Development Management – Delegated Officer Report

Application Number: AWDM/0530/24 Recommendation: APPROVE

Site: 7 Blackpatch Grove, Shoreham-By-Sea

Proposal: Proposed two storey side extension with single storey rear extension. Side and front fences and enclosure of land within the garden area.

Date of Site Visit: 6th January, whilst considering PREAPP/0153/23

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is a two storey end of terrace dwelling with a gabled roof and front gabled porch. It is within an estate of similar style properties, many accessible by foot within landscaped and open plan environments. There are dwellings opposite and to the sides and rear. The site has a large plot relative to the surrounding properties.

Consent is sought here for a two storey side extension and single storey lean to rear extension. This will create an extra bedroom and ensuite at first floor and an open plan kitchen, diner and utility room at ground floor. As existing the front and side of the property are enclosed by a low level picket fence. Retrospective consent is sought for this fence along with a 1.8 metres close boarded fence along the side of the property to the rear. This encloses an area of land which is owned by WSCC and the applicant is currently processing an application for stopping up this land. This application also seeks consent for this land to be included within the rear garden of the property.

Consultations

West Sussex County Council: The Highways Authority:

The proposed extensions would not be anticipated to give rise to a highway safety concern.

I note part of the land to the rear of the site that is to be enclosed is maintained as public highway. For this land to be incorporated into the site, the highway rights need to be formally removed by way of a Stopping-Up Order. This is controlled by Section 247 of the Town and Country Planning Act and would be subject to a separate

process administered by the Department for Transport's National Casework Team. The Highway Authority along with other statutory undertakers and interested parties would be consultees in this process. There is no guarantee that this process would be successful.

The comments made here would not necessarily constitute the Highway Authority's formal position regarding any future stopping up. An informative note with additional information of this process is included at the bottom of this document.

In summary, the LHA does not consider that this proposal would have 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 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following informative should be applied:

Stopping Up Order
The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process:
National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR
https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways

Representations: - 1 representation received from the owner/occupier of 7 Wolstonbury Walk

- The planning request includes windows (size unspecified) on the Western gable end but none of the other extensions granted on Blackpatch Grove and Wolstonbury Walk have windows overlooking opposite properties. We would much prefer no windows on the gable end.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15

‘Supplementary Planning Guidance’ comprising: Development Management Standard No.2 ‘Extensions and Alterations to Dwellings’’
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area.

Visual amenity

The side and rear extension are subservient additions to the existing dwelling. As mentioned the dwelling is on a larger plot than the surrounding properties and being on the corner such development can be accommodated without detriment to the surrounding environment. The two storey extension is 3.5 metres wide and follows the ridge of the existing dwelling. It is not set down or back as Development Management Standards recommend. However taking into consideration the simplicity of the existing terrace and other surrounding development which is of this design it is considered that this would be more in keeping continuing the terrace as a subordinate development. There is ample space to the side of the site for the extension without giving rise to overdevelopment. Similarly the rear extension at 3 metres in depth is in keeping with the existing dwelling and surrounding development. There are other examples of single storey rear extensions adjacent. Materials to be used will match existing.

There is an existing brick wall that encloses the side of the rear garden, continuing from this is an existing close boarded fence at the same height. This encloses a piece of land which is currently the subject of a ‘stopping up’ application which the applicant has submitted to WSCC, this is being processed. Planning consent is required here to include this land as a garden area to the rear of the existing rear garden. The applicant has advised that this land was not maintained and now being enclosed improves the visual amenity of the locality. It is not considered in planning terms that this land had any value as part of the street scene. The enclosing of this land with the existing fencing is not out of keeping here. There would be no justification to refuse such retrospective development in this case.

It is noted that the front picket fence also requires retrospective planning consent here. Initially it was considered by officers that this was a prominent form of development which was out of keeping in this case. However the applicant provided supporting evidence of many other examples of other low level fencing to the frontage of properties within the estate. Officers considered this and added images

to a supporting document which shows many other similar examples. It is therefore not considered that there would be any justification to refuse the fencing to the property frontage in the light of the precedent set. Should this fencing be deemed harmful then action would need to be taken for the numerous other similar development within the estate which would be considered unnecessary on balance.

Residential amenity

The extensions will be visible from surrounding properties to the front and rear. However the main properties affected are those to the side of the site. The side extension will bring this property closer to the front elevations of the terrace of properties. Development Management Standards state that between the side and front of adjacent buildings at two storey there should be a minimum distance of 14 metres. The submitted plans show this distance to be 14.4 metres. Therefore it is not considered that there would be a detrimental impact here in terms of loss of light and outlook which would warrant a refusal. It is noted that there is an objection relating to side windows. Amended plans have been received which show a single first floor window serving the ensuite. This is conditioned to be obscurely glazed and opening above 1.7 metres only, to avoid any overlooking here.

To the rear the single storey rear extension is 3 metres in depth, this is less than the maximum 3.5 metres depth which is recommended under Development Management Standard No. 2. There is an extension adjacent to the boundary and the proposed development will be in line with this. There will be no loss of light, outlook or privacy as a result.

The existing fences are visible to adjacent occupiers, they are not harmful to residential amenity.

Highway Matters

The Highways Authority has no objection to the proposals. They refer to the requirement for the ‘Stopping up’ of the highway and this application is currently being processed. It is noted that planning permission can be obtained for the proposed use of the land as garden area separately from the approval of the ‘Stopping up’ and both are required in this case. A note is set out in the attached informatives in relation to this.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Materials to match existing
4. No additional windows on the north or south elevation of the extension, window obscurely glazed and high level opening.

Is recommendation contrary to letter(s) of representation Y

1. Proactive with amendments
2. It is advised that part of the land to the rear of the site that is to be enclosed is maintained as public highway. For this land to be incorporated into the site, the highway rights need to be formally removed by way of a Stopping-Up Order. This is controlled by Section 247 of the Town and Country Planning Act and would be subject to a separate process administered by the Department for Transport's National Casework Team. The Highway Authority along with other statutory undertakers and interested parties would be consultees in this process. There is no guarantee that this process would be successful despite the granting of planning permission in this case, both consents are required in this case.

Case Officer: Hannah Barker Date: 20th August 2024

Authorised by: Jo Morin Date: 21.08.2024