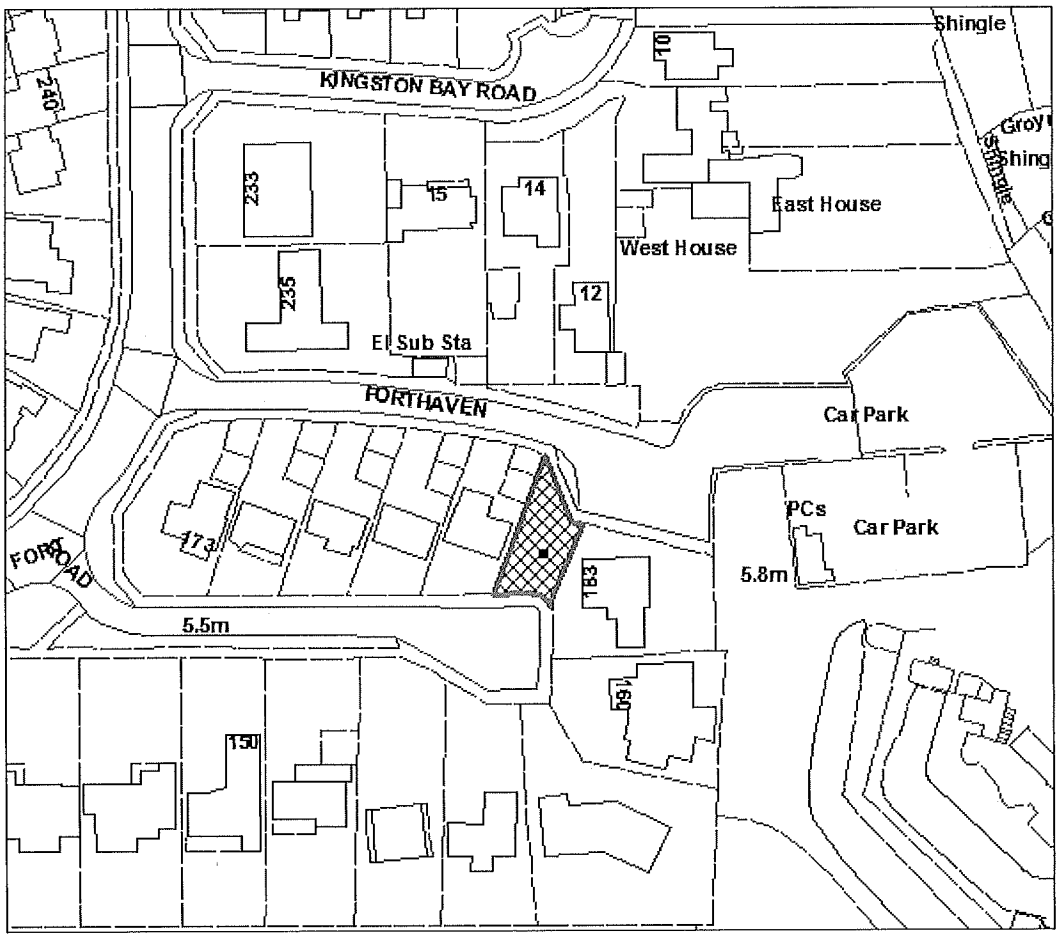
Application Number: AWDM/0246/17 **Recommendation – APPROVE**

Site: **Land West Of 183 Old Fort Road, Shoreham-By-Sea**

Proposal: **Demolition of existing double garage and erection of two-storey two-bedroom detached house with solar array on roof**

Applicant: Mr and Mrs Paul Davis Ward: Marine
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

This application was deferred from the previous Planning Committee meeting on 18 April in order to secure amendments to reduce the impact of the new dwelling on the neighbouring occupiers at No. 181. It is in itself an amended submission following refusal by the Planning Committee on 6 February of a previous application for a three bedroomed house on the same site (AWDM/1711/16).

The application site currently consists of an area of garden and a detached, flat-roofed double garage attached to the west side of 183 Old Fort Road. The site is at the eastern end of Shoreham Beach, within a cul-de-sac off the main stretch of Old Fort Road, close to the Old Fort itself.

The application proposes to demolish the garage and construct a two-storey contemporary 2-bedroom dwelling, which is smaller than the previous proposal (gross internal floor area of 87sqm compared with 104sqm previously). The removal of one bedroom has enabled the building to be reduced in width, thereby enabling a separation distance of 3.02m to the boundary with No.181 compared with 2.05m previously at ground floor levels and 4.5m at first floor compared with 3.3m previously.

