Application Number: ADC/0488/06 Recommendation – APPROVE

Site: 41 High Street, Shoreham-by-Sea

Proposal: First-floor rear extension to restaurant

The Application

The application relates to 'Tosca' Italian restaurant located on the south side of the High Street, 24m to the east of the junction with Town Quay. Adjoining to the east is the restaurant 'Nia' (No.39) and to the west the Ladbrokes betting shop (No43).

The application property consists of three-storey building, with a frontage which serves a ground floor restaurant, previously extended to the rear, up to the site boundary under SU/106/99. The two upper storeys are currently used for storage and staff quarters.

The proposal is for a first-floor pitched roof rear extension of rendered brick and tile construction, with rooflights along the ridge of the roof and a full-height glazed south elevation, facing the river. As amended, the extension would be 7.4m in length (rather than 16m as originally proposed) and 5.7m in width, and would provide 36sq.m extra floorspace for the restaurant. The proposed extension would be accessed via an internal staircase from the front part of the ground floor restaurant, adjoining the party wall with No.39. The extra floor space would provide a small bar and waiting area, male and female w/c's plus a restaurant area towards the rear. The male and female w/c's on the ground floor would be converted to provide additional disabled facilities.

The property was converted into a restaurant from a shop under planning permission SU/125/98, and thereafter has had various planning permissions granted including ventilation ducting (SU/94/01), replacement shopfront (SU129/01) and retractable sunblind (SU/223/05), but most notably for a long single-storey rear extension 13.8m in length (SU/106/99).

Consultations and Representations

County Transport Planning Services: No objection, given the relatively small size of the proposal and the sustainable location.

County Planning Services: The Conservation architect is yet to make any comments on the amended plans. Commented on the original plan that the massive size would not improve the roofscape and should be refused.

Adur District Conservation Advisory Group: No objection.

Director of Services: The EHO has no adverse comments.

Third Parties 4 letters/emails have been received.

The owner of the adjacent upper floor flat (Flat 2, No.39) objects on the grounds that the original plans showed discrepancies regarding the length of the proposals which would have large implications on their property. The extension was shown to be built on the boundary and concerns were raised regarding the overhang of gutters, soffits and the weathering of the pitched roof. There was a concern regarding the extraction of kitchen fumes which may need to be altered and regarding use of the third floor and the need for a fire exit, which, it was felt would lead to the flat roof being used for seating and increased noise. [NB. the objector considers that the amended plans do not satisfy the above points].

A representative of the owner of first-floor flat (Flat 1, No.39) objected on their behalf, to the massing and materials proposed. The discrepancies in the original plans made it difficult to determine the extent of the extension and the degree of impact. Concerns were also raised about the loss of light and view, and the nuisance of noise from open roof lights. [NB. these objections were withdrawn in respect of the amended plans, but it was added that the acoustic performance of the roof fenestration should be better than standard double glazing, and that the internal staircase should be solid and acoustically separated from the party wall].

The owners of Flat No. 3/4 Town Quay Apartments have objected on the grounds that they would experience loss of privacy and light and suffer from increased noise, and that there is no space for additional bin storage. The plans do not make it clear whether there are doors at the end of the extension or windows; if it were doors, it would be tempting to open them and have outside dining. The end of their lounge is dark and would become even darker with the extension so close.
[NB. A request is made to speak at the Committee meeting]

The owner of No.5 Town Quay Apartments has no objections as long as there is no outside dining whatsoever, the dustbins are housed out of sight and any plant pots are cemented down. They make the point that soundproofing and extraction are important as the building is only approx 10metres away.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, NE9, CH4, DEV1, DEV4-5.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP7, AT12, AS1
Adur Development Plan – Submission Core Strategy 2006-26 (ADC 2007) R1, STC1, STC3, T3-4, ENV10
Revised West Sussex Parking Standards (WSCC 2003 & ADC2004)
PPS1 ' Delivering Sustainable Development' (ODPM 2005)
PPS 6 'Planning for Town Centres' (ODPM 2005)

PPG15 'Planning and the Historic Environment' (DoE 1994)

Planning Assessment

The main concerns are the effects on the appearance and character of the Conservation Area and the amenity of nearby residential properties and.

Policies

The site is within the Conservation Area where there is a statutory duty to have regard to the desirability of preserving or enhancing the character or appearance of the Area. This is reflected in policies CH4 and AB4. The latter requires that development be of a high standard of design and construction materials to preserve or enhance the character of the Conservation Area.

The core principle underpinning Government guidance is that of sustainable development, and the commitment to developing and supporting successful, thriving, safer and inclusive communities. PPS6 states amongst other things, that development should promote social inclusion, that deficiencies in provision in areas with poor access to facilities are remedied and that sustainable patterns of development should be delivered, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel.

