Expired

Development Control – Delegated Officer Report

Application expiry 05.06.07

Application Number: ADC/0208/07 **Recommendation - Permit**

Site: **89 Old Fort Road Shoreham-by-Sea West Sussex BN43 5HA**

Proposal: **Amendments to ADC/0008/07 to increase depth of proposed new house and revise fenestration and other details**

The Application

The application relates to amendments to a previously approved application (ADC/0008/07) to demolish a detached bungalow and erect a four bedroom flat-roofed House with double garage and parking for two cars.

The proposed amendments are to increase the depth of the house from 11.915m to 12.590m, and introduce two sets of folding doors in the ground floor of the north elevation and one set in the west elevation, and enlarge the north facing first-floor windows which serve the two rear bedrooms, with the omission of the west facing bedroom window.

Consultations and Representations

Third Parties

There have been three letters of objection from surrounding neighbours to the proposed amendments.

The owner of No.29 East Meadway directly to the west has objections to the proposed amendments but not to the originally approved application (ADC/0008/07). He has concerns that there still remains some inconsistency around the dimensions stated, plot size and house position and requests clarification as to the distance between the two properties. *Response with measurements sent 03.05.07.* They also feel that the proposed large patio doors will result in a significant increase in noise to their house and garden when open in the summer, and consider it to be a noise pollution matter. They state that a single patio door seems fair and reasonable. The objector is concerned that the proposed larger windows in the first-floor rear rooms will impose on their privacy to their garden. They feel that the conversion of one of the bedrooms to a study will increase its use and therefore further impose on the privacy to their garden, conservatory downstairs and upstairs rooms. They feel that the condition on the original planning application requiring obscure glazing in the west facing window should be applied to the north facing windows.

The owner of the property to the east (No.91 Old Fort Road) objects to the affect of the overbearing effect the two-storey wall overlooking their boundary. They believe that the proposal will result in a loss of daylight / sunlight and request that the applicant demonstrates does not compromise this.
They also feel that the revision to the north facing rear windows will increase the loss of privacy to their property.

The owner of No.27 East Meadway strongly objects to the proposed increase in depth of the property on the grounds that it would bring an even larger house even nearer both to their side and rear boundary, which is already so close. They feel that there is no justification for this and that it is a creeping form of development.
The change to the windows would result in there being 8m of patio doors near to their property which is on higher ground which would be visible and intrusive. The changes to the first-floor windows are significant and are now two large windows. An important part of not making an objection on the previous application was the fact that the windows were narrow privacy windows.

The applicants agent has responded to the objections and feels that the proposed amendments would not alter the height or proximity of the approved building. They feel that the garage at No.91 would mostly be affected by the shadows and that as the property extends further past the proposals than the existing bungalow that there would be more light as a result.
They state that the folding doors will not make any difference to sound levels.
They point out that the DEV. Control standard states that 22m between 2-storey buildings is acceptable. However they have agreed to design the bedroom windows into two halves with the lower half to be obscurely glazed to be able to comply with building regulations and still provide privacy to properties in East Meadway.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, DEV1, DEV4-5.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AH1, AH2.
Development Control Standard No.2 'Space around new dwellings and flats'.

Planning Assessment

The main concerns are the effect that the amendments may have on the residential amenity of the adjacent properties.

Structure Plan policies give weight to making the best use of land provided that the impact on the character of the area and environment is acceptable (LOC1,ERA1, CH1) and subject to policy DEV1 requiring high quality development which integrates and where possible enhances adjoining land uses. Policy DEV4 states (amongst other things) that development should not

be permitted unless the travel needs it generates are met; it achieves safe and convenient access by a choice of means of travel; it encourages and enables an increase in walking and cycling.

Policy AH2 of the Local Plan states that new residential development by way of infilling or redevelopment will be expected to be designed so that its appearance, character and scale create a pleasant place in which to live and is in keeping with and enhances the existing local environment; that it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook; it incorporates adequate standards of residential amenity in terms of open amenity space, space, daylight, outlook and privacy; access to the public highway and parking provision meets adopted standards.

Development Control Standard No.2 'Space around new dwellings and flats' states that the acceptable distance between the rear of buildings is governed mainly by the distance required to give adequate privacy between facing principal windows, which is 22m in the case of two-storey developments.

PPS1 encourages the prudent use of natural resources, sustainable consumption of resources and use of renewable energy sources.

Residential amenity – privacy

The proposed amendments would increase the depth of the building from 11.915m to 12.590m, an increase of 0.675m. The rear garden length of the property would be reduced to 13.225m, and the resultant distances between No's 27&29 East Meadway being reduced to 21.5m and 23m respectively. The above Development Control Standard states that the acceptable distance between the rear of buildings is governed mainly by the distance required to give adequate privacy between facing principal windows, which is 22m in the case of two-storey developments.

The proposed patio windows would only allow for views at the 1.8m high fence which would surround the property and therefore there would be no threat of overlooking from these.

The proposed enlarged bedroom windows are required to conform with Building Regulations means of escape dimensions and as such would be lower that the previously approved high level windows. The applicant states that the Dev. Control Standard requires only 22m between principal facing windows but has agreed to design the windows so the lower half is obscurely glazed to improve the levels of privacy available to the adjacent properties, when closed.

The windows, although openable would allow for an improved amount of privacy to the neighbouring properties when shut, and it is considered that the distances are such that the revised scheme would not lead to an unacceptable level of overlooking which would warrant a refusal.

The bungalow to the east is currently overlooked over a low post and rail fence and the proposed revisions would increase the level of privacy available to the west side of this property.

Residential amenity – loss of light
The bungalow to the west did not object to the original application at the consultation of the two different amended schemes and it is felt that the proposed extension of the building length by 0.675m would not have a material change to how much of the building that is in shadow or on the amount of natural daylight available.

Residential amenity – noise
The proposed patio doors would, if open, allow more noise to be emitted from the property, but as the proposals are for a domestic residence it is unlikely to prove to be a noise nuisance. The patio doors are located enough of a distance from the surrounding properties to prevent there being an unacceptable loss of privacy due to noise.

Residential amenity - overbearing
The width of the two-storey element of the proposed property would remain 11.915m in width, 4.140m from the west side boundary. The single-storey garage would remain 11.030m from the northern boundary with No.27 East Meadway. The back garden length of the proposed property would be reduced by 0.675m and it is considered that this would not result in an overbearing effect on the properties to the north.

The applicant has agreed to a formal variation of the Section 106 Unilateral Agreement so it will apply to the modified application, to provide payment of £1,625 towards the provision of sustainable transport measures.

Recommendation

APPROVE for reason that :- 2PPi

1. C1Ci
2. C14Ai – amended. (1549/P1 Rev F dated 24.05.07, 1549/P2 Rev D & 1549/P3 Rev C dated 10.04.07)
3. C18Cii – amended
   The glazing in the first-floor north elevation shall be, in the case of the bedroom windows, obscurely glazed in the lower 50% at all times, and in the case of the bathroom window obscurely glazed at all times.
   Reason: *To prevent overlooking and to comply with policy AH2 of the Adur District Local Plan and DEV1 of the West Sussex Structure Plan.*
4. C7Cii – amended (AH2 & DEV1)
5. C8Biii

6. C9F
7. C9N
8. C12Aii – amended (external walls, roofs, balcony supports and cladding)

9. C18Ei – amended (...shall be formed in the north, east or west walls..)

Case Officer: [illegible] CJ 30.5.07
Date: 25.05.07

Head of Planning & Community: [illegible]
Date: 5-6-07

Chair of the Planning & Regulatory Committee: A. J. Mills 19/06/07
Date: