Development Management - Delegated Officer Report

Application Number: AWDM/1637/23 Recommendation – Refuse

Site: 1 Monks Avenue, Lancing

Proposal: Attached two bedroom dwelling incorporating existing single-storey side extension

Date of site visit: 3 January 2024

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to the site of a semi detached house on the north side of Monks Avenue at its junction with Grinstead Lane. The property has a single storey side extension and a sizeable side and rear garden.

The application has been amended since it was first submitted. It now proposes to extend to the side of the property, incorporating the existing single storey side extension, to create an end of terrace 2 bedroom dwelling with a room in the roof served by a large rear dormer.

The new dwelling will be narrower than the existing dwelling at 3.9m wide. One parking space is to be provided for the new dwelling whilst leaving the existing dwelling with one forecourt parking space.

Relevant Planning History

AWDM/0176/17 - Attached three bedroom dwelling incorporating existing single-storey side extension - approved

L/183/79 – Extension to west elevation replacing garage. Granted 21.6.79

L/33/60 – Kitchen extension. Granted 15.3.60

L/126/50 – Garage. Granted 7.11.50

Consultations

West Sussex County Council: The Highways Authority: The application form states that the proposal will result in the loss of 2 parking spaces, however the Design and

Access statement outlines that off street parking will be provided. Can the applicant please confirm what the parking layout will be?
I note that in a previous submission of this application under AWDM/0176/17, the applicant wished to extend the existing dropped crossing to facilitate off street parking for the proposed dwelling. Is this the case with the most recent submission?
From observation of the Outside Measurements plan, it appears that there is between 4.0m-4.6m of space fronting the dwellings. WSCC guidance states that parking spaces must meet specific dimensions in order to accommodate an average sized vehicle and to not overhang and cause obstruction to the publicly maintained highway/ footway. A parking space is to be 2.4m x 4.8m, this figure is extended to 6m where the parking space is in front of a garage or door where adequate means of escape/access needs to be provided.
I can advise that the WSCC Parking Demand Calculator (PDC) outlines that for two dwellings in this location, one 2 bed and one 3 bed, 4 parking spaces total would be required to serve the likely parking demand.
Please refer to the applicant on the above matters, and re consult once the required information has been provided

Further comments: The applicant has provided amended plans for consideration which demonstrate the proposed layout serving the host and proposed dwelling.
The Local Highways Authority (LHA) has previously been consulted on matters at this location under application AWDM/0176/17 for a similar proposal. No highways safety concerns were raised to the principle of the application and the application was approved by the Local Planning Authority (LPA).
An inspection of data supplied to WSCC by Sussex Police over the period of the past five years reveals that there have been no recorded accidents/injuries recorded within close proximity of the junction, therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.
A single space will be allocated to each with any additional/overspill being accommodated on street. The parking provision facilitates dimensions in line with Manual for Streets (MfS) standards of 2.4 x 4.8m each. The spaces will be separated by a 6m long area to allow vehicles to manoeuvre onto the respective bays. It has been outlined by the applicant that the dropped kerb crossing will not be extended and will function as is currently.
The on street parking provisions are subject to availability and therefore cannot be guaranteed. The LHA are unaware of any existing parking pressures within the vicinity of the site- the LPA may wish to consider this when assessing the application.
Secure and covered cycle parking is advised to be provided to serve the dwelling as cycling is a viable option here and may assist in mitigating any shortfall in parking

Adur and Worthing Councils: Private Sector Housing: No objections

Public Health: We have no objections in principle. Please can you add a construction management plan condition and a condition for construction noise hours.

Drainage Consultant: Following a review of the submitted information, we have noted that the provided FRA is insufficient and does not suitably address flood risk. The submitted FRA states that there is no surface water flood risk, which is incorrect.

Furthermore, a sequential test is required to demonstrate there is not a more suitable location available. Therefore, we would recommend the objection of the application until updated information is received that addresses the above points.

