Development Management – Delegated Officer Report

Application Number: AWDM/1602/19 Recommendation – Approve

Site: 48 Old Shoreham Road, Lancing, West Sussex

Proposal: Retention of single storey 1 no. bedroom detached annex in rear garden (garage removed) Retrospective application.

Date of site visit: 24th April 2018 (Pre app)

Neighbours checked: Y

Site, Surroundings and Proposal

The property subject of the application comprises a semi-detached chalet bungalow on the south side of Old Shoreham Road, Lancing. There is a driveway to the front of the property and originally there was a flat roof garage to the side, set back to the rear of the property, adjacent to the east side boundary of the site. There is also a single storey rear extension.

Consent was granted under AWDM/1196/18 to demolish the existing garage and to erect a flat roof annex building. The permitted plans showed the annex building and rear extension connected within an internal door linking the annex to the main house. The building is of flat roof design, rendered to match the existing bungalow.

The plans also show an external entrance behind a side gate accessed down the side of the property. The building is of flat roof design, rendered to match the existing bungalow. As originally submitted the plans show it to be 2.7 metres in height, eaves height of the existing bungalow. The space is divided into a bedroom, shower room and open plan living area.

With the original consent the applicant has advised that the annex is required for their mother who currently resides on her own and stays with the family at 48 Old Shoreham Road most of the year. The annex will allow for separation, yet connection with the main household and being all on one level there are no stairs.

There was an objection previously from the Council's Drainage Engineer who advised that the FRA needed to be improved with consultation with the Environment Agency. The applicant's agent provided a new FRA and amended drawing showing the building to be increased in height by 300mm to address the flood issues highlighted. The proposed annex was approved at 3 metres high.

The current application is applying for retrospective consent as the annex has not been built in accordance with the originally approved plans. The plans for consideration here show the annex close to but not attached to the main house. There is a separate entrance to the annex accessed externally.

Representations and Relevant Consultation Responses:

Lancing Parish Council: - No objection

Representations: - none

West Sussex County Council Highways: -

In Highway Terms there are no changes which would impact upon parking and highway safety. The comments remain as with the previous approval.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Adur District Council: - Environmental Health: - Condition should be attached relating to Air Quality Management. "The bedroom window should be chosen without trickle vents. The acoustic rating for the glazing for the bedroom window shall be Rtr= 32dB or RW= 38dB to safeguard against Night time Lmax levels. Standard double glazing will be sufficient for the rest of the dwelling. I would also request whole house ventilation MVHR for the property in order that the bedroom window can be kept closed at night. Please ensure that the MVHR system pumps are suitably located as not to cause internal noise problems."

On the basis that the applicant agrees to this being conditioned a noise assessment will not be required.

Current application: - There are no adverse EH comments for the above application.

Housing: - Recommend that the following informative is attached

> The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms. Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

Drainage Engineer: - Original Plans

Comments from previous application.

The proposal is to effectively change the garage into a habitable annex.

The EA should be consulted as this is within Flood Zone 3, and they are likely to initially object as there is a proposal for a bedroom, at ground level.

The FRA does not tell me about ground levels or how the roof drainage will be disposed of - should go directly to the ditch.

I personally have few concerns except to say that this property's garden has been flooded in the past so there is distinct possibility that the extension might get wet in the future.

The ground levels around No 40 are higher so this is less likely to flood but there is an issue with the Doctors surgery at No 38.

The flood risk is from surface water / ground water not tidal flooding despite the site being in Flood Zone 3.

There is therefore still a significant risk, and the FRA should acknowledge this and give more details of flood protection measures."

Amended Plans: - Happy with amended plans and FRA subject to Environment Agency satisfaction.

Comments have been received in relation to the current application: - Yet on the basis of the original consent and this being retrospective for minor amendments only the above comments take precedence here. The annex has been built in accordance with plans approved previously by the EA and this retrospective application results in no change here.

Thank you for the opportunity to comment upon this application. The application is within flood zone 3, and there have been historic incidences of flooding. The proposal includes sleeping provision on the ground floor. This is not appropriate for this location even with the proposed flood barriers.

It is not clear where surface water has been discharged to. Please can the applicant confirm the surface water drainage arrangements. Please re-consult me once this further information has been provided.

Relevant Planning Policies:

Adur Local Plan Policy 15 (2017)
The National Planning Policy Framework 2018
National Planning Practice

Planning Assessment:

The main issues raised by this proposal and for consideration here are impact upon the visual amenity and character of the locality and residential amenity, flood risk and parking are also matters raised here.

Residential Amenity, Existing and Future Occupiers

The change from the previous approval in this case is that the annex building will not be attached physically to the main dwelling. There will not be any internal link and the building can be accessed separately via the side of the dwelling. This gives rise to the potential for the building at the current time and in the future to be used independently as a separate unit of accommodation which could potentially be let or used by those who are not family members and give rise to a use which is not ancillary to the main dwelling.

