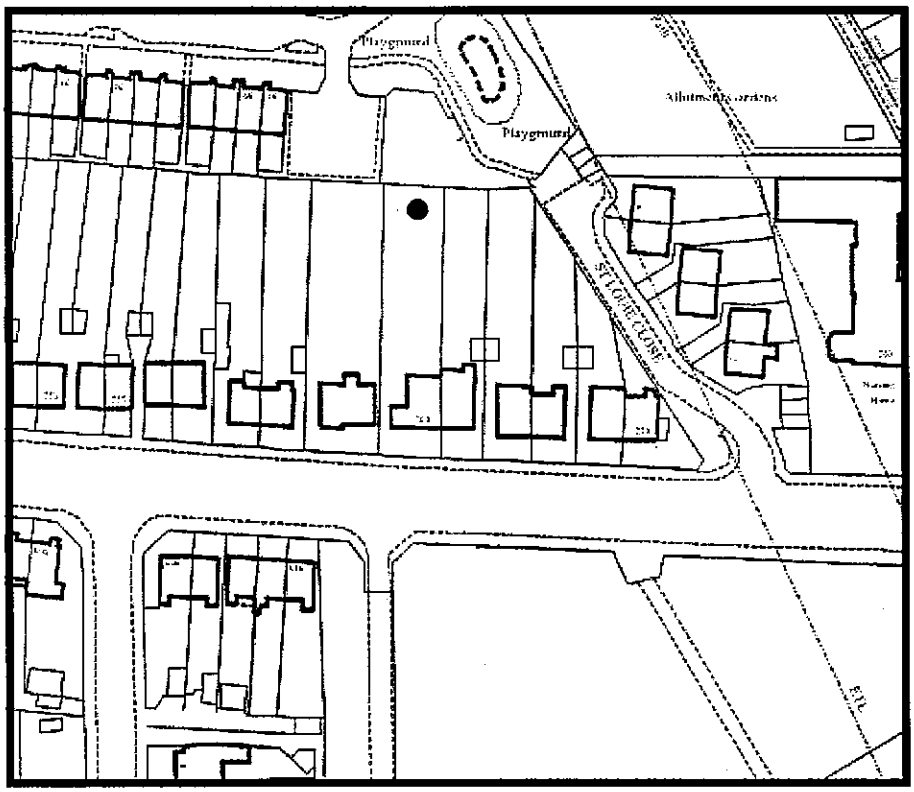
Application Number: ADC/0215/09 **Recommendation – Temporary Permission**

Site: **269 Old Shoreham Road, Southwick BN42 4LP**

Proposal: **Retention of detached building at rear (for purposes incidental to the house) with alterations to its roof (part retrospective)**



The Application

The timber building forming the subject of this application also forms the subject of an effective Enforcement Notice describing it as 'the erection of a single-storey building used as a dwelling' and requiring its demolition. An appeal against the Notice was dismissed on 6 March 2009, the appellants only having appealed on the ground that it did not require planning permission. They did not appeal on the ground that planning permission should be granted, nor did they appeal on the ground that the requirement to demolish the building was excessive. The appeal decision requires the building to be demolished by 6 May 2009.

The present application seeks planning permission to retain the building with a reduction in the size of its roof and with its use for dialysis and other purposes incidental to the dwelling (ie. not as a separate dwelling). The whole roof is currently ridged but it is proposed to reduce the ridge length (from 10m to 8m) and make the roof partly flat on either side of the remaining central ridged portion.

The property is a greatly extended semi-detached house, situated in a row of semi-detached and detached houses built in the 1920s. It backs onto an open space in Prince Charles Close where there is a line of mature sycamore trees along the boundary (one being within the appeal site) which are subject to TPO. The plot measures 56m deep and 12m wide and slopes gently upwards to the north. According to the most recent approved plans, the house has a total of 7 bedrooms (including one bedroom on the groundfloor and 3 in the roofspace). The original side garage has been demolished and replaced with a single-storey side extension. The front boundary wall has been removed and the whole of the original front garden is now regularly used for parking 5 cars.