Further Comments: Following a review of the submitted information, we have noted that the submitted Flood Risk Assessment states the proposed development is for a two-bedroom dwelling not a three-bedroom dwelling, and does not provide mapped details on the proposed evacuation routes for the development. Furthermore, drainage calculations have been provided but they do not use FEH data and they do not apply a CV value of 1. A CV value of 1 should be used to allow for 100% runoff from impermeable areas and prevent underestimating the capacity required from the drainage system.
We would recommend the objection of the application based on the following flood risk and drainage issues:
Sequential Test – As stated in paragraph 168 of the National Planning Policy Framework (NPPF), “the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding”. Furthermore, paragraph 165 of the NPPF states that “inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)”. The sequential test has not been correctly applied and passed for the proposed development. This is further supported by paragraph 27 of the Planning Practice Guide (PPG), which states that the sequential test should be applied to non-major developments and is defined by local circumstances. Finally, paragraph 28 of the PPG states that “lower-risk sites do not need to be owned by the applicant to be considered reasonably available”.
Flood Risk – The proposed site is located within Flood Zone 3 and has a high surface water flood risk. As detailed within the provided Flood Risk Assessment (Reference 93960-Boyle-MonksAv v1.1, dated 15th April 2024), the proposed site will be affected by flood depths between 0.3 and 0.6 metres during the 1 in 1000-year storm (used as a proxy for the 1 in 100-year storm plus climate change). These flood depths are unsafe. Furthermore, the provided FRA has only addressed the tidal flood zone and has not addressed the risk from the ordinary watercourse that flows along the back of the proposed site.
Floodplain Storage – Assuming the sequential test can be passed, mitigation is required to compensate for the loss of floodplain storage and disruption to flood flows. As stated in paragraph 49 of the PPG, “where flood storage from any source of flooding is to be lost as a result of development, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided”. In addition, paragraph 173 of the NPPF states that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere”.
Safe Access and Egress – As stated in paragraph 44 of the PPG, “if the probability of inundation is high, safe access and escape should be maintained for the lifetime of the development”. Furthermore, paragraph 47 of the PPG states “wherever possible, safe access routes should be provided that are located above design flood levels and which avoid flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage

etc. to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention)". Currently, there is no evidence of safe access and egress being available during the 1 in 200-year storm. It is only suggested that residents of the proposed property will rely on flood warnings and safe refuge on the higher level of the property. However, safe refugee is not acceptable, and flood warnings are significantly less effective for surface water flooding due to their rapid nature.
Based on the above points, the application is not in accordance with the NPPF. Therefore, we would recommend the objection of the application.

Further Comments: As detailed in our previous response letter, dated 15th May 2024, the sequential test has not been passed and is required due to the proposed development being for a new dwelling. In addition, the proposed development will cause a loss in floodplain storage and displace flood water, causing an increase in flood risk to the proposed dwelling and others. Therefore, we would recommend the objection is maintained because the application is not in accordance with NPPF. Modelling could be done, however the sequential test should be addressed prior to this due to the costs, as the applicant has stated.

Further Comments: Firstly, the sequential test has not been correctly applied because as stated in paragraph 28 of the Flood Risk and Coastal Change section of the Planning Practice Guide, "lower-risk sites do not need to be owned by the applicant to be considered reasonably available".

Unfortunately, we still believe the updated FRA is insufficient and not in accordance with NPPF, due to the use of data from 2015 not being the most up to date information. Furthermore, the Environment Agency's Long Term Flood Maps demonstrate that the site is located within a high surface water flood risk area and significant surface water flow path. This risk has not been adequately addressed within the submitted FRA and therefore a more detailed FRA and drainage strategy should be received that considers risk from all sources of flooding, mitigation for these risks, and a drainage design that demonstrates no flooding during the 100-year storm plus a 45% allowance for climate change. Further guidance on completing a flood risk assessment for planning applications can be found within the "Flood risk assessments if you're applying for planning permission" section of the Planning Practice Guide. Finally, the high surface water flood risk is a separate issue from highway drainage.

Southern Water: It appears that the developer is intending to build close-to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water. An investigation of the sewer is required to confirm its size and depth, ascertain its condition, number of properties served and potential means of access before any decision can be made as to whether it would be acceptable for Southern Water to allow building close-to the sewer.
In order to protect drainage apparatus, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; "prior to the commencement of development, the developer must advise the local authority, in

consultation with Southern Water, of measures which will be undertaken to protect the public sewers."

Lancing Parish Council: No comments received

Representations

Two objections received from the occupiers of 109 Grinstead Lane:

- Loss of privacy, light, and general amenity.
- Overdevelopment, altering the character and spacing of the area.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 15, 18, 22, 28, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (December 2024)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The proposal comprises new housing stock located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers, future occupiers' living conditions, highway safety, the effect on the character and appearance of the street scene and the flood risk implications of allowing development in this location.

Visual amenity

The proposed dwelling does not reflect the design and scale of the existing pair of semi detached houses. It is a much narrower building and has a gabled roof rather than full hip as existing. The entrance door is on the west side elevation rather than the front. It is more akin to an extension than a new dwelling. It will create a terrace of three dwellings but will not respect the width or form of the other dwellings, resulting in an unbalanced appearance.

