Development Management - Delegated Officer Report

Application Number: AWDM/1293/19 Recommendation – Approve

Site: **14 Fishermans Walk, Shoreham-By-Sea**

Proposal: **Application for Variation of Condition 5 of approved AWDM/1787/18 for use of garage as a habitable room, associated alterations and replacement of garage doors with a window**

Date of site visit: 12 September 2019

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a recently constructed end of terrace dwelling on the corner of Kings Crescent and Fishermans Walk on Shoreham Beach. Planning permission was granted in June 2015 for the construction of a new dwelling attached to the side of the existing house (4 Kings Cresecent), to match the existing pair and to form a terrace of three houses (AWDM/0523/15). The accommodation to be provided consisted of a garage and kitchen on the ground floor (i.e. non habitable accommodation) and a bedroom, bathroom, lounge and study at first floor. A conservatory was to be attached to the side wall of the proposed dwelling.

A subsequent application amended the design to replace the conservatory with a utility room of solid construction (AWDM/0776/17).

A further application to construct a roof lantern in the rear roofslope was approved last year (AWDM/1787/18).

Condition 5 of that permission states:

"*The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment submitted with application reference AWDM/0776/17 and the mitigation measures contained within it on page 11. No part of the ground floor of the building shall at any time be used as a habitable room*."

It was discovered during a building inspection under the Building Regulations that the ground floor garage has been changed to a lounge. Permission is sought to retain the lounge as constructed.

Relevant site history

See above.

Consultations

West Sussex County Council – The ***Highway Officer*** has no objection. The proposal will result in the loss of one off-street parking space for this property. The WSCC Car Parking Demand Calculator has indicated that a property of this size in this location would create a demand for 2 parking spaces.
Consequently, vehicular parking would have to be accommodated on street. Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be considered a detriment to highway safety. The LHA does not anticipate that highways safety would be detrimentally affected by this proposal. The planning authority may wish to consider the potential impacts on on-street parking from an amenity point of view.

Environment Agency – No comments received

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policies 15, 18, 20, 22, 34, 35, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
National Planning Policy Framework (July 2018)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The main consideration is the flood risk implication of allowing the ground floor to be used as habitable accommodation.

Visual amenity

The front elevation is unchanged as the garage was proposed to have been accessed from the rear. The only elevation change is the replacement of the rear garage doors with a window, which is acceptable.

Parking and access

There is considered to be sufficient on-road parking space available, as well as use of a layby in front of the terrace. The site is in a sustainable location, within walking distance of public car parks, and has close links with the public transport network. The amenity impacts of on additional street parking are not considered to be so significant as to warrant refusal on this ground.

Flood Risk

The site lies within Flood Zone 3 defined by the Planning Practice Guide to the National Planning Policy Framework (NPPF) as having a high probability of flooding. The applicants have previously submitted a FRA prepared which confirms that all sleeping accommodation will be on the first floor at least 5m AOD.

While the kitchen, utility and lounge on the ground floor will flood during an extreme event, safe refuge will be able to be provided at first floor level within the house.

The wording of the approved condition restricts all habitable accommodation to the first floor but it is clear from the approved FRA that the restriction should only apply to sleeping accommodation. The provision of a lounge on the ground floor is therefore considered to be acceptable in flood risk terms.

Recommendation

APPROVE subject to the following conditions:

1. Approved Plans
2. The proposed wall on the northern boundary shall be reduced in height in order to provide a pedestrian visibility splay of 2 metres by 2 metres based on the highway boundary and the above mentioned splay area shall be kept free of obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.
3. No part of the ground floor of the building shall at any time be used as sleeping accommodation
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling and existing dwelling shall not be extended or altered by means of any development as set out within Classes A, B, C, D and E of Part 1 of the Schedule to that Order.

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

Case Officer: Peter Barnett Date: 4 October 2019

Authorised by: Gary Peck Date: 4 October 2019