The building in question was erected in early 2007 at the end of the rear garden, about 30m from the rear of the house, and is reached by a new paved pathway. It measures 10m wide and 7.8m deep, with an overall ridge height of 4m. It is built of timber and has timber walls (but with the side walls externally clad with hanging tiles). The ridged roof is covered with roofing felt. There is a small projecting front porch roof. The building formed the subject of a Building Notice submitted in January 2007 (ABC/0529/06) describing it as a 'Summerhouse'. It is partitioned internally into a number of separate rooms and, when inspected internally in October 2008, comprised an entrance hall/main livingroom, a lounge, a study, a bedroom, a fitted kitchen, a dialysis room, a bathroom/WC, and a separate WC. Apart from the latter, all the rooms have their own windows. The building is fitted with its own gas central heating system and connected to the public sewer.

When investigated at that time, the owners of No.269 (father and son who are also the present applicants) verbally stated that the outbuilding was only a summerhouse and was being used as temporary accommodation by the son and his family pending alterations being completed to the house itself. They claimed that its erection was 'permitted development' and stated that it had been built solely for the son to accommodate his dialysis unit in a separate room away from the main house and that it would also provide a quiet place for he and his 3 teenagers to study and play musical instruments. If it had not been used as primary living accommodation, it would have constituted 'permitted development' at the time of its erection. NB. the rules were amended in October 2008 so that there is now a height limit of 2.5m for garden buildings within 2m of a boundary (instead of the previous 4m height limit for a ridge-roofed building).

The present application is accompanied by a letter from the father stating that the building is intended as a garden annex for purposes incidental to the enjoyment of the dwellinghouse, and in particular for his son's dialysis machine. He states that the machine cannot be accommodated in the house because his son and his wife have an extended family and the rooms in the house are required for them to dwell in. He states that the side walls of the building are flanked by trees; there is a 1.8m high fence on the boundary with the playing area on the north side; it cannot now be seen from the front through the gap between the houses as a security fence has been erected; and, when the garden is landscaped, conifer trees will be planted in front of it. He states that he is not a developer but a 74 year-old individual who has tried to do the best for his disabled son and, with the limited funds at his disposal, can just about afford to adapt it as now proposed but not to remove it (as required by the enforcement notice) and rebuild it to comply with the new 'permitted development' rules (2.5m height limit).

As for the main house, the conversion of its loft to provide 3 additional bedrooms (with a rear dormer and side gable) was commenced in 2006 as 'permitted development'. In February 2007, an application for a first-floor side extension to the house was refused and a subsequent appeal was dismissed on grounds of visual harm (ADC/0486/06). In April

2007, a single-storey side/rear extension was permitted (ADC/0109/07). In September 2007, a two-storey side extension and conversion of the building into a groundfloor flat with a maisonette above was refused (ADC/0457/07) on grounds of visual harm and detriment to highway safety owing to inadequate parking and turning space and increased use of the access. In January 2008, a small groundfloor infill side extension was permitted (ADC/0727/07). In October 2008, a first-floor side extension was refused on the ground of being detrimental to the appearance of the building and streetscene and was also dismissed on appeal (ADC/0423/08).

Consultations and Representations

Third Parties: The neighbouring resident to the west (No.267) questions why the building has not been demolished as required by the Enforcement Notice, given that it is in breach of planning laws. He reiterates his previous complaint that the building is out of all proportion to its environment and imposes on his property, especially the top of his rear garden where it greatly affects privacy. He states that it also overlooks into his kitchen, diningroom and two of his daughters' bedrooms, especially in winter, and detrimentally affects privacy. He fears that it will be used as dormitory accommodation, the applicants previously having had a series of foreign workman living and working from the property. Also, it will add to the 5 cars already parked there, leading to cars being parked on the pavement daily.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993–2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development (ODPM 2005)

Planning Assessment

Policies

Policy AH7 of the Local Plan is entitled householder proposals but, as with the supplementary guidance in the Council's DC Standard No.3, only relates to extensions and alterations to dwellings rather than detached outbuildings. However, the requirements are of some relevance, namely proposals should be of sympathetic design and materials to the original dwelling and the area in general and be designed so as not to result in an unacceptable degree of overlooking, loss of natural light or overbearing effect on neighbouring dwellings.

Government policy is set out in Planning Policy Statement PPS1 'Delivering Sustainable Development'. Relevant paragraphs are 17, which refers to the commitment to protecting and improving the environment; 18 which states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design; and 34 which states that good design is indivisible from good planning and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area, should not be accepted.

