Expiry Date – 15/3, EoT sought to 22/3

Development Control – Delegated Officer Report

Application Number: AWDM/0114/19 Recommendation – Refuse

Site: **29 Kings Crescent, Shoreham**

Proposal: **Erection of a 2/3-storey 3-bedroom dwelling with 1st floor sun terrace to south-west side elevation attached to side elevation of existing dwelling (amended resubmission of AWDM/0523/18).**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 12/2

Site and Surroundings

This application relates to a 1960's two storey end of terrace house on the south side of Kings Crescent. There are ten identical houses in this terrace and the terrace has two staggers in its front building line which includes a raised ridge height in each case as the road climbs towards the west.

The property has a side and rear garden with access to a rear garage compound. The garden tapers at an angle and is narrowest at its rear boundary. The rear garden is at a considerably lower level than the road with steps down from the rear to the garden. No. 31 is at right angles to the site on higher ground with a double garage adjoining the site's own frontage parking area. No. 31 appears two storeys from the front but includes a lower ground floor at the rear. Properties 33-37 (odd) are three storeys. Opposite the site are two storey detached houses and there are five storey flats further to the west.

The site is not in a conservation area and is not listed. There are no protected trees on the site. It is in Flood Zone 3 and a Flood Risk Assessment has been submitted with this application, though this is inaccurate as it has not been updated to reflect this latest application.

Proposal

Planning permission is sought to add an extra unit to the end of this terrace. The proposed dwelling would build on the side garden and would use the existing frontage parking area for the new house. The existing house would have no frontage parking but would still have a garage at the rear.

This application follows a refusal last year for a three storey dwelling, AWDM/0523/18 refers. This application was refused for the following reasons:

1. The proposed house would, by reason of its proportion, form, context, massing, siting, layout, density, height, size, scale, materials and detailed design features constitute a visually discordant and dominant form of development, detrimental to the character and appearance of the terrace and the wider area. The proposal is therefore contrary to policy 15 of the Adur Local Plan 2017, adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" and the relevant paragraphs of the National Planning Policy Framework relating to good design.

2. The proposed house would, by reason of its massing, height, siting, layout, and detailed design features constitute a visually dominant form of development which would be harmful to the living conditions of occupiers of 31 Kings Crescent by reason of an overbearing impact, overlooking and loss of privacy. The proposal is therefore contrary to policy 15 of the Adur Local Plan 2017, adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" and the National Planning Policy Framework.

The house now proposed is two storeys with a further two storey side addition which includes a first floor side balcony. Brick and fibre cement cladding are proposed.

The ground floor entrance level is shown to have 3 bedrooms, a bathroom and utility room. The first floor includes an open plan kitchen/dining and living room space with access to the side sun terrace.

Relevant Planning History

AWDM/0523/18 - 1 no. three bedroom three storey dwelling with second floor balconies to side and rear attached to south west (side) elevation of existing dwelling. Refused 23.5.18

Consultations

Environment Agency:

'We have been reconsulted by the Local Planning Authority on information that the applicant has provided. Whilst the Flood Risk Assessment has not been updated as per our previous response the applicant has confirmed there are ***no habitable rooms below 5.39 AOD.***

Based on this we suggest that the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition
The development shall be carried out in accordance with the submitted annotated Drawing 101 J and the following mitigation measures it details:

- *There will be no habitable rooms set below 5.39 metres above Ordnance Datum (AOD)*

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.'

Technical Services:

'Thank you for the opportunity to comment on this application, I note that this is a re-application with AWDM/0523/18 being refused. I was not asked to comment on the previous application.

The site lies in flood zone 3, is unaffected by predicted surface water flooding.

The Application form indicates the intention to use sustainable drainage, soakaways and to discharge to the local sewer, however from Southern Water service data the area does not appear to be served by surface water sewers.

The previous application contained a statement from the EA requiring first floor habitable floor levels to be set at 5.39m, which the FRA acknowledges at section 2.7. The ground level containing bedrooms is set at 3.96m. ***I cannot accept this.***

There are no drainage details provided with the application but as I alluded to before there may not be a sewer to connect to so again ***I cannot accept this proposal***

Therefore I ***object*** *to the application.'*

Following clarification of levels from the applicant:

'As far as levels are concerned i will not withdraw my objection until there is a statement from the applicant / designer stating that the FRA levels are wrong ***and*** *clearly stating what each floor level is,*

alternatively *change the section drawings to show each floor level, and confirm the levels in the FRA are wrong.'*

Highways:

West Sussex County Council was consulted previously on Highway Matters for a similar proposal at this location under planning application AWDM/0523/18. No highways concerns were raised. The application was refused for other reasons.

