



Ward: ALL

Key Decision: Yes / No

Report by the Executive Head of Planning, Regeneration and Wellbeing

Planning Applications

1

Application Number: ADC/0365/09 Recommendation - APPROVE

Site: 27 and 29 Penhill Road, Lancing BN15 8HA

Proposal: Demolition of bungalow (No.27) and redevelopment including disused storage site (No.29) with 4 three-bedroom terraced houses at rear and 1 three-bedroom detached house at front with 10 car parking spaces, storage for 12 bicycles and refuse/recycling storage

2

Application Number: ADC/0334/09 Recommendation - APPROVE

Site: 'The Old Forge' 2 Mill Road, Lancing BN15 0PT

Proposal: Attached garden room /toilet and pitched roof on utility area

3

Application Number: ADC/0392/09 Recommendation - APPROVE

Site: 23 Mill Road, Lancing BN15 0PX

Proposal: Single-storey rear extension

4

Application Number: ADC/0301/09 Recommendation - APPROVE

Site: 2 Oxen Avenue, Shoreham-by-Sea BN43 5AF

Proposal: Detached three-bedroom chalet-style dwelling (with dormers) and front parking space (on north-east side of existing dwelling)

5

Application Number: ADC/0388/09

Recommendation - APPROVE

Site: 57 Ring Road, Lancing BN15 0QE

Proposal: Pitch-roofed front extension (garage) and conversion of existing garage to a study/bedroom with roof alteration

6

Consultation Number: ADC/0427/09

Recommendation – see below

Application No. WSCC/079/09/SU

Site: Kendall Bros Concrete Batching Plant, New Wharf
Brighton Road, Shoreham-by-Sea BN43 6RE

Proposal: Consultation by WSCC on variation of condition 1 of SU/233/04 to extend the temporary permission for unloading, preparation and storage of mineral aggregates with concrete batching plant

also been removed, resulting in no part of the house projecting beyond the rear wall of the neighbouring house, No.25 Penhill Road. The rear dormer has also been removed. As regards the proposed terrace of 4 houses at the rear, these have been moved further forward towards Penhill Road by 0.4m to enable an increase in the size of the rear gardens to ensure that they comply with the Council's Standard. Internally, the layouts have been amended to avoid bathrooms of one house being adjacent to bedrooms in another. The internal changes have necessitated the removal of the chimneys.

The application site lies on the north side of Penhill Road and consists of a detached bungalow (No.27) fronting Penhill Road with a vehicular access on its east side leading to a former builder's yard (No.29) at the rear (25m wide by 39m long), with the overall site area being 0.13 hectare. The yard contains a large amount of building materials and debris plus several storage sheds. There are several trees within and around the edge of the site, including a row of conifers on the eastern side boundary.

The site is within a mixed use area with a row of terraced two-storey Victorian houses to the west, a terrace of two-storey commercial properties to the east and houses and three-storey flats on the opposite side of Penhill Road to the south (Ryecroft Court and Pendene Court). At the rear (north), the site backs onto bungalows in Ingleside Crescent while to the east of the yard there is a mix of commercial uses, the greater part being an open parking/storage area for cars (associated with the garage on the opposite side of Ingleside Road), a Southern Water pumping station and small storage buildings.

Planning permission was refused by the Committee at their meeting on 17 August 2009 for the redevelopment of the site with 7 residential units (ADC/0219/09). That application comprised 5 two-bedroom terraced houses with a north-south orientation on the eastern side of the rear yard and 2 flats in a detached two-storey building fronting Penhill Road. The application was refused for the following reason:-

- 1. The proposals constitute overdevelopment of this largely 'backland' site at an excessive density with insufficient amenity space for the proposed terrace of houses and unacceptably close proximity of the terrace and parking spaces to the site boundaries. Consequently, the proposed development would be overbearing on neighbouring dwellings and out of keeping with their character. It would lead to unacceptable detracting from the residential amenities and environment of the locality, contrary to policy AH2 of the Adur District Local Plan. It would also be liable to sterilise the potential development of the land to the east.*

The current application has amended the layout by re-orientating the terrace on an east-west axis and reducing the number of houses from 5 to 4, although they are to be larger three-bedroom units. Parking provision has increased to 10 spaces (2 per dwelling) and it has also been relocated to a more central position in front of the houses, thereby moving it away from the western side boundary with the rear garden of No.25 Penhill Road. As amended, a 3 bedroom house is now proposed at the front of the site.

