Development Management - Delegated Officer Report

Application Number: NOTICE/0011/21 Recommendation – Prior Approval Required and Refused

Site: 42 Slonk Hill Road, Shoreham-By-Sea

Proposal: Householder application for permitted development for prior approval for enlargement of a dwellinghouse by construction of an additional storey to a height of 1.5m above the existing ridge

Date of site visit: 23 July 2021

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a detached bungalow on the north side of Slonk Hill Road. The property sits within a line of similar gable-ended bungalows, orientated with their ridge running north-south. Further east there are different forms of bungalow with hipped roofs facing the street, some containing dormers.

The application is proposing to construct an additional storey on No.42 as development permitted by Schedule 2, Part 1, Class AA of the GPDO, as amended in 2020.

The new floor will raise the ridge height 1.5m above existing. A living room, bedrooms and shower room will be created at first floor. A central window with four panes would be inserted into the front, south facing gable end elevation. Two windows to serve the bedrooms would be inserted in the rear elevation, and are shown as being part obscure glazed.

The new roof would be finished in concrete interlocking tiles to match the existing. The front elevation would be in brick and white, horizontal cladding above, also to match the existing dwelling.

Class AA permits:

The enlargement of a dwellinghouse consisting of the construction of
(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
(b) one additional storey, where the existing dwellinghouse consists of one storey,
immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted
AA.1. Development is not permitted by Class AA if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class
M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);
(b) the dwellinghouse is located on—
(i) article 2(3) land; or
(ii) a site of special scientific interest;
(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—
(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower
of—
(i) 3 metres; or
(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
(i) any additional storey is constructed other than on the principal part of the dwellinghouse;
(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or
(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Conditions
AA.2.—(1)Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and
(3).
(2) The conditions in this sub-paragraph are as follows—
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other
purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

(3) The conditions in this sub-paragraph are as follows—
(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—
(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
(ii) the external appearance of the dwellinghouse, including the design and architectural features of—
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;
(iii) air traffic and defence asset impacts of the development; and
(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 201244 issued by the Secretary of State;
(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;
(c) the development must be completed within a period of 3 years starting with the date prior approval is granted; (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and
(e) that notification must be in writing and include—
(i) the name of the developer;
(ii) the address of the dwellinghouse; and
(iii) the date of completion.

Procedure for applications for prior approval
AA.3.—(1)The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)
(2) The application must be accompanied by—
(a) a written description of the proposed development, including details of any works proposed;
(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
(c) a plan which is drawn to an identified scale and shows—
(i) the existing and proposed elevations of the dwellinghouse, and
(ii) the position and dimensions of the proposed windows.
(3) The local planning authority may refuse an application where, in its opinion—
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.
(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of

section 78 (appeals) of the Act45, such a refusal is to be treated as a refusal of an application for approval.
(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—
(a) describes the proposed development, including the maximum height of the proposed additional storeys;
(b) provides the address of the proposed development; and
(c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.
(6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.
(7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence. 8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.
(9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.
(10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.
(11) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
(a) assessments of impacts or risks;
(b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 201947; and
(c) details of proposed building or other operations.
(12) The local planning authority must, when determining an application—
(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and
(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
(13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.
(14) The development must be carried out in accordance with the details approved by the local planning authority.
(15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Relevant Planning History

AWDM/1304/15 - Front infill extension – approved
AWDM/1305/15 - Application for Certificate of Lawfulness for proposed rear extension – granted
AWDM/1806/17 - Retention of alterations and extension to existing garage (retrospective) – approved.
AWDM/0517/21 - Raising of the roof ridge to create a two storey 6no. bed dwelling with South facing balcony – refused for the reasons:

1. *The proposed extension, by reason of the raised ridge and eaves height and the introduction of a front balcony at first floor level, would form an incongruous and discordant dwelling which would be higher than its neighbours and out of keeping with the character of the immediately surrounding development. The proposal, therefore, fails to comply with Policy 15 of the Adur Local Plan 2017, 'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings" and guidance contained within the National Planning Policy Framework.*