Due to this change it was deemed necessary here to secure the use via a Section 106 Unilateral Planning Obligation. This legal agreement requires that the use of the annex is ancillary to the main dwelling and used by family members only.

Other than the introduction of the legal obligation the assessment remains the same as previously considered and is copied below: -

The main property to be affected by the proposal is the adjacent chalet bungalow to the east, no. 50 Old Shoreham Road. There is an existing building adjacent to the boundary with this property and other out buildings further down the garden along the boundary. A low level wall with vertical boarding above forms the boundary. The annex will be higher than this boundary treatment, yet the increased height is not considered to have any adverse impact upon the amenities of the neighbouring property, despite the length of the building proposed. The building is adjacent to the boundary however this is set away from the main bungalow and will not result in any significant loss of light or overbearing impact and on balance is acceptable here.

Due to the use of the building being an occupied annex there will be additional noise and activity associated with such a use. Yet this would not be to a degree to be detrimental to the amenities of the adjacent occupiers. This domestic, ancillary use would not be harmful within the overall context of this residential locality. Notwithstanding the Highway Authority comments it is considered that should car parking be required in relation to the annex this could be provided sufficiently on the existing driveway or surrounding streets. Cycle storage, again if required, could also be provided as part of the host dwelling. A condition is not considered to be necessary in this case due to the ancillary nature of the proposed use.

There could be the potential here that this annex building could in the future become an independent residential dwelling. This would be harmful to the occupiers of the proposed annex, main host dwelling and potentially neighbouring dwellings should this occur. This would also be detrimental to the character and appearance of this residential locality resulting in over development. The condition as previously attached is replaced here by the Planning Obligation.

The applicant has indicated that the proposed annex is required for a family member to live independently in connection with the main dwelling. Environmental Health has advised that the area of development has been identified by DEFRA as an area severely affected by traffic noise. After discussion between the EHO and the applicant’s agent it was agreed that a noise assessment would not be required and that a condition should be attached to ensure the following:

“The bedroom window should be chosen without trickle vents. The acoustic rating for the glazing for the bedroom window shall be Rtr= 32dB or RW= 38dB to safeguard against Night time Lmax levels. Standard double glazing will be sufficient for the rest of the annex. I would also request whole house ventilation MVHR for the property in order that the bedroom window can be kept closed at night. Please ensure that the MVHR system pumps are suitably located as not to cause internal noise problems.”

This has been agreed by the applicant’s agent and is attached below, to protect the future occupiers of the annex. This requirement will remain.

Visual Amenity and Character of the Dwelling and Surrounding Locality

The annex building will be set back to the side of the host dwelling within the rear garden of the host dwelling. It will not be clearly visible within the street scene. The overall footprint of the annex is not considered to be overly large in relation to the plot size however the length of the building is significant along the boundary, the impact of such is discussed above. However when considering the internal layout and use of the floorspace the space is not overly generous for a single person it is not clear how the footprint could be reduced to still allow for a space of suitable size. Therefore on balance the proposed scale and footprint is acceptable.

As restricted the building would not be an independent dwelling and will be occupied by a family member of the host dwelling within a caring family setting whilst allowing the relative to have some independence and separation from the main house. There would be no significant impact upon the surrounding locality in terms of residential and visual amenity and character. It does not represent over development within the context of the proposed need. The limited roof height with flat roof domestic, subservient appearance contributes to its subtle impact within the context of the surrounding locality.

As stated above additional noise and activity may occur due to the proposed annex and living arrangements however as restricted this activity would be closely linked to the main dwelling and would not be to such a degree to be to the detriment of the residential character of the locality.

Flood Risk

As set out above amended plans and a revised FRA were submitted to mitigate flood risk here as the site is within Flood Zone 3. The mitigation measures detailed in the FRA and drainage channel beneath the building are considered to be satisfactory to overcome the flood risk here due to the proposal resulting in a bedroom at ground floor level. Subject to conditions set out below the proposal does not result in any unacceptable flood risk in this case.

Recommendation

Approve subject to the Section 106 Unilateral Planning Obligation and subject to the following conditions: -

1. The annexe accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the property (48 Old Shoreham Road) as a whole as a single dwellinghouse and shall not be used as a separate dwelling.

2. The bedroom window to the annex hereby permitted should be chosen without trickle vents. The acoustic rating for the glazing for the bedroom window shall be Rtr= 32dB or RW= 38dB to safeguard against night time Lmax levels. Standard double glazing will be sufficient for the rest of the annex. Whole house ventilation MVHR shall be used for the property in order that the bedroom window can be kept closed at night. Please ensure that the MVHR system pumps are suitably located as not to cause internal noise problems. The annex shall comply with these requirements prior to occupation and this shall remain in place at all times unless otherwise approved in writing by the Local Planning Authority.

3. FRA details to be complied with

4. Approved Plans

Informative

1. The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms. Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.
2. Proactive without amendments.

Is recommendation contrary to any representations? N

Case Officer signed: Hannah Barker Date: 30th November 2020

Authorised and signed by: Peter Barnett Date: 30 November 2020