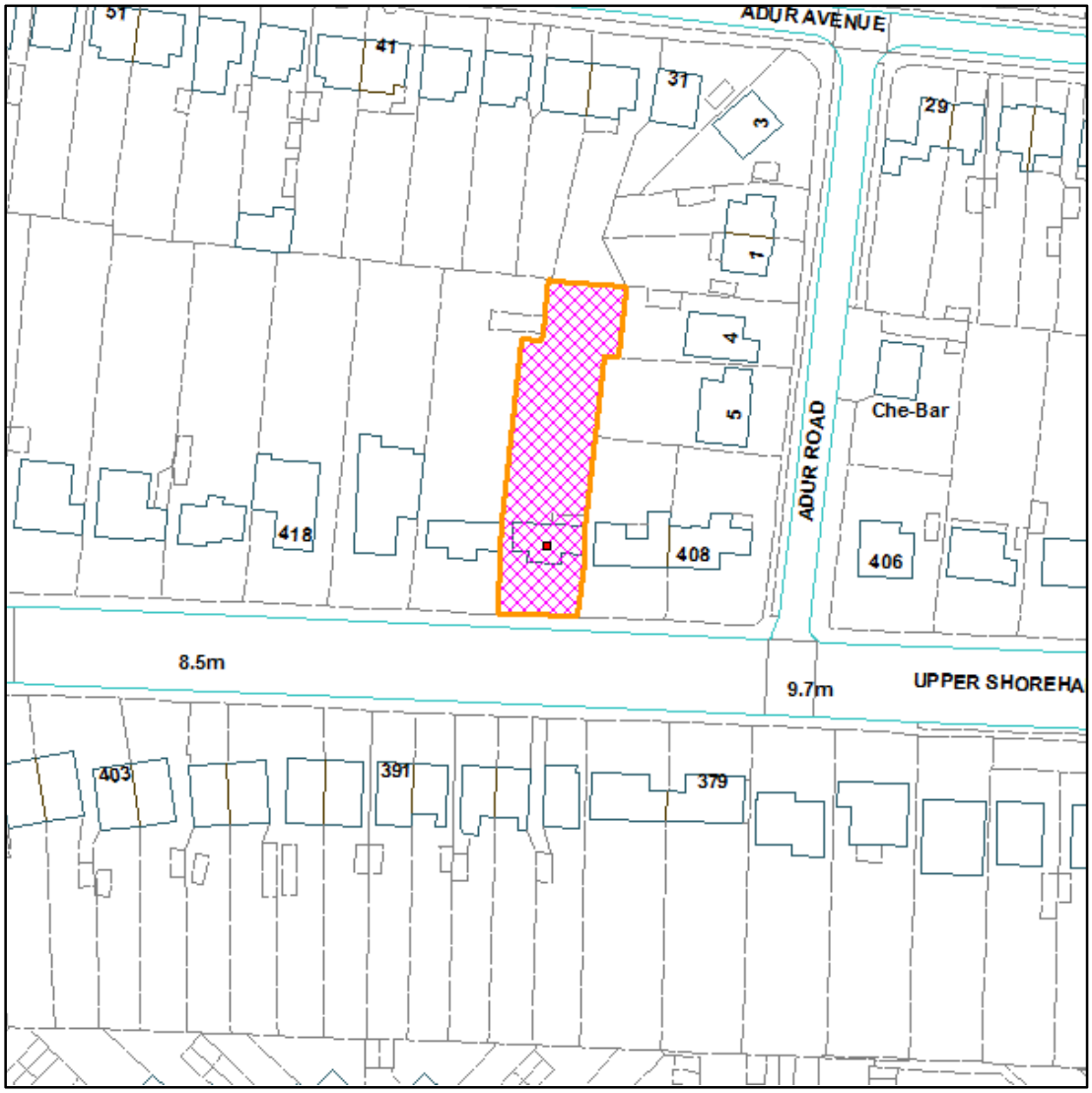
Application Number: AWDM/0906/19 **Recommendation – APPROVE**

Site: **412 Upper Shoreham Road, Shoreham-by-Sea, BN43 5NE**

Proposal: **Proposed single storey detached outbuilding comprising gym, sunroom and store to rear garden.**

Applicant: Mrs. Karolina Fung-On Ward: St Nicolas Ward
Case Officer: Eve Hearsey



Not to Scale

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The application has been called in by Councillor Coomber for consideration by the Planning Committee.

Proposal, Site and Surroundings:

The proposal is for a large single storey detached, timber clad building to be installed at the end of the long rear garden of no. 412 Upper Shoreham Road. The building will measure some 11m on the east elevation x 5.5m on the north elevation and 4m on the south elevation. The height of the outbuilding will be some 3.3m high at the front elevation on its south section and some 3.1m high at the front elevation on its north section, with the rear elevation measuring approx. 2.4m in height.

