DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF A 3 BEDROOM DETACHED DWELLING WITH ASSOCIATED PARKING, BIN STORE AND LANDSCAPING

LAND EAST OF 3 QUEENS ROAD, SOUTHWICK
APPEAL STATEMENT



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1.0 The site and its surroundings

1.1 The appeal site is currently the side garden and single garage to No.3 Queens Road, Southwick, a semi-detached chalet bungalow on the northern side of Queens Road close to it junction with Kings Road.

1.2 The general character of the area is wholly residential with mainly single storey dwellings many of which have had the benefit of roof conversions and chalet style bungalows. The aerial photograph below demonstrates that all roofscapes are steeply pitched and covered with plain tiles. The roof designs vary from being hipped to having gable ends, although at the junction of Queen Road and Kings Road gabled ends predominate, as shown in the photograph.



2.0 The planning history and the current appeal proposal

2.1 There is no relevant planning history on this site. The appeal proposal seeks planning permission for the demolition of the existing garage and the removal of the high hedging on the boundary with No. 5 Queens Road and the construction of a 3-bedroom chalet bungalow. The accommodation would comprise an open planned living/kitchen/dining area, a shower room and a double and a single bedroom on the ground floor with a family bathroom and a master bedroom at first floor within the roof. Externally the materials would match its surroundings with matching facing bricks and plain clay tiles

2.2 The application was submitted on 10 August 2021 and refused for a single reason on 19 October 2021.

1 *The form, massing, siting, size and scale of the proposed building would be harmful to the light and outlook of the occupiers of No.5 and would also have an overbearing impact upon them. Neither would its scale, massing and form respect of enhance the character of the site or that of the prevailing area. The proposal is therefore contrary to policies 15 and 20 of the Adur Local Plan, Development Management Standard No.1 "Space Around New Dwellings and Flats" and the National Planning Policy Framework.*

3.0 The main issues

3.1 Having due regard to the reason for refusal of this application it is considered that the main issues to be determined in this case are:

1. *The impact of the proposal on the living standards of the occupants of No.5 Queen Road.*
2. *The impact of the proposal on the character or appearance of the area.*

4.0 Planning Policy

4.1 It is considered that the following national guidance and local plan documents are of relevance to this proposal and, as such, will need to be addressed in any decision. The National Planning Policy Framework 2021 and Local Plan Policies.

4.2 The National Planning Policy Framework 2021 sets out the overarching planning policies on the delivery of sustainable development through the planning system.

It advises that development should contribute to sustainable economic development, should protect and enhance the natural environment together with the quality and character of existing communities, and should ensure high quality development through good and inclusive design, and the efficient use of resources. It goes on to state that development should support existing communities and contribute to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community. It places emphasis on creating sustainable forms of development and advises local authorities to encourage developers to reduce energy use and help to address the causes and potential impacts of climate change.

4.3 Local Plan Policy 15 is concerned with the Quality of the Built Environment and Public Realm and identifies that development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.

4.4 Local Plan Policy 20 is concerned with Housing Mix and Quality and identifies that new residential development (including through conversions and changes of use) should incorporate a range of dwelling types, tenures and sizes (including affordable housing) that reflect and respond to Adur's identified housing needs and demands.

4.5 Development Management Standard No.1 sets out the Council's minimum standards for residential development. It is largely aimed at the provision of dwelling houses and flats on infill sites such as the appeal site.

5.0 Statement of case

5.1 In terms of housing supply it is noted that the Council has a shortfall in its housing supply and when considering the planning balance in determining planning applications increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the National Planning Policy Framework.

5.2 It is also noted that the Highway Authority, the Council's Technical Services and Public Sector Housing along with Southern Water all have no objections to this proposal.

