Development Control – Delegated Officer Report

Application Number: ADC/0259/06 Recommendation – REFUSE

Site: **Grassed area to north of 22 River Close, Shoreham-by-Sea BN43 5YF**

Proposal: **Dwellinghouse with boundary enclosure and access (Outline application by WSCC under Regulation 4)**

The Application

This outline application relates to a grassed area (with 2 relatively recently planted trees) on the eastern side of this cul-de-sac. According to WSCC, it is a grass verge forming part of the adopted public highway although it is understood to have been maintained by ADC for many years. It has a depth of 28m and width of 9m-15m.

The illustrative plans show the proposed house on the western side of the site, facing westwards, with the rear garden on the east part. The existing pavement obliquely angled across the corner is show re-sited to the edge of the carriageway. The house is shown 6.5m deep by 6.3m wide plus attached garage on its south side and to be two storeys plus rooms in the roof (with front and rear dormers).

Consultations and Representations

Environment Agency: Object on grounds that the site is within the identified area (zone 3a of PPS25) at high probability of tidal flooding as identified in the Flood Risk Assessment submitted by the applicant. Dwellings are classified as 'more vulnerable' in PPS25 and should only be allowed if the 'exception test' is met. This requires the flood risk objection to be outweighed by wider sustainable benefits to the community; to be on developable previously-developed land; and the FRA must demonstrate that the proposal will be safe.

County Transport Planning Services: No objection but points out that a Highways 'stopping-up' Order would be required (as the whole site is currently part of the adopted public highway); the existing footway would need re-alignment along the kerb edge; and a section 106 Obligation would be needed requiring payment of £1,625 under the adopted Transport Contributions Methodology. The illustrative layout plan would need amendment to increase the length of the parking space to avoid a car overhanging the footway and to provide pedestrian visibility splays.

Third Parties: Letters/e-mails have been received from No's 1, 9, 10, 11,14, 15, 16, 17, 18, 19, 22 River Close and 50 Beach Green. The main grounds of objection are:-

- loss of a green space (with 2 trees) which is part of the original development and never intended for building. It provides a safe play area for children (there are 15 children under 10yrs old in this Close and the site is used by some 16 children all year round) which is overlooked by the houses. It is needed for the well-being of the community, harmony and safety. Too many spaces are being lost to development. Ownership should be transferred to the District Council as they have maintained for the last 45 years.
- the proposed house would be visually out of place and intrusive, spoiling the overall view and constituting overintensive 'town cramming' not meeting the Council's adopted DC standards;
- it would cause an enclosing 'canyon' effect and would be overbearing on the adjoining dwellings including the houses to the north which have picture windows facing the site and need this outlook at the front because of the loss of outlook at the rear (resulting from the large 'Fische' houseboat and the possibility of others owing to the lack of planning control);
- overshadowing and loss of light to adjoining dwellings;
- poor standards of privacy with overlooking of adjoining dwellings (including the bungalow and houses to the north and east) and vice versa (with the proposed house and garden overlooked by the large front windows of the existing houses to the north);
- exacerbation of parking problems in this narrow cul-de-sac road, which are particularly acute in summer, and more traffic causing danger to children, noise and smell
- flood risk (the applicant's FRA being totally inadequate); and
- devaluation of property (NB. not of itself a planning matter).

[NB. requests are made to speak at committee by No's 14, 16, 18 & 19]

Relevant Planning Policies and Guidance

West Sussex Structure Plan 2001-16 (2005): LOC1, CH1, NE1-2, ERA1, ERA4-5, DEV1, DEV3-5
Adur District Local Plan 1993-2006 (1996): AG1, AP3, AB22, AB25, AH1-2, AH5, AT12 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.2 "Space Around New Dwellings and Flats"
[Submission Draft Adur Development Plan Core Strategy 2007: Policy ENV2]
Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003 & ADC 2004)
Design Bulletin "Trees and Landscaping" (ADC 1996)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPS25 'Development and Flood Risk' (DCLG 2006)

Planning Assessment

Policies

The site is located within a residential part of the built-up area and the proposal constitutes infilling as provided for in both Structure and Local Plan policies. There is no objection in principle to infill development within the built-up area and, in order to meet the housing requirements of the approved Structure Plan and Local Plan, a significant proportion of housing development by way of development of 'unidentified' infill sites is necessary. However, the suitability of individual sites for development depends upon many factors including the character of the locality, the nature of the site and the siting and configuration of existing and proposed dwellings.

Structure Plan policies give significant weight to making the best use of land through higher density development 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.
DEV1 requires layout, scale appearance and landscaping to be of high quality taking account of the need to integrate with and, where possible, enhance adjoining land uses; and to have regard to local context including the characteristics of the site in terms of natural and man-made features; morphology, streetscape, views into and out of the site; and to create a sense of place which is easy to understand through the use of distinctive buildings, open spaces, routes and landmarks.
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; and the number and impact of motorised journeys is minimised.
DEV5 states that "Development should not be permitted unless the level of parking is compatible with the need to avoid environmental or safety problems and the need is to encourage walking, cycling and the use of passenger transport where this is or can be a realistic alternative". The explanatory text refers to a transport contributions methodology (now adopted as TAD payments to sustainable transport improvements).

