loss of amenity due to its close proximity to a busy road (A259). DEFRA Road noise maps indicate that the night time noise level is 50-55dB which exceeds the WHO Community guideline of 45dB. Additionally the maps suggest the outdoor amenity space is 50-55 dB which again exceeds the WHO guidelines of 50dB.

Noise from the adjacent road will need to be measured and assessed against standards to establish the potential for loss of amenities. I would request that a condition be attached to any permission granted and I would suggest the possible wording below as it is likely that significant mitigation will be required to ensure noise does not affect the residential amenity of any future occupiers.

"Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the road has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve the indoor ambient noise levels for dwellings specified in BS8233:2014 and have regard to the principles contained within the World Health Organisation community noise guidelines. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the specified levels."

Environmental Health – Contaminated Land: If approved attach precautionary condition and PFA Informative.

Representations

7 Letters of objection have been received from:-

Nos. 1, 3, 5, 8, 14, 16 Ormonde Way and 116 Old Fort Road commenting as follows:-

- A similar plan was submitted a number of years ago and rejected by the Council so we fail to see why a new plan should be considered or accepted.
- Ormonde Way is a busy road with very limited parking. Each house has 2 or 3 cars with driveways for one. The current tenants have 3 cars with other overnight visitors. Application is on a very busy corner, with cars parking on the bend and on the grass verge opposite. It would not be safe to reverse onto the road at this angle.
- Landlord for No. 10 fails to maintain the existing property, the side wall is in a poor state of repair. No improvements have been made since the last planning application. The wall at the end of the garden with our driveway has a large crack and is unsafe.
- Noise and traffic from builders would affect neighbours and there would be disturbance to the existing residents.
- Existing building works within the street have led to parking problems.
- The pavement has had to be repaired due to delivery lorries driving along the pavement to gain access.
- Existing drain struggles to deal with the current sewage flow and additional strain would be put on the system and this could damage our drain.
- Loss of view.
- Loss of light to our front garden in the summer evenings.
- I live opposite the new house and it would directly impact us in terms of light.
- Overlooking.
- The applicant cannot repair the existing dwelling therefore it would be irresponsible to build another.
- Additional parking.
- Previous application have been rejected, this one should be rejected too.
- The LPA do not consider the quality of life of the resident.
- The original Utilities for the dwellings did not allow for further development, the present sewage system is already under pressure as the pipe-work cannot cope with the present demand.
- Local Plan Policies include the need to provide services to residents. Future house will require access to Healthcare, Education, both local GP's and Schools are oversubscribed.
- House building programmes generate Council Tax Revenue for the Council.
- House would very nearly abut the pavement.
- Loss of privacy.
- Lost three trees due to weather conditions and would lose at least another two.
- The Council should look to develop the derelict land opposite the Council Community Offices which has not been developed for over 20 years and remains an eyesore.

- The existing dwelling will have no access to the garden or will cause the loss of a bedroom.
- The rear parking access will reduce the on street parking available.

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Policy 15
Development Management Standard No. 1 Space Around New Dwellings and Flats
Good Practice Guide – Internal Space Standards for New Homes
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

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

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

The Development Plan comprises the adopted Adur Local Plan (2017). The proposed development would make a minor contribution to meeting housing targets including Objectively Assessed Need under the tests of the National Planning Policy Framework.

New residential development can be supported in principle under Policy 15 of the Adur Local Plan (2017), which allows for new residential development within the built-up area, subject to its appearance, character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale materials detailed design features and landscaping.

Visual Amenity

The end of terrace 4 storey extension follows the front and rear elevational walls of its terrace neighbours for a seamless link. The roofslope and roof height will also mirror that of the terrace. Thereby, in order for the proposed new dwelling to accord with the terrace design, it is the same width as its host. This width thereby takes the end elevation to the existing street boundary wall. The boundary wall, which is some 1.8 metres high, will act as a visual break from the highway elevation. There is also a side gate in the wall which would allow the future occupant to bring their bins out to the pavement.

The side elevation will have obscure glazed windows and will be fixed shut and permanently non-opening on the ground and second floor, these windows serve the

stair flight and the landing spaces, and will thereby not overlook neighbouring or opposite properties.

The design of the neighbouring terrace has been picked up on the front and rear elevations, with slight variances, but will accord with its neighbours. The front elevation has a slight variation to the ground floor positioning of the front door and window than its host, which itself is different to its neighbour and so on. But they all have the same design to the first floor and above. Indeed, the real difference to this terrace is that at no. 16 which has a flat roof two storey extension and does not use the same design, or size in windows as the remaining terrace. The rear has two single dormers and the host has 1no. single dormer, others within the terrace have double width dormers, and they all appear to have 2no. windows on the first floor.

The proposed rear garden would be the same as its neighbours within the terrace, and that is a 9 metre length x 5.2 metre wide, giving a rear garden area of 46.8 square metres. Whilst this is 3.2 square metres lower than the required 50 square metres, the garden is the same as its terraced neighbours and thereby in keeping with the character of the adjoining terrace.

With regard to the living accommodation, in view of the fact that the site lies within fluvial Flood Zone 3, there is a high probability (1 in 200 year) of flooding from the sea, thereby in accordance with National Planning Practice Guidance paragraphs 100 and 102 of the National Planning Policy Framework (NPPF), there is a requirement that development in areas of flood risk should be made safe without increasing flood risk elsewhere. Thereby there should be no habitable accommodation to be provided at ground floor level.

The proposal thereby has identified that there will be storage uses on the ground floor, and all living accommodation is provided at the first floor level and above.