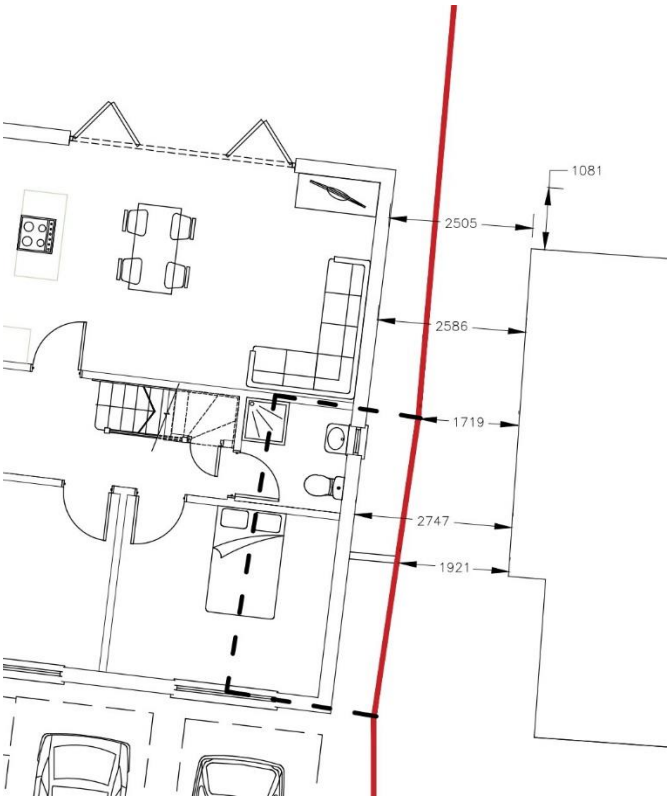
1. *The impact of the proposal on the living standards of the occupants of No.5 Queen Road.*

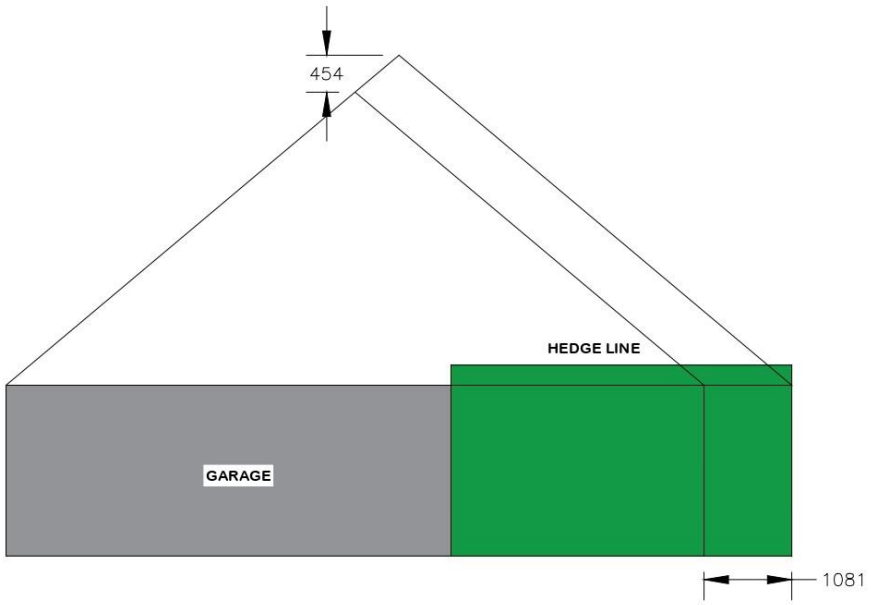
5.3 In the officer's report, contained at Appendix 1, the Council indicate that No.5 Queens Road has its front door and kitchen window on the side wall, an arrangement which the Inspector will note is in line with all the end of terrace bungalows in Queens Road, Nos 2, 3, 20 and 25. The officer expresses concern that the impact of the proposed dwelling on the living standards within the kitchen, which only has a west facing window and a rear obscured glazed door, would result in a loss of light and outlook for its occupants.

5.4 Although the appellant cannot verify the Council's assertion regarding the rear door having obscured glass it is noted that the side window is 1800mm x 1200mm which is a large size for a kitchen of modest dimensions. This window is currently screened by a 1.8m high boundary fence and a substantial row of hedging which the Inspector will note on site and in the photograph below is substantially higher that the eaves height of No.5 Queens Road.



5.5 As is indicated in the dimensioned plan and section the new chalet bungalow would extend beyond No.5 Queens Road by 1081mm making the ridge line only some 454mm higher than No.5. The window to which the Council is concerned would be some 2580mm from the new building and would clearly benefit from the removal of the existing high hedge, but with the 1800mm high fence remaining in the location of the red line. The existing garage is shown in a broken line on the plan.





5.6 At present the outlook from the side kitchen widow is that of a 1.8m high timber fence and a substantial hedge which is above eaves level on the boundary line some 1700mm away. Following the construction of the new chalet bungalow it is the appellant's view that the light and outlook would improve there being a separating distance of almost 2.6m which is more than comparable with other such end of terrace properties in Queens Road. In this respect, the appellant

would draw the Inspector's attention to the relationships of No 25 with No 27 and No 20 with No 22 Queens Road. In addition it is noted in the reason for refusal that the Council is not citing any adopted policy to back up its assertions regarding loss of light and outlook. Policy 15 relating to character of the area, Policy 20 relating to housing standards which the officer has already stated is acceptable in this case and Development Management Standard No 1 which also seems irrelevant in this case as again it refers to housing standards.

2. The impact of the proposal on the character or appearance of the area.

5.7 It is acknowledged that this is a wholly residential area of Southwick and that bungalows and chalet bungalows form the general character of the area. It is also noted that the Council accepts that the proposal respects the building line of No.5 Queens Road. However, the Council seems to suggest that the eaves line of the proposed dwelling would be higher, this is clearly not the case. It is accepted that the building would be 1081mm deeper than No.5 which, as indicated on the section, would result in a 454mm higher ridge, a minimal distance which would not be visually apparent within the street scene.

5.8 The Council also seems to suggest that the design of the proposed roof, being inconsistent with that at No.5, would be harmful to the character of the area. Clearly, the Council has not undertaken a proper assessment of the roofscapes in the immediate locality of the site as the Inspector will note from the site visit and from the photograph at page 2 of this statement that all the roofs of the dwellings at the junction of Queens Road with Kings Road are fully gabled. There can therefore be no doubt that the character and appearance of the area would be improved by the demolition of the existing garage and the construction of a modest chalet bungalow.

6.0 Conclusion

6.1 In conclusion it is argued that the outlook and light in the kitchen of No.5 would be improved and in any event the Council has cited no policy to back up its assertions in this respect. The Council has also failed to properly assess the character of the area in concluding that the roof of the proposed dwelling should be hipped to match that a No.5. The overwhelming evidence points to the fact that a gabled roof would better respect that character and appearance of the roofscapes at the junction of Queens Road and Kings Road where the site is located. Finally, the Council's current housing supply shortfall must add weight to the conclusion that this appeal should be allowed.

Appendix 1 Council officer's report

Expiry Date – 5/10

Development Control – Delegated Officer Report

Application Number: AWDM/1480/21 Recommendation – Refuse

Site: Land east of 3 Queens Road, Southwick

Proposal: Demolition of an existing garage and construction of 3 bedroom detached dwelling with associated parking, bin store and landscaping.

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 8/10

Site and Surroundings

This application relates to the side garden and garage of a chalet style semi detached house on the north side of Queens Road close to its junction with Kings Road. Land slopes up from the pavement edge with the houses on higher ground.

No. 5, to the east, is a bungalow as are the houses on the south side of Queens Road and those to the rear in Holmbush Way. No. 5 sits much nearer the back edge of the pavement than No.3. No. 3's garage, to be demolished, lines through with the front wall of No. 5.

The site is not in a conservation area and is not listed.

Proposal

It is proposed to demolish the garage and to build a chalet bungalow with a rear dormer and east side porch entrance. It would follow the front building line of No. 5 but would extend deeper into the site and beyond the rear wall of No. 5 by 1.2 metres. Two off street parking spaces are proposed in the frontage via a widened crossover.

The bungalow measures 8.124 metres deep by 9.525 metres in width. It has a hipped roof with gable ends and an eaves height of 2.4 metres and a ridge height of 6.3 metres.

Relevant Planning History

None.

Consultations

Highways:

Summary
This proposal is for the demolition of an existing garage and erection of a three-bedroom detached dwelling. The site is located on Queens Road, an unclassified road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility
The applicant proposes to widen the existing vehicle crossover (VCO) to approximately 5.4m in width. The access works will be subject to a licence obtained through the local area office and constructed to a specification agreed with the local area engineer. From inspection of local mapping, there are no apparent visibility issues with the existing point of access onto Queens Road. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning
The applicant proposes two parking bays for the proposed dwelling. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least three car parking spaces. Therefore, any overspill parking would have to be accommodated on-street.

The LHA does not anticipate that the shortfall of one car parking space would result in a highway safety concern, nor give rise to a local parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Adur Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

On-site turning will not be achievable, so cars may have to exit the site in a reverse gear. However, this is the existing arrangement and is not anticipated to result in a highway safety concern.

Regarding cycles, the applicant proposes to retain an existing shed, which can be utilised for secure cycle parking provision. The inclusion of cycle parking helps promote the use of sustainable transport methods.

Sustainability
The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is within walking distance of public transport services, with regular buses available from nearby Upper Kingston Lane and Kingston Way. Southwick Train Station is located approximately 1.8km south of the site.

Conclusion
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 111), and that there are no transport grounds to resist the proposal.

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

Conditions
Car parking space (details approved)
No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use.