The access is to be widened to 4.5m as before with communal bicycle storage on the east side of the car parking area and separate refuse and recycling storage in front of each house (with separate provision for the flats). A waste collection point is proposed adjacent to the side of No.31, close to the access to satisfy the requirements of the Council's Waste and Recycling section.

Consultations and Representations

West Sussex County Council: On *Original Plans*, raised no objection, subject to a section 106 Obligation requiring a sustainable transport contribution of £5,478 and conditions requiring vehicular and pedestrian visibility splays at the access onto Penhill Road and details of the garden wall/fence height at the side of the flats (owing to concern about visibility for pedestrians emerging onto the internal access road). They previously commented that the site is sustainably located close to the centre of Lancing and to public transport routes, enabling less reliance on car travel. The proposal would not intensify use of the access as compared to the lawful use of the site. The vehicular visibility splays of 2m by 43m are adequate and, although on-street parking encroaches within them, having regard to advice in Manual for Streets, no requirement for parking restrictions to be imposed is suggested. Considered the proposed access roadway acceptable and car parking provision acceptable being within the maximum standard. Comments on *amended plans* – to be reported.

Adur District Council: The Environmental Health Officer states that the development lies within an area of land that has had previous potentially contaminative use and the standard conditions in respect of contaminated land should be imposed.

On the *original plans*, commented that the internal layout should place bedrooms of separate houses next to each other, and avoid bedrooms next to bathrooms. It is possible for the two central units (4 & 5) to have their bathrooms next to each other, and units 3 & 6 to be placed at the ends, preventing a conflict of use. The kitchens should be under the bathrooms.

The Council's Waste Strategy Manager has no objection to the waste collection arrangements. Prospective householders will need to be aware of the requirement to present their waste and recycling bins for collection on the allotted day.

Environment Agency: No objection provided conditions requiring ground contamination investigation and remediation are imposed.

Southern Water: No comments.

Lancing Parish Council: On the *Original Plans*, raised objection on the ground of gross overdevelopment of the site.

Third Parties: On the *Original Plans*, 7 letters were received from the residents of No's 18, 22, 24 & 26 Ingleside Crescent, No's 25 & 42 Penhill Road and a joint letter from Flat 11 Ryecroft Court and Flat 3 Pendene Court. They object on the following grounds:-

- Overdevelopment, cramming too much onto a small space;
- Inadequate parking provision will lead to increased congestion on the street and increased risk to highway safety;
- Loss of privacy and light to bungalows in Ingleside Crescent;
- Loss of trees and wildlife including stag beetles (protected species);
- Height and proximity of nearest house to bungalows in Ingleside Crescent will be overbearing to existing residents;
- Increased traffic, pollution, noise and disturbance;
- Widening of access will lead to loss of on-street parking and more congestion;
- Increased risk to highway safety;
- Replacement of bungalow with a three-storey building is overdevelopment;
- Design of new buildings is out of keeping with the area;

- Overlooking and loss of light to neighbouring house at No.25 Penhill Road;
- Parking and refuse will be close to boundary fence with the rear garden of No.25 causing noise and pollution;
- Loss of security to rear of No.25;
- Unsuitable site for residential development;
- Existing services cannot cope;
- Loss of view and property value (NB not valid planning objections).

Re-notification has taken place in respect of the *Amended Plans*, and any comments received will be reported verbally.

[NB. the residents of No.25 Penhill Road and No's 18, 24 & 26 Ingleside Crescent request to speak at the Committee meeting]

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1, SCT5, SP3, CC6, H1-2, H5, BE1-2
 Adopted Adur District Local Plan 1993 – 2006 (ADC 1996): AG1, AH2 and Appendix 11
 'Supplementary Planning Guidance' comprising Development Control Standard No.2
 'Space Around New Dwellings and Flats'
 PPS1 'Delivering Sustainable Development (ODPM 2005)
 PPS3 'Housing' (DCLG 2006)
 PPG13 'Transport' (DTLR 2001)
 PPS23 'Planning and Pollution Control' (ODPM 2004)

Planning Assessment

Policies

The site is located within the built-up area of Lancing and is not identified for any particular use or development in the Local Plan. There is no policy specifically protecting the use of the site for business purposes although there are general policies encouraging mixed use development. In this instance, the re-use of the site as a builders' yard has the potential to be unneighbourly because it directly adjoins dwellings to the west and north. Consequently, it is considered that there is no objection in principle to redevelopment for wholly residential purposes. Residential infilling and redevelopment is needed in order to meet the housing requirements of the approved South East Plan and Local Plan.