The accommodation will be provided in an 'upside down' arrangement, with bedrooms on the ground floor. It will have a 'saw tooth' roof, which gives the appearance of a pitched roof when viewed from the front, with a flat roof at the rear. The pitched roof will be covered with solar panels. The dwelling will have a rendered first floor which will overhang the facing brick ground floor at the front. The plot is also an irregular shape with a rear garden which is triangular-shaped and narrows to a sharp point to the north. Access to and from the rear garden will be possible via external steps leading to a half-landing. The plot is approximately 10.5m wide at the front.

The dwelling will be set back from the front of No. 181 to the west but will also project further to the rear than the original rear wall of that dwelling (No.181 has a two storey extension at the west end on the rear which projects further than the proposed house).

The site is at the end of the street and the existing dwelling is of a different form and scale to those to the west, being flat-roofed and two storeys with rendered walls compared with more traditional two storey dwellings with pitched roofs and facing brickwork. It provides an end stop to the cul-de-sac. There is a public parking area at the rear (north) of the site.

Two parking spaces are proposed for the new dwelling at the front of the site.

The application has been 'called in' by Councillor Loader.

Amendments since last meeting

Amended plans have been received removing the projecting bay bedroom window on the west elevation and installing a rooflight instead, and introducing a privacy screen on the rear elevation to remove views from the rear garden steps towards the neighbouring property. The sandblasted glass screen would be affixed to the rear wall of the new house at first floor level (2.2m above the ground) and would prevent views across to the neighbouring house from the landing at the top of the steps and from the steps themselves. The applicant's architect has also provided an additional plan to illustrate the extent of the reduction in the footprint of the building from the original application, which totals 16m2 or 8.3%. The plan also indicates that plot coverage for the new dwelling equates to 28% which is lower than other dwellings on the north side of this part of the road that typically have plot coverage of between 30-42%.

Relevant Planning History

AWDM/0122/14 - Demolition of existing double garage and erection of two-storey three-bedroom detached house with solar array on roof – refused for the following reasons:

1. *The proposed dwelling, by reason of its size, design and siting within the plot, would represent an over development of the plot and would be a cramped, prominent and intrusive form of development, harmful to the character and appearance of the existing street scene. It would therefore be contrary to saved policies AG1 and AH2 of the Adur District Local Plan, Supplementary Planning Guidance' comprising Development Control Standard No.2 'Space Around New Dwellings and Flats' and the policies of the National Planning Policy Framework.*

2. *Having regard to the limited area of the site and its relationship to the existing residential property to the west (No.181), the proposal, by reason of its size and height, would give rise to an un-neighbourly form of development which would be detrimental to the residential amenities and environment of the locality, resulting in loss of light and an overbearing effect on the existing dwelling contrary to the saved policies of the Adur District Plan (AG1, AH2) and the policies of the National Planning Policy Framework.*

AWDM/1711/16 - Demolition of existing double garage and erection of two-storey three-bedroom detached house with solar array on roof – refused for the following reasons:

1. *The proposed dwelling, by reason of its size, design and siting within the plot, would represent an over development of the plot and would be a cramped, prominent and intrusive form of development, harmful to the character and appearance of the existing street scene. It would therefore be contrary to saved policies AG1 and AH2 of the Adur District Local Plan, Supplementary Planning Guidance' comprising Development Control Standard No.2 'Space Around New Dwellings and Flats', policy 15 of the Submission Adur Local Plan 2016 and the policies of the National Planning Policy Framework.*

2. *Having regard to the limited area of the site and its relationship to the existing residential property to the west (No.181), the proposal, by reason of its size and height, would give rise to an un-neighbourly form of development which would be detrimental to the residential amenities and environment of the locality, resulting in loss of light and an overbearing effect on the existing dwelling contrary to the saved policies of the Adur District Plan (AG1, AH2), policy 15 of the Submission Adur Local Plan 2016 and the policies of the National Planning Policy Framework.*

Consultations

West Sussex County Council: The **Highway** Officer has no objection subject to conditions securing access, car and cycle parking. Comments that the dwelling will be served via a new dropped crossing access point from Old Fort Road. Old Fort Road is unclassified and subject to a 30 mph speed limit. The site is located at the eastern extend of Old Fort Road, which is a no through road at this point.

Given the context of the location no highways concerns would be raised to the implementation of a vehicle crossover in this location. The crossover must be implemented under licence to a specification obtained from WSCC Highways.

The proposed dwelling will be served via two off street car parking spaces. This would be considered appropriate for a dwelling of this size in this location. The applicant has demonstrated that 183 Old Fort Road will retain three off street spaces despite the loss of the garage. Again this quantity of provision would be considered appropriate for a dwelling of this size in this location.

The proposed dwelling should be provided a secure and covered cycle parking provision in the interests of sustainability. The garage of 183 Old Fort Road may have also been used as a cycle storage facility so unless already available I would also ask that 183 Old Fort Road is also provided with a replacement secure and covered cycle parking facility.

