Development Management - Delegated Officer Report

Application Number: **Recommendation – Refuse**
AWDM/0943/16

Site: **27 New Road, Shoreham By Sea**

Proposal: **Proposed 3/4 bedroom two storey flat roof dwelling in the rear garden with one parking space**

Date of site visit: 2 August 2016

Neighbours checked: Y

Additional neighbour notifications: Site notice posted 12.07.2016, 9 Tarmount Lane notified 12.08.2016

Proposal, Site and Surroundings

The application site comprises the house and garden of No.27 New Road. The dwelling is two storey, attached to the side of 11 Tarmount Lane to the west wall, and the building itself would be unaltered by the proposals with the application relating specifically to the rear section of rear garden area to 27 New Road, along with a side access and parking space to the frontage.

There is a mix of dwelling types and designs in New Road but with dwellings facing the road and set back slightly from the street with small front gardens/courtyards to the frontage, and with a staggered building line to the street frontage. Rear gardens are relatively long to the north side of the street and enclosed with mature vegetation and trees. The garden area to No.27 is enclosed by other gardens to the east and west, and to the north Surry Street provides access to a delivery area for the Co-op supermarket with the Co-op store itself and parking area further to the north. Dwellings to the immediate east are in terraces but of varied design, set in narrow plots, and with the adjoining dwelling and a detached dwelling further to the west in Tarmount Lane in a wider plot. There is a public car park sited beyond to the west. On the south side of New Road, dwellings are in terraces, set close to the pavement and occupying most of the plot depth with a dual frontage onto Brighton Road to the south. The site is within the Shoreham by Sea Conservation Area.

Permission is sought for the construction of a new two storey detached dwelling within the rear 25m of garden area of No.27, set approximately 30 metres from the main rear wall of No.27, between 2.9 and 4.5 metres from the rear boundary wall and between 1 and 1.8 metres from side boundaries. The dwelling would have four bedrooms and occupy a footprint of approximately 64.5 square metres. Main outlook would be to the north and south with an entrance door and secondary windows or windows to non-habitable rooms on the east side. The building has been designed with simple square overall form but with parts of the ground floor walls and windows recessed below a first floor overhang. The new dwelling would have a flat roof shown as a

felted roof covering and parapet detail up to 5.8 metres in height. A rendered finish is proposed to external walls with UPVC windows.

Relevant site history
None relevant

Consultations

West Sussex County Council: The Highway Authority has provided the following comments:

Summary
The proposal is for erection of a 4-bedroom dwelling in land to the rear of no. 27 New Road. The site is located at the junction of New Road and Tarmount Lane. Both roads are subject to a 30 mph speed restrictions and are 'C' and 'D' classified respectively. The Local Highway Authority (LHA) does not foresee any highway concerns or transport grounds for refusal to the proposal.

Access and Parking
The existing dwelling benefits from a vehicle crossover (VCO) that provides access to off street parking for two cars side by side. There is also an integral single garage. It is proposed that one of the off street parking spaces will be allocated to the new dwelling, leaving the remaining two spaces for use with the existing dwelling. The WSCC Car Parking Demand Calculator envisions that for a new dwelling of this scale and location that two car parking spaces be provided. Double yellow lines along this section of Tarmount Lane prohibit vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through this shortfall of one space. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents at the junction. There is no evidence to suggest that the junction is operating unsafely, or that the proposed additional dwelling would exacerbate an existing safety concern. Furthermore, the off street car parking spaces could already be used to their full potential. There is no increase in potential car movements that could already occur from these spaces.

Refuse Collection
It should be noted that Manual for Streets (MfS) states that residents should not have to carry bins more than 30 metres where at all practical, although this is an amenity issue. From an inspection of the plans the carry distance to the roadside from the new dwelling would be approximately 46 metres. The applicant may wish to consider this and consult with the Local Waste Authority (Adur District Council).

Sustainability
The site is suited well to sustainable modes of transport. The outbuildings will be utilised for secure and covered cycle storage and this can be secured via condition. A range of retail, services and amenities are accessible within walking distance along street lit footway links. Shoreham-By-Sea Train Station

is 0.2 mile (4 minute walk) north of the site. It is likely that residents of the proposed dwelling would not necessarily rely on use of the private car.

Conclusion
The LHA does not wish to raise any highways concerns to the proposals. There is no material change from the existing vehicular access and parking arrangements. It is not considered that the dwelling would cause a severe impact on the operation of the nearby highway network and is therefore not contrary to Paragraph 32 of the National Planning Policy Framework. If the LPA are minded to approve the application then the following conditions should be secured:

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Southern Water comments are as follows:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
We request that should this application receive planning approval, the following informative is attached to the consent:
"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Adur & Worthing Councils:

The Council's **Environmental Health** Officer has commented as follows:

My only concern is that the North Facing facade will face the delivery yard for the Co-Op and is likely to be affected by deliveries and bin collections. Moreover, the dwelling has also been brought closer to the refrigeration plant on the roof of the Co-Op I would therefore ask for an acoustic assessment to

be undertaken to ascertain the exact noise exposure of the property including a scheme to protect the habitable rooms, facing the yard, from excess noise. The scheme shall demonstrate good acoustic design and shall comply with the internal noise level guidelines set out in BS8233:2014.