The South East Plan sets out the long term spatial planning framework for the region with the aim of achieving more sustainable development, protecting the environment and combating climate change. Policy SP3 seeks to achieve at least 60% of all new developments on previously developed land and through conversions of existing buildings. Developments in urban areas, including infill, should be well designed and consistent with the principles of urban renaissance and sustainable development. Policy CC6 requires development to respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes throughout the region, and to use innovative design processes to create a high quality built environment which promotes a sense of place.

Policy SCT1 gives priority to pro-actively pursuing sustainable economic growth and regeneration of the Sussex Coast whilst also protecting and enhancing its high environmental quality, its cultural and historic assets and promoting excellence in design of new developments in recognition of their importance to economic success and quality of life. SCT5 & H1 set housing targets for the Sussex coast sub-regional area and Adur for 2006-2026. These targets are to be met by focusing development in existing towns, by optimising the use of previously developed land. H5 aims to raise the quality, adaptability and sustainability of new housing and at higher densities (overall regional target 40 dwellings per hectare). T4 states that Local Development Documents should apply guidance on parking standards for housing in line with PPS3, reflecting local circumstances, and ensure sufficient and secure cycle parking for new flats and houses. BE1, entitled management for an urban renaissance, states that opportunities will be taken to improve the built environment, including by promoting design solutions relevant to their context and building upon local character and by supporting opportunities for appropriate higher density and mixed use development schemes. BE2 states that Local Development Frameworks should identify areas where suburban intensification could assist wider planning objectives subject to providing clear planning and design guidance based on local character appraisal.

Local Plan policy AH2 relates to new residential development (by way of infilling and redevelopment) and states that new dwellings should be designed so that their appearance, character and scale create a pleasant place in which to live and are in keeping with and enhance the existing local environment with particular attention being paid to architectural form, height, materials, density, layout of buildings and hardsurfaced areas; they do not have an unneighbourly effect due to loss of privacy; daylight/sunlight; outlook or open space, incorporating adequate standards of residential amenity for the new dwellings in terms of amenity space, daylight, outlook and privacy; access and parking provision meets the adopted standards; and they accord with the Council's DC Standard No.2 'Space around New Dwellings and Flats'.

Government policy guidance in PPS1 states:-

“Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”

PPS3 encourages best use of urban land for housing development, particularly affordable housing and a mixture of types to create a balanced community, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient and sustainable use of land without compromising the quality of the environment. PPS3 also states that Councils should “facilitate good design by identifying the distinctive features that define the character of a particular local area..... Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric... ..successful intensification need not mean high rise development or low quality accommodation with inappropriate space.....The density of existing development should not dictate that of new housing by stifling change or requiring a replication of existing style of form.....If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”

Density, character and appearance

As now amended, the proposed development of 5 dwellings on this site equates to approximately 38.5 dwellings per hectare. It exceeds the minimum density of 30dph as set out in PPS3 but is just below the South East Plan target of 40dph average.

The architect states that there is a great mixture of building styles in Penhill Road with no particular emerging local character to follow, and the proposed buildings are neither historic nor 'modern' in concept. The design of the windows in the previous scheme were a very distinctive feature, having curved arches above and containing glazing bars reflecting the style of warehouse fenestration. Members expressed concern at their appearance and the current scheme now proposes a simpler, less fussy style of fenestration.

The proposed terrace of 4 houses within the former yard creates a 'mews' type development. The houses have a traditional two-storey appearance with an overall ridge height of 7.4m, which is 0.8m higher than the previous proposal. The houses are proposed to be finished with Sussex stock bricks with a slate roof.

As seen from Ingleside Road to the east, the site will become exposed following the proposed removal of the line of conifers on the eastern boundary. However, the side of the end unit would have an acceptable appearance in the streetscene, being set back some 15.5m from the pavement, with new tree planting proposed further south.

The proposed house fronting Penhill Road is two storeys high to the same height as the adjacent terrace to the west. The overall scale and form of the building is now in keeping with the adjoining buildings and it is not considered that it will be unduly out of place in the streetscene, particularly following the design changes referred to above. It would be a visual improvement over the existing bungalow.