This application seeks the erection of a 1 x 3 bed three storey dwelling at 29, Kings Crescent, Shoreham-By-Sea.

Access
Access will be achieved via an existing dropped crossing onto Kings Crescent, which is an unclassified residential road subject to a 30 mph speed limit. This dropped crossing

previously served 29 Kings Crescent and will only serve the proposed dwelling. To this regard there will be no net change in its vehicular use.

Parking
The proposed dwelling will be provided a hardstanding parking provision, this provision would likely only accommodate one vehicle given its proposed layout. A vehicle would also likely need to reverse onto Kings Crescent, but this was likely also the case with the existing use. The parking provision is considered adequate to meet the needs of a dwelling of this size in this location. Secure and covered cycle parking should be provided.

The proposed will result in the loss of an off street car parking provision for 29 Kings Crescent. It does appear that 29 Kings Crescent has alternative car parking opportunities to the rear of the site. Nevertheless a small quantity of displaced car parking on street would not be considered a substantive reason for a highways objection.

Conclusion
The Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions would be advised:

Car parking space
No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

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 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.'

Environmental Health:

Precautionary contamination condition and Pulverised Fuel Ash Informative required. The site is very tight and therefore I would recommend a construction management plan so we know, amongst other things, where building materials and building waste will be stored during the build.

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: 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.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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".

Representations

Five objections received summarized as follows:

1. Loss of privacy from balconies.
2. Overbearing and loss of light to No. 31 and beyond.
3. Cramped, loss of green space, loss of gap. This space is a deliberate gap left by the original developers for these reasons.
4. Extra parking on a dangerous bend. Where will developers park and unload their materials?
5. Design out of keeping, overwhelming to the existing house and dominant.
6. The revisions do not overcome the previous reasons for refusal.
7. Loss of view to South Downs
8. Side balcony out of character and intrusive to neighbours.
9. Exacerbate an existing surface water problem.
10. No access for building purposes should be allowed from the rear. No blocking of my rear drive or emergency access should be allowed or encouraged. Access is essential to my family for ease and safety. I will take legal access if obstruction or damage occurs.

11. Increase in dust and noise.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2, 15 and 20 including 'Development Management Standard No. 1 'Space Around New Dwellings and Flats ' & Development Management Standard No.2 'Extensions and Alterations to Dwellings''
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The proposal constitutes infilling within the built up area of Shoreham Beach and can be supported in principle under policy 2 of the Local Plan subject to compliance with other policies.

The Council can currently demonstrate that it can meet its five year housing land supply target when measured against the Adur Local Plan 2017.

Character/Streetscene

Para 124 of the NPPF 2019 states:

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 127 looks for new development to:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and 39

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future.

Para 130 states:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy 15 of the adopted Adur Local Plan 2017 states:

'Development should be of a high architectural quality and respect and enhance the 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. Development should:

- *Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;*
- *Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;*

When considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard.'

Whilst this proposal does not relate to an extension to an existing house, but the addition of a new house to the end of a terrace, advice contained in Development Management Standard No.2 "Extensions and Alterations to Dwellings" is relevant. It includes the following advice:

The appearance

2.5 The most important basic principle is that any extension should be in keeping with the appearance, scale, design and character of both the existing dwelling and the street scene generally.

2.6 The following principles should also help to ensure that he criteria discussed able are met:

- *Extensions should generally respect the architectural period and style of the existing dwelling and the area.*
- *External construction materials should usually match in colour and texture the materials of the existing dwelling.*

- *Windows or other openings should be in scale with the extension and should be in line with and match the proportions and style of existing windows.*

The existing house is at the end of a terrace of 10 identical two storey houses of the same widths, heights and materials.

The house now proposed is 2 storeys in height. However, it remains wider than the individual houses in the terrace. Its elevated position, as the road climbs to the west, would accentuate its greater scale. The mass of the new building would be harmful to the terrace and to the appearance of the wider area.

The proposed house design has been altered since the refusal to move closer to the design of houses in the terrace. Unfortunately, the revisions do not go far enough. The verticality of the windows is at odds to the horizontal windows in the terrace. The absence of a covered front entrance door is also at odds with the original terrace. The side extension with the main entrance and prominent roof terrace, though recessed, adds further to the incongruity of the design.

The design fails to reflect the rhythm of the terrace and as such represents an awkward addition to it, which would be out of character and harmful to its appearance.