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 to be 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.

Electric Vehicle Charging Spaces
No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Informative
Vehicle Crossover – Minor Highway Works
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.

Additional information about the licence application process can be found at the following web page:
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-f or-driveways-licence/
Online applications can be made at the link below, alternatively please call 01243 642105.

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-f or-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

Technical Services:

No objection on flood risk grounds. Surface water flooding scheme must be designed to comply with Building Regulations.

Public Sector Housing – Health: No objection.

Southern Water:

'Please see the attached extract from Southern Water records showing the approximate position of public apparatus in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised.

Please note:
- The 4 inches public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public apparatus.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to Developer.Services@southernwater.co.uk

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via

the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk'

Representations

5 objections received summarized as:

1. Overlooking from dormer to the rear and to No. 5
2. Design, not in keeping, at odds to all houses.
3. Insufficient parking
4. Noise and disturbance to neighbours, some of whom work from home and other who works nights and sleep during the day.
5. Impact on wildlife including birds in large rear garden tree.
6. Loss of light to side window and garden of No.5
7. Inconvenience to neighbours during build.
8. Dust will affect health of neighbour.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2021
Adur Local Plan 2017 Policies 1, 2, 3, 15, 20, 22, 34, 35, 36 including Development Management Standard No.1 'Space Around New Dwellings and Flats'; and Development Management Standard No 2: Extensions and Alterations to Dwellings'.
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The principle of development can be supported as it upgrades a dwelling within the built up area boundary. For consideration is the impact of the proposals on the character and appearance of the area, neighbour amenity and highways. These impacts are considered against the background of the Council's current failure to meet its housing target.

Housing Need

National guidance requires sustainable development to be supported unless significant and demonstrable harm would occur. This is particularly pertinent where an authority

cannot meet their housing target. Adur Council is not currently meeting its housing target, though projections over the next 3-5 years suggest it will.

Neighbour amenity

No. 5 has its front door and kitchen window in its west facing side wall. This kitchen also has an obscurely glazed rear door but this room's main outlook and light comes from its side window. The flat roof garage to be demolished at No. 3 does not extend deep enough to obstruct this window. The proposed house will extend beyond the rear wall of No. 5. It is considerably taller than the garage. It will obstruct light and outlook to No. 5's kitchen and will be overbearing for occupants of No. 5 from their kitchen and from their main entrance/hallway.

The proposed rear dormer would overlook the garden of No. 5 where there is presently no overlooking.

The first floor dormer window would be more than 13 metres from the back boundary. Gardens in Holmbush Way are approximately 16 metres deep. The houses at 1 and 3 Queens Road have front and rear dormers as built. Their rear dormers are closer to the rear boundary than proposed here. There will be no harm to Holmbush Way.

Character

Bungalows are a feature of this street. The proposed front building line respects the front building line of No. 5. And yet the proposal appears aggressively assertive in the photo montage submitted. No streetscape elevation has been provided but given the extra depth proposed beyond No. 5 it is very likely that the ridge, and possibly eaves heights are greater. It sits very close to the shared boundary with No. 5, 755mm. The design of the roof is inconsistent with the roof form of the bungalow at No. 5 in that it has fully gabled ends. This combination gives the proposed house a cramped and overly assertive appearance in the streetscene, harmful to local character.

Space Standards:

The proposed house is two storey and has 3 bedrooms. It is large enough to accommodate 5 persons. The applicant states that the floor area is approximately 100sqm. The National Space Standards requires a minimum floor area of 94sqm for a dwelling of this size. The rear gardens for the proposed house is greater than 65sqm. The existing house is left with a slightly smaller rear garden but enjoys a large south facing front garden. This is acceptable.

Highways:

Two parking spaces can be provided safely for the new house. The existing house will lose off street parking. On street parking was not a significant problem at the time of the site visit.

Conclusion

The significant and demonstrable harm to the living conditions of occupiers of No. 5 and to the streetscene outweigh the benefit that this one extra house would make to the Council's housing targets.

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Recommendation REFUSE for the following reason:

1. The form, massing, siting, size and scale of the proposed building would be harmful to the light and outlook of occupiers of No. 5 and would also have an overbearing impact on them. Neither would its scale, massing and form respect or enhance the character of the site or that of the prevailing area. The proposal is therefore contrary to policies 15 and 20 of the Adur Local Plan, Development Management Standard No.1 'Space Around New Dwellings and Flats' and the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to any representations? No.

Case Officer signed: MOK Date: 19/10/2001

Authorised and signed by: Peter Barnett Date: 19 October 2021