Structure Plan Policy DEV1 requires that development be of high quality with regards to construction, layout, scale and appearance, taking into account amongst other things, the need to integrate with adjoining land uses and minimise potential conflicts between uses and activities. Also, to consider the townscape, streetscape, skyline and views into and out of the site. DEV4 states development should not be permitted unless the travel needs it generates are met.

Policy STC3 of the Adur Development Plan – Submission Core Strategy regarding Shoreham Renaissance states all new development will be required to enhance the vitality, viability and attractiveness of the town centre.

Policy AS1 of the Local Plan states that extensions to existing food and drink premises will be permitted provided there will be no loss of residential accommodation at upper floor level, no loss of amenity to nearby residences and the development is of a scale and design appropriate to the locality. AB14 relates to town centre development specifically and emphasises the importance of new development being sympathetic to the location.

Visual amenity

The site lies in the Conservation Area where policy AB4 requires a high standard of design and construction materials such as to preserve or enhance the character and appearance of the area. There are already numerous additions to the rear of buildings in the High Street seen in the context of the riverscene, and it is considered the proposed extension as amended would be

in keeping in scale, design and use of materials with its surroundings and would not detract adversely from the character of the Conservation Area.

Residential Amenity – outlook and daylighting

The proposed extension as originally submitted was shown inaccurately on the plans, with its proposed east side elevation 16m in length and its west side elevation 12m in length. Clarification was sought from the applicant's agent but it was advised, in any event, that even the 12m length was excessively large and overbearing in the context of the site, and would have had a detrimental effect on the outlook from the two residential properties to the east (Flats 1 & 2, No.39)

The plans have been amended and now show an extension reduced in length to 7.5m. It would be 5.7m in width and 1.9m in height at eaves level and 3.4m at the ridge of the roof (as measured above the existing flat roof of the groundfloor extension). The property to the east (No.39) has been extended at ground floor level to the southernmost boundary, and at 2nd and 3rd storey level with a 5m long extension, including south-facing balconies, both of which would be 1.5m from the side of the proposed extension.

Due to the modest height of the proposal, it is considered that the main impact would be on the neighbouring first-floor flats. Although the extension would be visible from the second-floor flats at No's 39 & 43 it would not obliterate their views to the south and would not be overbearing or cause loss of light. The first-floor flat to the west (No.43) has obscurely glazed doors and windows which appear to serve a bathroom and kitchen, neither of which would have their outlook seriously affected. The first-floor flat to the east (Flat 1, No.39) would be overlapped by the proposal by 3.7m (2.7m past the end of its balcony). For the sake of comparison, this is only marginally longer than the 3.5m maximum contained in the Council's Development Control Standard No.3 'Extensions and Alterations to Dwellings' for single-storey rear extensions abutting the boundary with an attached dwelling. It is concluded that the amended proposal is acceptable.

The properties in Town Quay Apartments have bedrooms on the west side (with east facing windows) and living rooms to the east. The proposed extension would not have an effect on the outlook or amount of light available to these rooms as the proposed extension would be to the NE and seen against a background of the existing taller buildings on this side of the High Street.

Residential amenity - Privacy

The glazed south elevation of the proposed extension would be located 17m from the bedroom windows and 12.5m from the rear living room windows of the Town Quay properties, but the angle would be oblique, such that no loss of privacy through overlooking would occur.

Concerns have been raised that the door in the south elevation could be used to access the flat roof area for dining purposes. The applicant's agent has stated that only one of the glazed panels would be a door, and it would be used for fire escape purposes only. A planning condition should be imposed to ensure that this is the case. The windows in the roof of the proposal would be used to get more light to the rear of the upper floor, they would be double glazed and fixed shut, to prevent escape of noise. Ventilation to the upper floor would be provided by windows in the north elevation facing the High Street.

Access

The application property is located within easy walking distance of the railway station and is served my frequent bus routes along the High Street. On-street parking can take place outside the restaurant and there are public car parks not far away.

Other concerns

The kitchens for the restaurant would remain in their current position and would not be increased in size. Therefore the extraction system, which is adequate, would not need to be moved or upgraded.

The bin storage area would be retained at the rear of the property with the addition of one wheeled bin for the added waste produced by the restaurant.

Recommendation

APPROVE for the reason that :-

The proposed development would preserve or enhance the character or appearance of the Conservation Area and add to the facilities in the town centre, in a sustainable location. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties or detraction from highway safety. It would accord with the relevant policies of the Adur District Local Plan (AG1, AB4, AS1, AT12), the West Sussex Structure Plan 2001-16 (LOC1, NE9, CH4, DEV1, DEV4-5) and the Adur Development Plan Submission Core Strategy 2006-26 (R1, STC1, STC3, T3-4, ENV10)

Subject to:-

1. C1Ci (Standard time limit)
2. C12Ei (External materials to match existing)
3. C14Ai (Permission relates to amended plan received on 20 Feb 2007)
4. C18C3 (Glazing in roof to be permanently fixed shut)
5.
6. ....