The widened vehicular access would lead to a central access way running up to the front of the proposed new terrace with parking spaces on either side. It is considered that the overall layout makes good use of the site and provides reasonable space around the buildings to avoid a cramped or overdeveloped appearance. The re-orientation of the terrace is considered to be particularly successful and results in a more effective and comfortable use of the site than the previous scheme and is also unlikely to prejudice any future redevelopment of land to the east.

Residential amenity – effect on existing dwellings

With regard to the relationship to No.25 Penhill Road, the house to the west, the siting of the proposed new dwelling has been amended so that its rear wall no longer projects beyond the main rear wall of No.25. There will be no windows facing the side of No.25. Rear-facing bedroom windows will enable oblique views over the garden of No.25 in much the same way as those of the existing adjoining terraced house to the west of No.25 and it is not considered that any overlooking would be so harmful to amenity as to warrant refusal of the application on this ground. The main windows in the east side of the house will serve a wc and landing and will face over the access road and to the blank side wall of the adjacent commercial property.

On the rear area of the site, formerly a builders yard, the proposed terrace of 4 houses has its main windows facing the front of the site. The nearest front window in the proposed end house is approximately 18m away and at an oblique angle from the rear windows of

the existing house at No.25. The Council's DC standard for where principal rear windows directly face each other is 22m but that is not the situation here because of the angle. The side of the proposed end house will be 2.35m from the side boundary and will contain no windows. A distance of 24m will exist where the new houses directly face the rear of No's 31-35 Penhill Road, which complies with the above Standard.

On the previously-refused application, the car parking spaces adjoined the side boundary with the rear garden of No.25 and was considered unacceptably detrimental. The relocation of the parking spaces to a more central position either side of the access drive means that they are now some 3m from the boundary with No.25 and will be screened by a 1.8m high wall and fence plus new planting on the area between the spaces and the boundary. This is considered to be acceptable. The level of traffic activity associated with 5 units is not expected to be significant when compared with the potential activity associated with the lawful use as a builders' yard.

As regards the effect on the bungalows to the rear in Ingleside Crescent, the terrace of 4 houses has been moved further forward by 0.4m so that its rear (north) elevation will now be 23.4m from the rear of the bungalows at No's 20, 22 & 24 Ingleside Crescent. This is in excess of the Council's minimum standard of 22m. It is considered an improvement compared to the previously-refused scheme which would have had an end gable 14m from the rear of the nearest bungalows (No's 22 & 24 Ingleside Crescent). While the current scheme results in a larger built form 22m wide across the width of the site and with a 0.8m higher ridge line, at the 23.4m distance involved, it is not considered that it would have an unacceptably overbearing impact or result in serious loss of privacy or light to the bungalows to the north.

Residential amenity – proposed dwellings

There are no internal space standards for new houses (the floor areas in this case being 93sqm) but the Council's DC Standard No.2 does contain external space standards. The terraced houses have almost no front garden but the rear gardens have a depth of 11.4m which accords with the minimum standard. The houses at either end have the benefit of wider plots thus achieving garden areas of 116sqm and 92sqm which are ample. The two mid-terrace houses have smaller gardens of 67sqm but these are in excess of the Council's minimum standard of 65sqm. The overall standard of amenity for these units is therefore acceptable.

As regards the dwelling at the front, the amendments to the design of the building and the removal of the rear extensions results in a rear garden depth of 10.8m to 13.2m with an overall area of 89sqm, which also exceeds the Council's minimum standard.

Access and parking

The site is in a relatively sustainable location, being fairly close to facilities in central Lancing and to public transport links. Under the adopted West Sussex Parking Standard, a maximum of 10 car parking spaces would be required and this level of provision is shown on the layout. Secure, covered bicycle storage is also to be provided on site in a communal building on the eastern side of the site.

The widening of the access is also acceptable to WSCC subject to conditions 5 & 6 below and they raise no objection on highway safety grounds. The loss of on street parking associated with the access widening is not considered to be significant while the level of

traffic movement generated by the development is expected to be relatively low. Large vehicles would not be able to turn within the site and would either have to reverse or stop in Penhill Road. So far as refuse collection is concerned, a temporary collection point for the day of collection is proposed close to the site entrance.