As there is a rise in the land as it approaches the boundaries with the neighbours 'Byron', (4 Adur Road) and no. 1 Adur Road, approx. 600mm of the land will be removed and restructured to form a lower ground level for the building.

The outbuilding will be positioned 1m from the east boundary with 'Byron', Adur Road, and 1m from the north boundary with no. 1 Adur Road.

The host dwelling itself is a two storey detached property situated on the north side of Upper Shoreham Road, which has a long rear garden of over 40m in length. There are detached dwellings of similar size at either side of the site, both of which have been extended at the rear in part.

Relevant Planning History:

ADC/0066/11: Two storey rear extension (including over existing ground floor extension) Approved 06.04.11

Consultations: Environmental Health: No adverse comments

Representations: Objection from 'Byron', Adur Road and no. 33 Adur Avenue.

- Loss of privacy;
- Loss of light;
- Too close to my boundary;
- Understand as the building is less than 4m in height, if it were to be positioned 2m from my boundary wall it would not need planning permission as it would be 'permitted development';
- If built as 'permitted development' it would, to some small degree, mitigate the noise, loss of light and intrusiveness of the structure;
- However, I would still lose a considerable amount of light;
- 412 has a large garden and the outbuilding could be sited anywhere without impinging on my, or any other, property;
- Concerned that there will be some loss of trees and green space and the possible use of the building for commercial purposes in a residential area;
- Loss of value and loss of view;
- If approved, consideration of the positioning of any outside lighting to prevent light shining into my property;
- Noise from the use of the outbuilding for outside entertainment will impinge on the neighbouring properties;
- Plans show that my wall will be removed and replaced with a fence. This wall is in my ownership and I do not wish it to be removed;

- The removal of land so close to my boundary may result in the destabilisation of the foundations of my wall which could render my wall unstable and unsafe;
- With regard to the amended plans, still consider that the outbuilding is too close to my boundary and will still be intrusive;
- Would still prefer it to be sited in accordance with 'permitted development' criteria;
- Need confirmation that the building is to be ancillary to the domestic use of the house and that no windows will be inserted in the east elevation without planning permission being obtained;
- A green roof would be preferable to the grey ply roof.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15
Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'
National Planning Policy Framework 2019

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; and

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

Principle

There is no objection in principle to the proposal which provide a single storey detached outbuilding structure within the rear garden. The key concerns are the effects on the residential and visual amenities on the neighbouring properties and the character of the locality.

Visual and Residential Amenities

The application for the outbuilding has been amended to be sited 1m from the boundary with no.1 Adur Road to the north, and 1m from the boundary with 'Byron', Adur Road to the east.

Further, the land, which currently rises to the neighbouring boundaries, will be reduced and levelled, thereby reducing the height of the structure when seen from the neighbouring properties.

The rear elevation of the outbuilding will be approx. 2.2m high from the ground level of the neighbouring garden 'Byron', with the highest front section of the roof being approx. 2.9m. The highest part will be some 6.5m from the boundary wall, which is considered an acceptable distance so as not to result in unacceptable overbearing or overshadowing to that property. Whilst the 2.2m height for the back of the building will be higher than the existing boundary wall for 'Byron' which is approx. 1.5m high, it is worth noting that a 2m fence/wall could be put into position on this boundary without the need for planning permission.

The neighbour has suggested that the use of a 'green' roof for the outbuilding would be possible, however, the roof of the building is shown on the plans as being 'grey single ply', and it is this that the planning authority will be considering in their determination of the application. This material is considered to be an acceptable roof for an outbuilding.

Environmental Health has been consulted with regard to the neighbours' anxieties concerning noise from the gym part of the proposal, and they have responded that they have no adverse comments regarding the use.

Neighbours have also put forward that the use might become a commercial use; however there is no reason to suspect such a possibility. A condition on any permission stating that the use is incidental to the dwellinghouse no. 412 is recommended.

There are no windows indicated on the rear (east) elevation facing 'Byron' or the north elevation facing no. 1. There are windows shown for the west and south elevation, both of which face into the application site only. However, it would be appropriate to apply a condition to any permission limiting the introduction of any further windows without the permission from the LPA.

There are no trees covered by a tree preservation order within the garden of 412 and the site is not within a Conservation Area.

The erecting of garden lighting within an existing residential garden would not require planning permission. However, should lighting be erected which caused a nuisance with the neighbours, it would be a matter for the Environmental Health department.

In summary, the outbuilding in the position as amended, is not considered to materially affect the existing visual amenities to any of the neighbouring residential properties, particularly no. 1 or 'Byron' within Adur Road, and there will be no adverse overlooking, overshadowing, or overbearing issues affecting the residential amenities of these properties either. Conditions to prevent additional windows; and for it to be incidental to the existing dwellinghouse would be appropriate.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard time limit

3. Materials as plan
4. No additional windows in east or north elevations
5. Incidental to dwellinghouse only

5th August 2019