In conclusion the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

Adur & Worthing Councils: The **Engineer** has no objection. The site lies outside areas affected by surface water according to the EA maps but lies within EA flood zone 2 and is surrounded by land within flood zone 3.

It is noted that the proposed ground floor levels of 6.0m shown on the drawings and referred to in the EA generic FRA, is the minimum required.

Disposal of surface water should be via soakaway as proposed, and with the area being underlain by the shingle spit, no formal soakage test will be required.

The **Environmental Health Contaminated Land** Officer recommends the precautionary condition and PFA informative.

Environment Agency: No objection subject to a condition requiring the development to be built in accordance with the submitted Flood Risk Assessment and specifically that finished floor levels are set no lower than 6.00m AOD. Comment that consideration should be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels

Southern Water: Formal connection to public sewerage system required.

Representations

3 letters of objection received from the owner/occupiers of 156, 181 Old Fort Road and from Shoreham Beach Residents Association:

- Would like to object on same grounds as previous refused applications
- Planning Committee has visited the site and house at 181 and are aware of the adverse impact that this development would have on neighbours
- Loss of sunlight to amenity space
- Overlooking of rear sitting room from rear steps
- Breach of right to light
- Loss of double garage will cause parking problems in cul-de-sac
- Plot is not large enough to accommodate a detached house
- Would be cramped, prominent and intrusive, harmful to character and appearance of street scene

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2 and Appendix 11 'Supplementary Planning Guidance' comprising:
Development Control Standard No.2 'Space Around New Dwellings and Flats'
Submission Adur Local Plan (2016) Policy 15, 21
National Planning Policy Framework (CLG 2012)

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

The proposal comprises new housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the street scene.

The saved Local Plan policies and the Submission Local Plan policies comprises the Development Plan here but 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. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

Visual amenity

The proposed dwelling will be set back behind the front of 181 by approximately 1.9m at ground floor level and 1.5m at first floor. When viewed from the west along Old Fort Road it will maintain the staggered line of housing in the cul-de-sac, albeit with less of a stagger than can be found elsewhere.

Even with less of a set-back, it is considered to be sufficient to ensure that the building is not unduly prominent in the street scene. The dwelling will have the same ridge height as No.181. A 3m gap is provided to the boundary with No.181 and, while the proposed building will sit hard against the new boundary with No.183, sufficient distance of 2.4m will remain to the side of the house itself. Such distances ensure that the building will not appear cramped within the plot. Indeed, the increased distance to the boundary with 181 results in a spacious appearance with a distance of 4.56m between the first floor of the proposed dwelling and the side of No.181.

Two car parking spaces are proposed at the front but with a landscaped area provided adjacent to the spaces which will help soften the frontage.

From Forthaven to the north, the building will have a flat roofed appearance which reflects the form of No. 183. It is considered to be of an acceptable scale when seen in context with Nos. 181 and 183. It will project beyond the rear of No.183 but not as far as the two-storey projection at the rear of No.181, or the garage of that property. Consequently, it is not considered that it will be unduly prominent in views from Forthaven.

The design of the building is contemporary in appearance but government guidance, in the form of the NPPF, advises that "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*"

Old Fort Road contains a wide variety of housing styles and within this particular section of the road there is also a mixture of traditional pitched roof and more contemporary flat roofed forms. The proposal attempts to respond to this variety and it is considered that the design successfully reinforces a sense of local distinctiveness. It does not represent a 'two-for-one' development in that an existing dwelling is not being demolished to accommodate the proposed building. It also does not result in the loss of a traditional bungalow, an issue over which there has been sensitivity in recent

years. The form, scale and layout of the building are considered to respect the character and pattern of development in this part of the street, and will result in a development with less plot coverage than its neighbours. There are therefore not considered to be sustainable reasons to object to the proposal on design or density grounds.

Residential amenity – existing occupiers

The host dwelling has eight windows on its west elevation but the proposed dwelling will stop short of projecting beyond those windows. At the rear, the dwelling will project beyond the rear wall of No.183 by 4m. However, the existing garage (which is to be demolished) already obstructs light and outlook to some extent for the existing ground floor rear window at 183 and it is considered that the proposed building, being sited further away, will enable a greater outlook from that window. Being to the north-west, the proposed dwelling will not have a serious adverse impact on light to 183.

To the west, 181 has a first floor side window facing the site which is a secondary window to a bedroom which is also served by front (south) facing patio doors leading to a balcony. The set back of the proposed dwelling and the increased distance between the buildings will help to minimise the impact on light and outlook to this room.