The rear dormer is large and fills almost the whole of the roof of the new dwelling. It will have an awkward box-like appearance, being located at the western end of the roof and, while at the rear, it will be visible from Grinstead Lane to the west.

The design and appearance of the proposed dwelling is likely to result in harm to the visual amenities of the locality.

Residential amenity – proposed occupiers

The proposed dwelling has been arranged so that the ground floor contains a kitchen/diner and WC only. On the first floor there is a bedroom, bathroom and living room with a second bedroom within the roof on the second floor.

It would have a floor area of approximately 87 sqm. The minimum national space standard 79sqm for a 4 person 2 bed house over 2 storeys; there is no standard for a 2 bed house over 3 storeys. A 3 bed 4 person house over 3 storeys has a minimum standard of 90sqm. Bedroom 1 has a floor area of around 9sqm which is below the standard for a double of 11.5m2 but does meet the single standard of 7.5m2. Both bedrooms have adequate width and contain storage.

The Council's adopted Supplementary Planning Guidance document No. 2 'Space Around Dwellings and Flats' seeks a minimum rear garden depth of 11 metres and a minimum size of 50 square metres for a 2 bed terraced dwelling and 65 square metres for a 3 bed terraced dwelling.

The existing garden has a maximum depth of around 4 metres and the division between the existing and proposed boundary shows the existing house retaining a garden of approximately 42 square metres, running along the rear wall of the new house, which has no windows in its rear elevation. This is below the Council's standard but not but an extent that would warrant refusal. The proposed house would have a more substantial garden to the west side.

Residential Amenity - neighbours

There are no windows at ground or first floor on the rear elevation of the new dwelling but the new dormer will face towards the bungalow to the north (2 Mash Barn Lane). A distance of approximately 20 metres is shown between the rear of the proposed dwelling and the rear of that bungalow. The distance is below the 22m recommended for rear window to rear window and some overlooking is likely. However, a dormer could be constructed as permitted development at the rear of the host property which could arguably have a more intrusive impact and, on balance, there is not considered to be serious harm to neighbouring residential amenity.

The dormer will allow views towards the side of 109 Grinstead Lane at a distance of 13m. That bungalow has two secondary windows at ground floor only and as such this distance is considered to be acceptable. There are also a number of tall, dense conifer trees in the garden of 109 on the shared boundary. Adequate light will be received to these windows as they do not directly face the proposed house. Overlooking will be at an oblique angle and, on balance, it is not considered that there will be harm to neighbouring residential amenity as a result of this proposal.

Parking and access

The application shows that a single car parking space will be allocated to each dwelling with any additional/overspill being accommodated on street. The dropped kerb crossing will not be extended and will function as is currently. There are no highway objections to the proposal.

Flood Risk and Drainage

The site lies within Flood Zone 3 and has in the past experienced significant surface water flooding. The Council's drainage consultant has objected to the application. A sequential test is required for all development within Flood Zone 3 and the aim of the Test is to steer development to areas with the lowest flood risk.

The applicant has identified some sites with planning permission which are not available, but the Council has recently published its Strategic Housing Land Availability Assessment (SHLAA) which identifies other potential sites for development. This indicates that there are sequentially preferable sites that should be considered.

It is not considered that the applicant has passed the sequential test. Even if the sequential test was considered to be passed, the applicant is also required to pass the Exceptions Test. In this case, it is considered that any social benefit arising from the creation of 1no additional dwelling would be negated by the impact of developing in a flood zone and an area of surface water flood risk. Consequently the development does not offer wider sustainability benefits to the wider community.

There are also concerns regarding flood risk, floodplain storage and safe access and egress, as set out in the drainage consultant's comments.

Recommendation

REFUSE for the following reasons:

1. The site is located within Flood Zone 3 and has a high surface water flood risk and the application has failed to demonstrate through an acceptable flood risk sequential test that there no reasonably available sites in areas with a lower flood risk where the development can be provided. It has also not been demonstrated that the development would provide adequate floodplain storage compensation or that future residents would have safe access and egress routes during a flood event. The proposal therefore would be likely to increase flood risk to the proposed dwelling and others contrary to policy 36 of the Adur Local Plan and advice in the PPG Flod Risk and Coastal Change and the NPPF
2. The design, form and narrow width of the proposed dwelling does not respect the width or form of the other dwellings in the proposed terrace, resulting in an unbalanced appearance and harm to the visual amenities of the locality. The proposal is therefore contrary to policy 15 of the Adur Local Plan and the NPPF.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Case Officer: Peter Barnett Date: 29 May 2025

Authorised by: Louise Prew Date: 29/05/2025