Local Plan policy AH2 relates to new residential development (by way of infilling and redevelopment) and states that new dwellings should be designed so that their appearance, character and scale create a pleasant place in which to live and are in keeping with and enhance the existing local environment with particular attention being paid to architectural form, height, materials, density, layout of buildings and hardsurfaced areas; they do not have an unneighbourly effect due to loss of privacy; daylight/sunlight; outlook or open space, incorporating adequate standards of residential amenity for the new dwellings in terms of amenity space, daylight, outlook and privacy; access and parking provision meets the adopted standards; and they accord with the Council's DC Standard No.2 'Space Around New Dwellings and Flats'.

AB22 states that development of open spaces in the built-up area will not be permitted if they are important to the character of the neighbourhood, or for amenity or recreation purposes. [ENV2 of the submission draft Core Strategy states that the loss of any open space will only be allowed in exceptional circumstances where it is demonstrated to be surplus to requirements and a contribution is made to a new open space elsewhere or improves existing spaces where there is a need].

Government policy guidance in PPS3 encourages optimisation of the use of urban land for housing development, particularly affordable housing, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity space standards. However, it is also seeks to promote designing for quality.

Loss of open space

It is considered that this open grassed area, according to WSCC a wide grass verge, is important to both the visual and residential amenities of this Close.

It appears to be part of the concept of the original development, with the line of tall houses on the north side facing onto it and, to a significant degree, is the central focal point within the Close, forming an essential part of its character and giving it a sense of place. 2 trees have been planted on it which, in time, will form a significant feature improving the appearance and shielding the view of the rear of properties from the north.

It also serves a functional purpose, providing a safe play space for young children, directly overlooked from the houses. Although there is the Beach Green recreation ground to the west, this is not so suitable for unaccompanied young children.

Consequently, it is concluded that the loss of this open space is unacceptable and would be contrary to policy AB22 of the Local Plan and DEV1 of the Structure Plan.

Visual amenity

The main adverse effect on the appearance of the Close results from the loss of the open space. The design of the proposed house shown on the illustrative plan would be out of keeping in style and form with the existing houses. It would be difficult to change the design to match the tall narrow form of the existing houses, because it is a single detached dwelling standing in isolation, not interlinked to the other houses.

Overlooking and/or overshadowing

Although some of the objections from residents are on these grounds, it is not considered that they are fully justified, particularly as the application is only in outline with all details reserved for subsequent approval.

The illustrative plan shows the north side of the house sited 18.5m from the front of the houses directly opposite (to the north). Where one of the properties has a blank wall, the Council's standard is 14m between two-storey dwellings and 20m if one is a three-storey block of flats. The illustrative plans demonstrate that the proposal can be designed not to result in excessive overshadowing, blocking of outlook or overbearing effect on the existing dwellings, including the chalet bungalow to the south and the house to the east.

The greater concern is that the rear garden of the proposed house would be overlooked from the large first-floor windows of the houses to the north. However, as the distance is 17m-19m, it is not considered that this would be so serious as to constitute a sound reason for refusal. It would also be overlooked to a degree by a rear dormer in the adjacent chalet bungalow to the south because of its angle of view.

Access and parking

It is not considered that there are any sound reasons to refuse the application on grounds of detriment to highway safety or, subject to completion of a section 106 Obligation requiring payment of the transport contribution, on grounds of conflict with sustainable transport policy.

The cul-de-sac is only lightly trafficked and, whilst fairly narrow, is adequate for the number of dwellings served, including the proposed additional dwelling. On-street parking is not a serious problem. The location is relatively close to the town centre and Ferry Road shops, so one on-site parking space would be appropriate. At reserved matters stage, if permitted in outline, the detailed design would need to include the requirements for an adequate length hardstanding, pedestrian visibility splays and footway re-alignment.

Flood risk

The site is very low-lying and within the area identified as at risk of tidal flooding. Even if habitable accommodation is kept above 5mAOD, there would be no safe means of escape (a matter highlighted by the Environment Agency when a similar proposal was submitted at 10 Ormonde Way further west – SU/219/05). The very brief flood risk assessment submitted by the applicant's architect identifies the site as being in a flood risk area but does not satisfactorily demonstrate that the proposal would be safe. The proposal clearly does not meet the 'exception test' contained in Annex D of PPS25 which requires the flood risk objection to be outweighed by wider sustainable benefits to the community; to be on developable previously-developed land; with an FRA demonstrating that the proposal will be safe.

now 5.6m AOD

Recommendation

REFUSE on grounds that:-

1. The proposed house is located within an area identified as a high flood risk zone and is at unacceptable risk of flooding by deep fast-flowing waters with no opportunity for safe, dry access to land outside the identified flood risk area. The Flood Risk Assessment submitted with the application does not demonstrate that the proposed development would be safe or meet the 'exception test' contained in Annex D of PPS25. The proposal consequently conflicts with policy AP3 of the ADLP, ERA4 of the WSSP and PPS25.
2. The proposal would result in the loss of an open space which is an important component of the environmental character of River Close and which is valuable for amenity and play space purposes, and would therefore be contrary to policy AB22 of the ADLP and DEV1 of the WSSP.

Case Officer... [redacted] Date....18/1/07.....

Head of Planning & Commun [redacted] Date....18.1.07....