On the ground floor, 181 has a utility/kitchen window and door towards the rear of the side elevation and a small rear (north) facing patio at the rear. The patio has restricted light and outlook as a result of its position to the north of the building and the position and proximity of that property's detached garage and a two storey rear extension on the west side of 181. Previous proposals have brought the house much closer to 181 (1m from the boundary in AWDM/0122/14)) and would have adversely affected light and outlook to these areas. The current proposal has reduced the bulk of the dwelling by providing a flat roof at the rear, stepping in the first floor at the side, as before, but also reducing the width of the building to enable increased separation to 181. This results in less bulk and a greater distance to the boundary of 3m at ground floor and 4.5m at first floor (compared with 3.3m in the last application). While the proposed dwelling projects beyond the rear of 181, this follows the established, staggered pattern of development to the west and it will not breach a 45 degree line measured from the mid-point of the nearest ground floor opening in the rear elevation of 181. It is considered that the separation between the buildings is sufficient to prevent any serious harm to the residential amenities of the occupiers of 181.

The applicant's Daylight/Sunlight and Overshadowing Report submitted with the previous application concluded that "the proposals meet the Building Research Establishment (BRE) guidelines' criteria with only a small difference between the existing and proposed situations. In conclusion, we are of the view that the effects of the proposed development with regard to daylight and sunlight are within the criteria suggested by the BRE guidelines."

The guidance advises that only those windows that have a reasonable expectation of daylight or sunlight need be assessed, such as "living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be

analysed." In this case, the affected room is a utility room and does not need to be assessed. Nevertheless, the report demonstrates that "the reduction of daylight to the surrounding windows and the rooms they serve falls within the permissible criteria as set out in the BRE guidelines and that the property will continue to receive a good level of natural light." With regard to amenity areas, while the neighbouring patio area closest to the boundary will lose light, there would have been only a small reduction from 35% to 33% in the garden as a whole, which is well within BRE permitted guidelines. The current application has further reduced the bulk of the proposed dwelling and increased the separation to No.181 to 5.5m at first floor), thereby further reducing any impact on light to No.181.

The top of the proposed rear garden access steps are approximately 9.5m from the boundary with No.181. They are not large enough to be used as a sitting area and will be used only occasionally to gain access to the rear garden. The main entrance and parking area is at the front of the dwelling. To ensure that there are no views towards the rear garden of No.181, the proposal now includes a privacy screen affixed to the wall of the house. With this feature in place, it is not considered that the steps will cause any harmful loss of privacy to neighbouring occupiers. Screening to the sides of the rear stairs and front balcony will also maintain privacy for the occupiers of 183.

Residential Amenity - proposed occupiers

The proposed dwelling would meet the National space standards (87sqm internal floor area compared with standard of 79sqm for a 4 person 2 bed house. It will have a rear garden area of 55sqm which falls short of the 85sqm required for small semi-detached and detached dwellings (up to 3 bedrooms), but which exceeds the area required for a 2 bed (terraced) dwelling. The rear garden would be of a triangular shape and would have a width of less than 3m at the north end and where it projects to the east. However, other properties to the north which back onto Forthaven also have comparatively small gardens and it is not considered that the shape and size of the proposed rear garden is unduly inadequate, particularly in view of the proximity of the site to the beach. The host dwelling (183) will also retain adequate garden space to the east.

Parking and access

The application provides space for 2 off-street parking spaces which is in accordance with current standards for a development of this size in this area. The existing garage to 183 will be lost but that property will still have sufficient space for off-street parking on its west side. The plans also show a low level covered bike store on the western boundary (full details of which are to be reserved by condition). WSCC have not raised an objection to the proposal and it is not considered that the proposal will cause increased congestion in the cul-de-sac.

Flood Risk

The site lies within Flood Zone 2 and is at risk of flooding. It is not considered that there are reasonably available sites in areas with a lower probability of flooding which are appropriate for new housing. A new house would help meet the Council's 5 year

housing land supply and, provided the site-specific flood risk assessment demonstrates that the development will be safe, there is no objection in principle to development on this site.

The applicant has submitted a Flood Risk Assessment with the application which states that the finished floor level of the dwelling would be 6m AOD which takes account of the 1 in 200 year storm surge level of 5.4m AOD, plus 600mm. The Council's Drainage Engineer and the Environment Agency have not raised any objections and there are therefore no flood risk concerns with this proposal.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. External materials
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated 07/11/2016) and the following mitigation measure detailed within the FRA (Table 1.0):
   Finished floor levels are set no lower than 6.00m above Ordnance Datum (AOD).
   The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
5. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.
6. 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.
7. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided for both the approved dwelling and existing dwelling at 183 Old Fort Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.
8. Removal of PD rights for future extensions and outbuildings
9. Privacy screen at rear to be installed before first occupation in accordance with details to be agreed

Informatives:

1. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

2. Precautionary land contamination

3. PFA

4. Consideration should be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels

5. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water

6. 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

7. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.