The Council's **Engineer** has commented as follows:

The proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding.

The applicant has indicated the intention to use soakaways for the disposal of surface water.

The applicant needs to assess if the use of soakaways is viable on this site. The proposed location for the soakaway will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at that location to ascertain if a soakaway will adequately empty. There appears from the drawings to be sufficient area to adequately site soakaways.

Therefore in this instance the only comments we wish to make at this time relates to the disposal of the surface water.

In the absence of any ground investigation details or detailed drainage details in support of the application although the applicant appears to have indicated his intention to utilize soakaways we request that should approval for this new build be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'

Soakage tests in accordance with DG 365 (2016) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas.

Full design calculations should be provided for the soakaway soakage test result, and the ensuing soakaway and permeable paving designs, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes, as required under planning policy.

Representations
One representation received from the occupier of a neighbouring dwelling commenting that two trees have been removed and should be investigated.

Relevant Planning Policies
Saved Local Plan policies (ADC 1996): AG1, AH2
DC Standard No.2 Space Around new Dwellings and Flats
Proposed Submission Adur Local Plan (2014): 1, 2, 15, 21,
Good Practice Guide – Internal Space Standards for New Homes
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

The Development Plan comprises the saved policies of the adopted Adur Local Plan (1996) although the emerging Proposed Submission Adur Local Plan (2016) can be afforded some (albeit limited) weight. This aside, the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter or at variance.

The Council's own Conformity Assessment of the saved Local Plan policies indicates broad compliance with the National Planning Policy Framework, where relevant policies exist. It is recognised that the Local Plan does not demonstrate a 5 year supply of deliverable housing land against Objectively Assessed Need as required in the National Planning Policy Framework and allied Practice Guidance. Although this will be addressed in due course by the emerging Local Plan, paragraph 14 of the NPPF states that in such circumstances unless the proposal is at variance with specific policies in the Framework which indicate development should be restricted, it should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

The proposed development would make a minor contribution to meeting housing targets including OAN under the para 14/49 tests of the National Planning Policy Framework.

Saved policy AH2 allows for new residential development by way of infilling or redevelopment within the built-up area, subject to its appearance, character and scale providing a pleasant place in which to live, in-keeping with and enhancing the local environment with particular attention paid to architectural form, height, materials, density and layout of buildings and hard surfaces areas; it respecting existing natural features and land form; it not having an unneighbourly effect on existing dwellings and providing adequate standards of residential amenity for new dwelling; and providing the access arrangements to the public highway and on-site parking arrangements are acceptable.

The key considerations are the living conditions of existing and future occupiers, design and the effects on the character and appearance of the area, and highway safety and parking considerations.

Design and Effect on Character and Appearance of the area

The importance of good design is emphasised throughout the NPPF in order to establish a strong sense of place by responding to local character and history, reflecting the identity of local surroundings to promote and reinforce local distinctiveness (paragraphs 58-60). This is also reflected in the emerging Local Plan, and Policy 15 which requires new development to be of a high architectural quality and respect and enhance the character of the site and the prevailing character of the area, making a positive contribution to the sense of place and distinctiveness of an area with particular attention (amongst other things) being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development.

The immediate surrounding streetscene is characterised by rows of terraced housing or flats that generally front directly onto the street or set back behind

a small forecourt garden Plot widths are generally narrow although the application site and adjoining dwelling to the west is unusual with a wider plot size. Gardens at the rear of dwellings on the north side of New Road are long surrounding the application site, and appear mature giving a verdant quality when viewed across the public car park to the west and from Surry Street to the north east. The application site is within this rear garden land (i.e. greenfield land) and so this proposal is therefore backland garden development.

The proposed two storey dwelling would occupy a significantly smaller plot than its neighbours, approximately half the depth of those prevailing, with only a very shallow rear garden. The garden depth of the existing dwelling at No.27 would also be roughly halved.

In terms of architectural composition the proposed detached dwelling would stand out in contrast to existing development with a simple design form that would not respond to the characteristics of existing buildings and although some detailing is given by recessed sections, particularly on the south elevation, the lack of detailing elsewhere would act to emphasise the overall size and bulk of the building.

Space around dwellings is also an important factor which contributes to character, identity and appearance and in this respect the uncharacteristically small plot size, and reduced garden area of No.27 would be wholly out of keeping with the pattern of existing development.

