Development Management - Delegated Officer Report

Application Number: AWDM/0509/22 Recommendation – Refuse

Site: 95 Grinstead Lane, Lancing

Proposal: Change of use of outbuilding to a residential annexe

Date of site visit: Not visited but seen previously in connection with original application

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

Permission is sought to convert an outbuilding in the rear garden of 95 Grinstead Lane to residential use, as an annexe. The building was granted permission to be used for commercial purposes in 2019 (AWDM/0603/19), to be used for hairdressing, microblading and cosmetic aesthetics. The current proposal is to use it as an annexe for a family member or friend. One bedroom is shown on the plans, plus living room, kitchen/dining area, bathroom and storage room.

The building measures 7.5m by 7.5m and 3m high. It has decking at the front and is raised 330mm above ground level, being constructed on 'screw piles.'

The building is clad in plastic timber-effect cladding and with a membrane flat roof.

Relevant Planning History

AWDM/0603/19 - Outbuilding in rear garden for commercial business use (hairdressing, microblading and cosmetic aesthetics) (retrospective).

Consultations

West Sussex County Council: The **Highways Authority** has no objection. No alterations to the existing access appear to be proposed and the annexe would presumably be allocated parking on the existing frontage, as was the case for the proposed salon use. The LPA may wish to consider the potential impacts of this proposal on on-street parking should it generate any overspill parking demand.
Visibility appears sufficient at the existing access. There is no evidence to suggest that the existing access is operating unsafely or that this proposal would exacerbate an existing safety concern. The proposal is not anticipated to result in a material intensification of use of the access over the permitted salon use.
The LPA may wish to consider whether it is appropriate to secure cycle storage via condition for the proposed annexe.

Adur and Worthing Councils: Technical Services: Flood risk- The application is within flood zone 3, a flood risk assessment should be submitted evidencing that sleeping accommodation will be provided above predicted flood levels only.
Surface water drainage- the application includes no detail on proposals for surface water. Please can the applicant confirm their intended method of disposal of surface water.

The **Environmental Health Officer** (Private Sector Housing): The application does not provide sufficient detail for full comments to be made. It can be gleaned from the previous application that the internal floor area is approximately 43sq.m. This does not meet the technical national space standard of 50sq.m for occupancy by two persons.
The internal layout is not shown, but the windows would not be suitable in a dwelling as there is insufficient outlook. There may also be issues in respect of inner room arrangements

Public Health: No comment

Lancing Parish Council: Request further information regarding the suitability of the building as a residential property.

Environment Agency: As this development poses an unacceptable risk to life from flooding, we object to this application and recommend that planning permission is refused.

The site lies within Flood Zone 3, which is land defined by the Planning Practice Guidance as having a high probability of flooding. Notwithstanding the mitigation measures proposed, the risk to life within the development from tidal inundation would be unacceptable if the development were to be permitted. The application does not demonstrate that occupants can remain safe for the lifetime of the development when allowances for climate change are taken into consideration. There is insufficient flood risk mitigation up to the design flood level and/or no specified arrangements for safe access and egress.

Southern Water: Standard advice

Representations

1 objection received on behalf of Shadwells Court Residents Committee:

Shadwells Court is a residential complex, which houses a number of vulnerable residents and as such we feel that allowing this application to go ahead would cause them great distress with the increased noise level.
The property backs onto our lounge area which we use for the residents recreational needs and TV room. Allowing this planning to go ahead is going to cause a great deal of anxiety and increased stress levels caused by the noise level which would come from this building.
We feel strongly that this application be denied for the sake of the wellbeing of all residence of Shadwells Court.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 36
National Planning Policy Framework (July 2021)

Planning Assessment

Principle

The proposal involves the provision of self contained residential accommodation in the back garden for a family member which is an increasingly common form of development which is acceptable in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers, the effect on the residential character and appearance of the site and its surroundings and the flood risk effects of allowing such development.

Visual amenity

The building exists, is quite large and is sited at the end of a reasonably long rear garden (35m in length). It is more than 24m from the rear of the house. It is larger than that which could be built as permitted development (more than 2.5m high) but does not appear unduly overbearing or dominant. The change of use does not involve significant alterations to its appearance so there would be little change in visual amenity terms.

Residential amenity

Being at the end of the garden the building does not have an adverse impact on the amenities of the adjoining houses to the north and south. There are flats (Shadwells Court) at the rear and while occupants are able to see the building from their flats it is sufficiently distant (over 15m) to not cause an adverse impact through loss of light, noise or overbearing impact.

Side and rear windows within the building are to be obscure glazed to preserve privacy for neighbours.

The annexe use would not be likely to generate significantly higher levels of activity through comings and goings than the previous use.

There are concerns from Environmental Health about the standard of accommodation being provided. The application initially suggested it would be a 2 bedroom property but this has since been amended to a 1 bed property, with a storage room shown in place of a bedroom. At 43sqm it meets the national standard for a 1 person 1 bed property. There is considered to be sufficient outlook for future residents and it would provide a satisfactory standard of annexe accommodation.

Parking

Parking is available at the front of the house and WSCC Highways have no objection. Less parking demand is expected compared with the previous commercial use.

Flood Risk

The site lies within Flood Zone 3. A FRA has been submitted which states that the floor level of the building is 4.3m AOD whereas the predicted undefended flood levels are higher. While flood defences have been completed at Shoreham the Environment Agency is concerned at the flood risk to the building and future occupants and has stated that "the risk to life within the development from tidal inundation would be unacceptable if the development were to be permitted."

As the application does not demonstrate that occupants can remain safe for the lifetime of the development the application must be refused.

Recommendation

REFUSE, for the following reason:

The application fails to demonstrate that occupants of the proposed annexe can remain safe for the lifetime of the development with insufficient flood risk mitigation up to the design flood level and no specified arrangements for safe access and egress. The proposal is therefore contrary to Planning Practice Guidance on flood risk and coastal change, the NPPF and policy 36 of the Adur Local Plan.

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

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.

Case Officer: Peter Barnett Date 17 November 2022

Authorised by: Gary Peck Date: 17 November 2022