Application Number: ADC/0183/07 **Recommendation – APPROVE**

Site: **'The Romans' PH, Manor Hall Road Southwick**

Proposal: **Covered patio at rear with access door**

The Application

The Romans Public House is on the north side of Manor Hall Road, opposite Manor Hall Middle School and adjacent to the junction with Milton Drive. It is a 1930's two-storey building of brick and tile construction, fronted by an open parking and seating area to the south and west. It is 'L' shaped in floor plan and is sited such that the rear elevations face onto the sides of dwellings/flats and their rear gardens at No.56 Milton Drive and No's 35/37 Manor Hall Road.

At the rear is a garden area with seating, accessed from two doors which allow patrons to exit the building onto this area. The garden is enclosed by a brick wall on the north side and a 1.6m high close-boarded fence on the east side. There is a small covered gazebo used for barbeques in the NE corner of the garden.

The proposal is for a lean-to covered patio at the rear of the public house, in the corner of the 'L-shape', with a pair of access doors. As amended, it would be 6.5m in width, 5.3m in depth and 3m - 4.3m in height and would be of lightweight timber and polycarbonate construction, with timber side cladding and an integral store.

The applicant's Design and Access statement states that the proposal would provide covered amenity space for existing public house activities including a designated smoking area in line with new smoking legislation. The official requirements for a smoking shelter are that the structure should be no more than 50% enclosed.

Consultations and Representations

Director of Services: The EHO has no adverse comments.

Third Parties: 3 letters of objection have been received from residents at No's 3 & 5 Park Way and No.37 Manor Hall Road. These object on grounds of increased noise disturbance, particularly as a result of the proposed rear doors which would be likely to be left open. One of the letters notes that the proximity of the barbeque already causes noise and smell, and that they already suffer from noise of the customers in the garden. Another states the proposal would result in a considerable loss of privacy through overlooking and increase in noise and that, if permission is granted, a 1.8m high fence should be erected on the eastern boundary. Another states that there would

be more children in the garden which already climb the trees, shout and scream as they play.
[NB. the resident of No.37 Manor Hall Road requests to speak at the committee meeting]

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, DEV1, DEV4-5.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

The main concerns are the effects the proposed covered patio on the residential and visual amenities of this primarily residential locality.

Policies

Policy DEV1 of the Structure Plan requires that development be of high quality with regard to construction, layout, scale and appearance, taking into account amongst other things, the need to integrate with adjoining land uses and minimise potential conflicts between uses and activities.

PPS1 when relating to design states, amongst other things, that design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Visual amenity

It was considered that the structure, as originally proposed, would have been too large in size and that the materials proposed would have been detrimental to the appearance of the rear of the public house and the locality.

Amendments have been received which show a 1.5m reduction in the length of the proposal but the materials to be used are still poor quality, with a polycarbonate roof. Although the mismatch in materials would result in a structure which would not be in keeping with the public house building, it is concluded on balance that, as it would not be seen from the street, refusal would not be justified.

Residential amenity – privacy

The east side boundary fence to the garden is 1.6m in height and there is already some overlooking of the rear garden of No's 35/37 Manor Hall Road, to the east. The garden itself already has unrestricted access from the bar areas by patrons thus causing reduced levels of privacy for neighbouring

properties. The outside tables and chairs are located closer to the boundaries than the proposed covered patio.

The proposed covered patio area is only likely to intensify the use of the area immediately adjacent to the public house. At its closest, it would be 12m from the rear garden of the upper flat at No.37 Manor Hall Road; 14m from the garden of the lower flat at No.35, which is screened by an outbuilding and a 2m high fence; and 11.5m from the garden of No.56 Milton Drive to the north. The public use of the garden, being an incidental part of the premises, falls outside planning control and it is felt that a condition requiring a higher fence cannot be justified as a prerequisite of granting permission for the proposed covered patio.

Residential amenity - noise

The public house already has a rear garden which is accessed by two doors from the building, albeit from corridors rather than directly from the main bar areas. The proposal would cover a patio area 5m by 6m and would introduce a new set of doors from the sports bar. The EHO has raised no objection to this proposed alteration to the fabric of the building on the basis that the terms of the license would mean that no noise from the interior should be heard past the curtilage of the site. The garden area appears to be used extensively already, and the only marked change would be that the proposed covered area would potentially make the patio usable during inclement weather.

The applicant has explained that children are allowed in the garden area until 8pm and 9pm if dining in the restaurant. The public house has a music license which allows music until 11pm, the terms of which would require that noise should not be heard past the site boundaries, ensuring that the music is at sufficiently low levels or that windows and doors from where live bands play are closed.

Recommendation

APPROVE for the reason that:-

The proposed development would not detract from the local environment and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties. It would consequently not conflict with policies of the Adur District Local Plan (AG1, AP7) and the West Sussex Structure Plan (LOC1, CH1, DEV1)

Subject to:-

1. C1Ci (Standard time limit)
2. C14Aii (Permission relates to amended plans)

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