Development Control – Delegated Officer Report

Application Number: AWDM/0573/13 **Recommendation – Approve**

Site: **55 Upper Kingston Lane Shoreham-By-Sea West Sussex BN43 6TG**

Proposal: **Retrospective application for pitched roof timber-clad shed in rear garden**

Date of site visit: 18.06.2013

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property comprises a semi-detached house occupying a spacious plot on the west side of Upper Kingston Lane. Retrospective permission is sought for a detached, pitched-roof, timber outbuilding that has been erected in the rear garden. It is located within the rear south-west corner, is 4m wide and 7.2m deep, having a maximum roof height of 3.1m.

The application arises as a result of an enforcement investigation. Permission is required because the building is taller than 2.5m in height and is located within 2m of the site boundary.

The householder is a keen gardener and intends to use the building for propagating seedlings, storing garden equipment, domestic cycles etc.

The site adjoins residential gardens to the north and south in Upper Kingston Lane, and also in Hawkins Road to the south. Ground levels slope down from north to south.

Representations:

Objections have been received from the occupiers of 57 Upper Kingston Lane, 2, 4, 6 Hawkins Road raising the following concerns:-

- Noise: neighbours suffered from noise pollution when the garage at this property was converted into a music studio despite assurances that it would be sound-proofed. Based on previous failed assurances, concerned that this large outbuilding will be used for some other purpose than the one described;
- Size: the building is very large and an eyesore;
- A window close to the common boundary directly overlooks neighbouring gardens and is unneighbourly resulting in a loss of privacy;
- Concerned that guttering will overhang the boundary;
- Siting: contrary to the supporting statement the building is not in the same position as the former summer house, it is closer to neighbouring

boundaries, and is at least one-third larger; concerned that being of a combustible construction it is too close to boundaries;

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings' National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The erection of incidental garden buildings can be supported in principle. The relevant considerations are the effects on the amenities of neighbouring residential occupiers and on the character and appearance of the locality.

Visual amenity

Whilst having a relatively large floor area, the scale of the shed is not excessively large or out of keeping in a garden of this size.

The shed is unfinished at present, consisting of a timber framework with some horizontal-clad panels and a felt roof. When completed it is proposed to colourwash the cladding a blue/green colour. It is considered this would not appear out of place in the context of a garden building.

Residential amenity

The shed is sited some 20m from the nearest part of the dwelling at No.55 and consequently has little, if any impact on the application property. The greater effect is on those properties to the south in Hawkins Road, which are sited on lower ground. Most affected are, Nos. 2 and 4, a pair of semi-detached bungalows. Whilst the visual impact of the 'bulk' of the shed is greater from these properties owing to the lower ground level, the shed is sited some 20m from the main rear elevations and is not considered to have an oppressive or overbearing impact on the living accommodation.

A window in the south elevation of the shed is sited less than 1 metre from the rear boundary of these properties. The rear boundary of No.2 consists of 1.8m high close-boarded fencing, whilst to the rear of No.4 is a lower wall approximately 1.2m high. It is possible to see into the gardens of these properties (even over the top of the close-boarded fencing), which is considered unneighbourly. The applicant has stated that the window is needed to help propagate seedlings, but has offered to install frosted glass in the windows. Whilst this may prevent actual overlooking, it would not address the *perception* of overlooking having regard to the size of the window (2.45m) and its proximity to the boundary with neighbours. It is considered the height of the boundary treatment with No.2 and 4 should be increased to the top of window in order address the perception of overlooking. The applicant has expressed concern that less daylight will be received as a result, but there is

another window and 2 sets of glazed doors in the north and east side of the building from which light will also be received.

Although the upper part of the shed is clearly visible from the rear of No.6, a chalet bungalow with rooms in the roof located to the south and west of the site, it does not have an unacceptably intrusive effect.

With regard to the other concerns raised, conditions could be attached to a permission stipulating that no part of the finished shed building should overhang any site boundary and stipulating that no part of the shed be used as primary living accommodation.

On balance, although the building could have been more sensitively located further away from neighbouring properties, for example, on the north side of the garden, the physical impact is not so severe as to warrant refusal. The other potentially unneighbourly aspect of the development can be satisfactorily addressed by imposing conditions.

Recommendation

APPROVE for the reason:-

The development does not detract from the local environment and subject to conditions to safeguard the privacy of neighbours can take place without unacceptable harm to the residential amenities of neighbouring residential occupiers. It consequently does not conflict with the saved policies of the Adur District Local Plan (AG1, AH7) or the policies of the National Planning Policy Framework.

Subject to Conditions:-

1. Within one month of the date of this decision the window in the south side of the shed building shall be fitted with obscured glazing and shall thereafter be retained.
2. Within one month of the date of this decision timber fencing shall be erected on the southern site boundary on land within the applicant's control (or as otherwise agreed with the owners of 2 and 4 Hawkins Road) to match the height of the head of the window on the south side of the shed building and for the entire width of the window.
3. No additional windows in south or west side
4. The shed building hereby permitted shall be used only as an outbuilding for the storage of garden equipment and items incidental to the domestic use of the property and at no time shall be used as habitable or living accommodation.
5. No part of the completed shed building shall overhang any site boundary or encroach onto neighbouring property.
6. Approved plans

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, subject to safeguarding conditions and in accordance with the

presumption in favour of sustainable development, as set out within the National Planning Policy Framework**.**

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

Case Officer:	Jo Morin	Date: 4 July 2013
Authorised by:	Peter Barnett	Date: 4 July 2013