The end elevation of the proposed dwelling will border the side boundary wall which abuts the pavement area. This thereby does not accord with the general requirements that a 1 metre gap should be retained at such points. Indeed there are other examples of new development within the Beach estate that has dwellings abutting the pavement. The built form of the street is not uniform and therefore, it is not considered that the character of the locality will be compromised by not having the 1 metre gap to the boundary

The distances between near neighbouring properties has been adjudged to conform with Planning guidance i.e. there is a distance of approx. 14 metres between the side wall of the new dwelling and the front elevation of No.'s 1 and 3 Ormonde Way. The 3no. windows within this side wall are all to be obscure glazed and a condition requiring they be fixed and permanently non-opening would be reasonable. Therefore the separation distance to No.'s 1 and 3 is acceptable, and is in accordance with Development Management Standard No. 1.

The separation distance from the back of the proposal to No. 8 Ormonde Way is approx. 11 metres, and is not looking out onto the dwelling proper, but will be viewing to the front of the dwelling, and as No. 8 is forward of its neighbours to the side of its site

(east), there is no overlooking of any property involved. No. 8 itself has a side integral garage and then a glazed porch to its entrance door, so there would be oblique views from the new dwelling to the porch and this distance would be approx. 14metres, which again conforms with the Development Management Standard No. 1.

Neighbours have written in regarding the current condition of the property; and that if approved there will be noise and disturbance from building works; and there will be a loss of view. However these are not material planning considerations.

The planning history of the site is indicated above and it can be seen that there has been previous applications for side extensions to the property. The earliest application in 1996 for a two storey side extension was approved but not implemented, whilst the following application for an end of terrace townhouse was refused because the property was high risk flood zone; and last year's application was withdrawn pending further information/amendments relating to the flood zone and space standards.

Residential Amenity – effect on neighbouring properties

The siting of the proposed new dwelling being at the end of the terrace, is situated set forward of the nearest neighbouring property, No. 8 Ormonde Way which is located directly behind the host dwelling, the proposal is thereby to the front of No. 8.

No. 8 has an integral garage at the nearest point to the proposal and its entrance door next to that within a glazed porch frontage, after that is its principal window with a dormer window above within the roof space. It is considered that the windows from the proposal will not result in overlooking to these windows because of the distance of some 15 metres and because of the orientation relationship to one another.

On the other side of the road and opposite to the proposal are No.'s 1 and 3 Ormonde Way, these properties lie some 13 to 14 metres distant from the development. There are 3no. side windows within the proposal which will face these properties all of which will be obscure glazed and a condition on any approval requiring that they be fixed and permanently non-opening would be considered reasonable; these windows do not service any living accommodation, but a hallway and stair flights.

Residential amenity - living conditions of future occupiers

Nationally Described Space Standards:

Single bedroom: Minimum 7.5 square metres and minimum 2.15 metres wide

Double bedroom: Minimum 11.5 square metres

2 bedroom, 4 person, dwelling: 79 square metres with minimum built-in storage of 2 square metres

Proposal shows:

Ground floor storage front = 7.02 square metres

Ground floor storage back = 8.37 square metres
Ground floor storage cupboard = 0.96 square metres

First floor Living/Kitchen = 29.5 square metres

Second floor front Bedroom (double) = 12.33 square metres
Second floor back Bedroom (double) = 12.48 square metres

Third floor Bathroom = 10.11 square metres
Third floor Storage Cupboard = 1.38 square metres

Gross internal floor area (first, second and third floors) = 79.31 square metres
Gross internal storage (ground and third floors (excluding under stairs storage)) = 17.73 square metres

The internal space provided by the dwelling accords with the Nationally Described Space Standards.

Both the front and rear amenity areas conform to the neighbouring terrace and thereby they are in character. The front space also allows for the provision of a parking space, which is to the requirements of the Highways Authority.

Recommendation

GRANT permission subject to the following conditions:

1. Approved plans

2. Standard time limit

3. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the road has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve the indoor ambient noise levels for dwellings specified in BS8233:2014 and have regard to the principles contained within the World Health Organisation community noise guidelines. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the specified levels.

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

    - No habitable accommodation to be provided at ground floor.

    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.

Reasons
The site is located within fluvial Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306).

5. The windows on the side elevation shall be of obscure glass and shall be fixed and permanently non-opening.

6. Notwithstanding the annotation on the approved plan, the external materials and finishes of the development hereby permitted shall be carried out to match in design, colour and texture those of the existing terrace. No development shall be carried out unless and until a schedule and samples of the materials and finishes to be used for the external walls and roof of the proposed new dwelling and the external alterations to be carried out to the existing dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be completed in accordance with the approved schedule and samples.

7. The windows of the proposed new dwelling and the new windows in the existing dwelling shall match the style, proportions, frame colour, opening pattern and heads/cills of the existing windows in this terrace.

8. No development shall take place unless and until details of all boundary walls and/or fences have been submitted to and approved in writing by the Local Planning Authority and the dwelling shall not be first occupied until such walls and/or fences as have been agreed have been erected and thereafter retained permanently

9. 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

10. The development hereby permitted shall not be commenced until details of the proposed surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order amending revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or externally altered or any incidental building over 5 cubic metres in volume erected within its curtilage.

12. No development shall take place, including any works of demolition, until a Construction Method Statement and Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement and Plan and shall be adhered to throughout the construction period. The Statement and Plan shall provide for:-
    (i) the parking of vehicles of site operatives and visitors;
    (ii) loading and unloading of plant and materials;
    (iii) storage of plant and materials used in constructing the development;
    (iv) the erection and maintenance of any security hoarding; and
    (v) measures to control the emission of dust and dirt during construction.

13. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 hours on Saturdays. No work shall take place on the site on Sundays or on Bank or Public Holidays.

Informatives

1. Approved following amendment
2. Pulverised Fuel Ash Informative
3. Precautionary land contamination
4. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
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. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
6. Street numbering

19th February 2018