2. *The proposed rear windows at first floor level will introduce overlooking where there is currently none, resulting in a loss of privacy to the detriment of the residential amenities of the adjoining occupiers.The proposal, therefore, fails to comply with Policy 15 of the Adur Local Plan 2017, 'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings" and guidance contained within the National Planning Policy Framework.*

Consultations

None

Representations

Letter of objection received from the occupier of No.40 Slonk Hill Road:

- They mention other houses having this type of extension, the two bungalows they refer to are of a totally different orientation to number 42. The developments mentioned are predominantly East to West orientation while number 42 is a north to south extension.
- They mention that there will be very little effect on light into my house, this is not correct at all as we have three windows on the west side (adjacent to number 42) which are just over a metre away from number 42.
- The current roof line is level with the top of our three windows, the proposed plans would put a 1.5 metre wall directly above these three windows
- Will have a major effect on my light in all three windows.
- The windows proposed on the north of the extension will now look into my Garden, I currently have no windows looking into my garden,

despite these now being obscure they are still openable - these windows need to be replaced with roof lights

Relevant Planning Policies

Adur Local Plan 2017 Policy 15
Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (February 2019)

Planning Assessment

The application meets the criteria set out in Class AA and is therefore subject to the considerations for prior approval.

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light

The additional storey will contain windows at first floor at the rear. The orientation of the properties along this part of Slonk Hill Road does not allow for rear dormers to be installed and there are currently no upper floor windows facing to the rear, in common with neighbouring dwellings, and no dwellings to the rear. The introduction of two bedroom windows at first floor will therefore introduce overlooking where there is currently none.

In an attempt to overcome the potential for overlooking and loss of privacy the supporting statement submitted with the applications states that the rear windows:

"..*would be obscured glazed to 1.7m above internal floor level. The top light above 1.7m would have clear glass and be openable. The side hung window would be obscured glazed. It is 0.6m wide and 1.0m high and would have a clear openable area of not less than 0.33m2, to provide means of escape in accordance with Building Regulations. This allows for a degree of outlook when the side window is open whilst not compromising the privacy of adjoining neighbours*."

Obscure glazing would overcome the loss of privacy issue but it would not normally result in an acceptable standard of living environment (i.e.to have a bedroom with no outlook). The opening of the side hung windows, even with restrictions, would introduce the potential for more overlooking then currently exists (i.e. none at all).

The increased height of the roof, including a 1.5m raising of the eaves, will increase the height and extent of vertical wall adjacent to the side windows of the neighbouring houses on both sides, which sit close to the boundary, particularly No.40 to the east, resulting in an increased loss of light.

(ii) the external appearance of the dwellinghouse, including the design and architectural features of—
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;

The extension would not match the style and appearance of the existing dwelling in terms of window size and positioning as a large, central window is proposed in the front gable of the raised roof on the principal elevation. There are no other such windows in the front gables of other gable-ended bungalows in the street.

The difference in fenestration amongst dwellings at ground floor level is considered to have less impact than the introduction of a large window at second floor level. Front dormers on hipped roof fronted bungalows further east are also not considered to be comparable to the current proposal, which involves alterations to a bungalow of different design.

(iii) air traffic and defence asset impacts of the development;

The overall height of the building will be 6.9m and Shoreham Airport has confirmed that they have no concerns with the proposed development.

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State

N/A

Recommendation

REFUSE prior approval for the following reason:

1. The proposed increase in height, and the resulting introduction of windows in the rear elevation at first floor level, would result in overlooking, a loss of privacy and loss of light for neighbouring occupiers, to the detriment of their residential amenities. The proposal is therefore contrary to policy 15 of the Adur Local Plan, DM Standard No.2 and Class AA.2.3(i)of the GPDO
2. The proposed increase in height and the introduction of a large glazed opening at first floor level would not match the style and appearance of the existing dwelling in terms of window size and positioning to the detriment of its external appearance. The proposal is therefore contrary to policy 15 of the Adur Local Plan DM Standard No.2 and Class AA.2.3(ii)(aa) of the GPDO.

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

Case Officer: Peter Barnett Date: 23 July 2021

Authorised by: Gary Peck Date: 23 July 2021