The proposal does not respond to local character and would not positively contribute to the sense of place or local distinctiveness. The proposed proportion, form, context, massing, siting, layout, density, height, size, scale, materials and detailed design features of the new house are incongruous to this terrace and harmful to its appearance and that of the wider area.

Neighbour amenity

Policy 15 of adopted Adur Local Plan requires that when considering applications for extensions or alterations to dwellings, proposals will be expected to comply with the criteria contained in the Council's adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" (as amended or superseded by other Council guidance in force at the time an application is considered) or any other appropriate national standard**.** It includes the following advice for applicants when considering impacts of a development on neighbour amenity:

2.2 Proposals will not be granted planning permission if they have an unacceptably adverse effect on neighbouring properties. The main detrimental effects could be related to:

Privacy - the proposal should not result in direct overlooking of rooms in neighbouring properties, nor excessive amounts of overlooking of garden areas.
Daylight - any proposal should not reduce the daylight to neighbouring properties to an unacceptable extent.

Outlook – the fact that a neighbour may be able to see an extension would not in itself make a proposal unacceptable, the outlook of neighbouring properties should not be

dominated by the extension since this could be overbearing and oppressive. However, the loss of a distant view would not normally be considered a valid reason for refusing an application.

The proposed development sits behind the rear wall of No.29 this time and as a consequence is further off the shared boundary with No. 31. It still largely fills the side gap and sits 2.5 metres off the boundary with No. 31. Living room accommodation is at first floor with a Juliet balcony. It is still considered that the dwelling would be overbearing when viewed from No. 31 and particularly from the garden of No. 31. There would be overlooking from the elevated rear living room. Overlooking from the side terrace would now be avoided by the introduction of a screen on the south side of the terrace. Nonetheless occupiers of No. 31 would suffer a loss of privacy from first floor rear windows. Other neighbours would be less directly affected.

Car parking

The proposed house would retain the existing frontage parking and the existing house would be left with the rear garage with direct rear garden access. This level of parking is acceptable in this area.

Flood Risk

The Environment Agency has withdrawn their objection as the applicant has clarified that ground floor bedrooms are to be set at 5.39 AOD, as annotated on drawing 101 J. The submitted flood risk assessment conflicts with this annotation as it has not been updated to accompany this revised application. Consequently, the Council's own drainage officer maintains his objection. Refusal reason 3 deals with the inaccurate FRA. This reason could be overcome with the submission of a compliant FRA corresponding to the submitted drawings.

Drainage

There isn't a surface water drain in the area, as confirmed by Southern Water. Southern Water will not accept drainage to the foul sewer. There appears to be scope to create a surface water drain within the site. The site is not known to be at risk from surface water flooding.

Future Living conditions

The minimum floorspace identified in the DCLG's Technical housing standards nationally described space standard of March 2015 for a 2 storey 5 person house is 93 sqm. The floorspace proposed for this 3 bed house would exceed that figure.

The existing house would be left with a rear garden of between 4 and 5 metres in width with an overall size of approximately 60 square metres. This is not dissimilar to others in the terrace. Occupiers of the new house would have a private rear garden of approximately 80sqm but it would taper to just over 1 metre in width with access to the garage compound at the rear. The property is also shown to have two second floor balconies. Given the proximity to Shoreham Beach both gardens are considered to be adequate in size when compared with the Council's Standards.

Recommendation

REFUSE for the following reasons:

1. The proposed house would, by reason of its proportion, form, context, massing, siting, layout, density, height, size, scale, materials and detailed design features constitute a cramped, visually discordant and dominant form of development, detrimental to the character and appearance of the terrace and the wider area. The proposal is therefore contrary to policy 15 of the Adur Local Plan 2017, adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" and the relevant paragraphs of the National Planning Policy Framework relating to good design.

2. The proposed house would, by reason of its massing, height, siting, layout, and detailed design features constitute a visually dominant form of development which would be harmful to the living conditions of occupiers of 31 Kings Crescent by reason of an overbearing impact, overlooking and loss of privacy. The proposal is therefore contrary to policy 15 of the Adur Local Plan 2017, adopted Development Management Standard No.2 "Extensions and Alterations to Dwellings" and the National Planning Policy Framework.

3. The application fails to include a satisfactory Flood Risk Assessment compliant with the requirements set out in paragraphs 30 to 32 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. It does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and is also contrary to policy 36 of the Adur Local Plan.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Is recommendation contrary to any representations? No

Case Officer signed:	MOK	Date: 21/3/19
Authorised and signed by:	Peter Barnett	Date: 21 March 2019