Visual Amenity

The building, which has the appearance of a timber bungalow, is to the rear of the houses in Old Shoreham Road. It can be slightly glimpsed through the gap between the houses but does not affect the streetscene of that road. It adjoins the rear boundary with the open space in Prince Charles Close, from which it is visible, but, being on lower ground and with large trees along the boundary, it does not have an unacceptable visual impact as seen from the north.

In the application, the applicants propose to reduce the size of the building by removing some of its pitched roof and changing it to a partly ridged and partly flat roof. This is not successful as it creates an odd looking building with a worse standard of appearance than currently exists. At this time of year, the effect would be mainly on the view from Prince Charles Close.

There are numerous shrubs along the east and west side boundaries (on both the applicants property and the neighbouring properties) which at the present time, in summer, largely screen the building from view. It has very little visual effect as seen from the neighbouring houses either side or from their rear gardens, except from the very end portion of the garden to the west. It can be seen from some first-floor windows of the neighbouring houses but even then, because of the large amount of shrub and tree screening, its impact is not significant.

However, the building is very large in size for a garden building and it is positioned on higher ground than the houses. Although it does not occupy an excessive proportion of the relatively large rear garden, it is considered that, were it not for the screening by shrubs, it would overdominate the outlook from the rear of the houses and appear out of scale in its context. The objectors state that their shrubs have become overgrown and need to be substantially pruned. They also state that, as they are mainly deciduous, they lose their leaves in winter and the building is then much more prominent.

Residential Amenity

The outlook from the windows of the building, which are mainly at the front (south), is towards the rear windows of the houses on the frontage. The actual distance between the facing windows is about 25m which is more than the Council's minimum standard of 22m. As stated above, there are shrubs on the side boundaries but some degree of overlooking may be possible in winter or if the shrubs, which are currently somewhat overgrown, are pruned.

The building is stated as intended to be used for purposes ancillary to the dwellinghouse on the site and not as a dwelling. Provided this is the case, and it is not used as primary living accommodation, its usage should not adversely affect the residential amenities of the adjacent dwellings to a serious degree.
However, as stated above, the building has central heating, a fitted kitchen and shower-room and is connected to the sewer. It is clearly capable of being used as primary living accommodation or even as an independent residential unit as its history shows. Under current planning case law, were it to be permitted, it could be used for primary living accommodation (ie. a residential annex) without needing any further planning permission. Consequently, a condition would need to be imposed to control this. Subject to this, there is not considered to be a sustainable planning objection on this ground.

Parking provision

The neighbour has raised concern about parking provision as the entire frontage of the property is regularly used to park 5 cars. However, additional parking is only likely to be required if the building were used as primary living accommodation. As stated above, this is not the applicants' present stated intention and it could be controlled by imposing a condition.

Conclusion

The Enforcement Notice requires the building to be removed. However, that was in relation to the use of the building as a dwelling, which is no longer the case.

The building has little visual impact on neighbouring properties at present. However, it is very large and could have an unacceptable impact in winter when the shrub screening is less effective through loss of leaves or if it is pruned (to deal with present overgrowth). It is considered that a 6 month temporary permission should be granted expiring during the winter period, to enable the impact to be re-assessed.

It is considered that the building has a better standard of appearance as existing rather than as proposed to be altered. Therefore, a condition is also recommended to state that the temporary permission is for the building as it exists.

Recommendation

Temporary APPROVAL for the reason:-

Although the building is currently well-screened from neighbouring properties either side by shrubs and trees in full leaf, because of its very large size and position on higher ground, it could have an unacceptable impact in winter. Consequently, a temporary permission is considered necessary to retain planning control and enable the impact to be re-assessed, having regard to the policies of the Adur District Local Plan (AG1, AH7).

Subject to:-

1. C1Di (Temporary permission expiring 31 January 2010)
2. The building hereby permitted shall only be used for the applicant's dialysis treatment and other purposes incidental to the enjoyment of the existing house (No.269) but not for the purposes of primary living accommodation (living room, bedroom, kitchen or dining room) or for any commercial purpose.
3. The building hereby permitted shall only be used by persons resident in the existing house (No.269) and not by any other persons.
4. Notwithstanding the submitted plans, this temporary permission relates to the retention of the building with its roof as currently existing, not as proposed to be altered.

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