This backland development is an especially discordant and contrived form of building which relates poorly to the urban grain, street character and function. It lacks any meaningful sense of place or sympathy with local distinctiveness. As a result of the location within this backland garden area the proposed dwelling would appear as an incongruous standalone feature, relating poorly to the pattern of development and would constitute a somewhat awkward and intrusive presence. Although not apparent in views from New Road the adverse effects would be readily appreciated from the adjacent dwellings and from the rear access road from Surry Street. The proposal would harm the pattern of development and local character and, as such, the proposal does not enjoy support of local planning policy or the National Planning Policy Framework.

Furthermore, the garden land itself makes an important contribution to the character of the area and the green infrastructure and its loss would be damaging to the verdant character and relatively generous garden layout in the site vicinity and would not preserve or enhance the character or appearance of the conservation area within which it is sited.

As is noted in the representation, two trees have been recently felled within the site, without the relevant consents, which can be seen in aerial photos to appear to have made a positive contribution to landscape character. The Council's Senior Tree and landscape Officer has been advised and this matter has been passed to the Enforcement Officer to investigate.

Residential Amenity – Living Conditions of Future Occupiers

The proposed dwelling would have a gross internal floor area of approximately of 102.7sqm. The Council's Good Practice Guide – Internal Space Standard for New Dwellings sets a minimum standard for a 4-bedroom dwelling of 106sqm and 93sqm for a 3-bedroom dwelling. The application is described as a 3/4 bedroom dwelling, with one of the four bedrooms being positioned at ground floor level and so having more potential to be used as additional living area (albeit with restricted outlook) than others on the first floor but for the purposes of this assessment it must be assumed that it could be occupied as a fourth bedroom and so in this respect it would fall short of the minimum gross internal floor area required. Although all bedrooms are indicated to be double rooms, using the Good Practice Guide and the Government's technical housing standards, all but bedroom 2 would fail to meet the size required for a double room and with bedroom 3 and 4 falling short by between 0.3 and 0.8sqm and to a greater degree for bedroom 1. Although the rooms are shown to be of a regular shape with adequate levels of natural daylight, their dimensions are nevertheless small for the intended purpose as double bedrooms rooms and living, cooking and eating area would be 10sqm below the minimum set in the Good Practice Guide for a 4-bedroom dwelling.

The Council's SPG 'Space Around New Dwellings and Flats' requires 2-storey dwellings to have a rear depth of 11m which is derived from the minimum distance needed between the rear of dwellings to safeguard against adverse overlooking (22m). The proposed dwelling has been set back in the plot, achieving a 22m distance to the rear windows of No.27 and neighbouring dwellings and with an adequate garden area to the south, but being sited close to the rear boundary and within 8 metres of the corner of the Co-op building to the north with windows beyond in the Coop building being between 10m at their closest and 18 metres at their furthest from rear windows in the application dwelling giving rise to overlooking. The Environmental Health Officer has also raised concerns over this relationship in terms of the proximity to roof mounted refrigeration plant and to the delivery yard with fears over the impact from noise from deliveries, bin collections and from the roof plant.

Residential Amenity – Effect on amenities of Existing Residents

The immediate neighbouring dwellings in New Road would be most affected by the application proposals. Whilst the buildings themselves at No.11 Tarmount Lane to the west and 29 New Road to the east would be reasonably well separated from the proposed dwelling and with the bulk of existing detached outbuildings effectively screening some views back towards No.27 itself, the garden areas of 11 and 29 would be affected and although boundary walls exist and provide enclosure there would be overlooking from first floor windows in the proposed dwelling into neighbouring gardens where previously the neighbouring occupiers have enjoyed reasonable privacy, although a reasonable level of privacy would be maintained for areas close to the rears of dwellings. There would be increased activity in the garden area and along the access path next to No.29 as a result of the proposed new dwelling but given the scale of development proposed the level of activity, and that this is not a vehicular access, would not give rise to any significant loss of amenity.

Highway Safety and Parking

The Highway Authority has not raised any highway safety concern about the amount of parking provision despite the shortfall of one parking space. In practice the use of the existing garage for parking for No.27 would be limited because of the obstruction caused by a vehicle at the application address. However the site is within a sustainable location in the town centre, within walking distance of its facilities and public transport provision including the train station. Cycle storage provision could be secured by condition.

Recommendation

REFUSE

For the following reasons:

The proposed dwelling, by reason of its design, form and location, would fragment and erode the verdant quality of this garden land and introduce a discordant form of development that would relate poorly to urban grain and to the character of the area, setting an undesirable precedent for further development to rear gardens which would not preserve or enhance the character or appearance of the conservation area within which it is sited. Furthermore, the size and layout of the proposed dwelling would result in a poor living environment for future occupiers. As such the proposed development would be contrary to saved policy AH2 of the Adur Local Plan and the National Planning Policy Framework.

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

Case Officer: Rebekah Smith Date: 15 September 2016

Authorised by: Peter Barnett Date: 15 September 2016