Recommendation

Subject to completion of a satisfactory section106 Obligation undertaking to pay £5,478 towards sustainable transport improvements in the area, APPROVE for the reason:-

The proposed development is within the built-up area and would help meet the need for additional housing without detracting from the existing local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detracting from highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AH2) and The South East Plan (SCT1, SCT5, H1-2, H5, T4, BE1-2).

Subject to:-

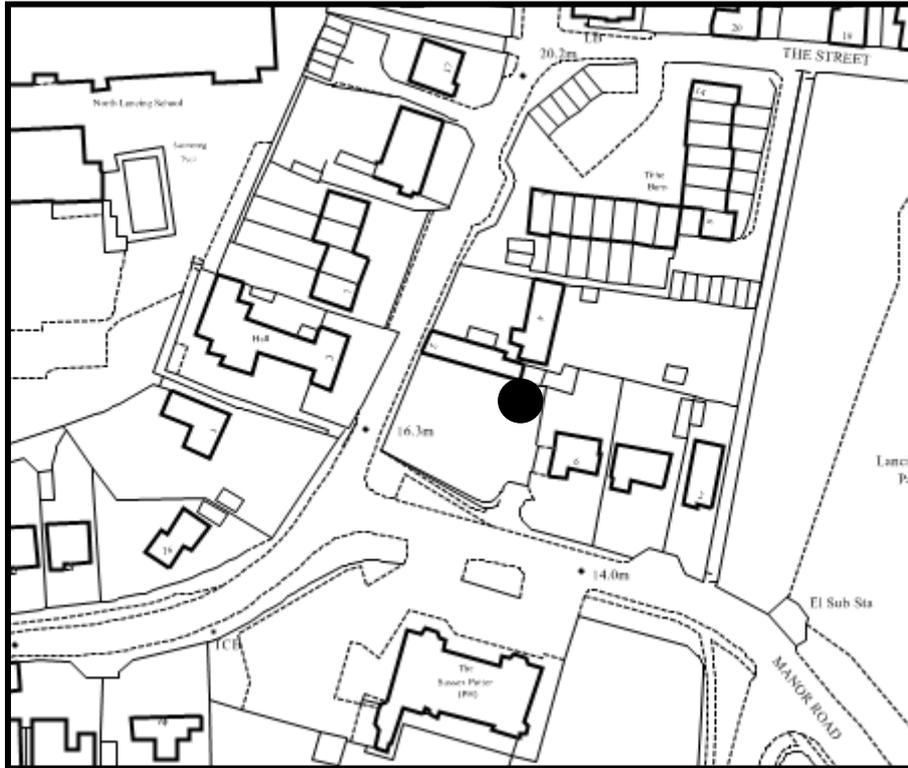
1. C1Ci (Standard time limit)
2. C7Ci (Details of walls/fences to be approved and implemented)
3. C8Biv (Parking spaces, access facilities and cycle storage related to dwellings to be constructed and retained) (amended)
4. C9Ai (Pavement crossing details for widened access)
5. C9F (Pedestrian visibility splay westwards) (amended)
6. C9G (Vehicular visibility splay westwards to be 2.4m by 43m) (amended)
7. C9N (Temporary provision for contractors' vehicles, materials, etc on the site)
8. C12Aii (Schedule and samples of external materials for walls and roofs of buildings to be approved)
9. C14A3 (Permission relates to application as amended by revised plans 02C & 03C received on 18 November 2009)
10. C18B (Removal of PD rights for extensions or curtilage buildings over 5 cubic metres)
11. C18E3 (No windows to be formed in the side walls of the houses without planning permission)
12. C18Rii (Investigation and remediation of contamination)
13. C18R3 (Unsuspected contamination remediation)

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Application Number: ADC/0334/09 Recommendation - APPROVE

Site: 'The Old Forge' 2 Mill Road, Lancing BN15 0PT

Proposal: Attached garden room /toilet and pitched roof on utility area



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The Application

This application was deferred at the previous Committee on 9 November 2009 to seek a reduction in the height of the proposed pitched roof over the utility area. The amended plans now received lowering the roof pitch to 35 degrees (from 40 degrees) with a 0.3m reduction in ridge height to 3.7m. The east rooflights of the garden room are deleted.

The application property is a detached cottage located on the corner of Mill Road and Manor Road in the North Lancing Conservation Area. The dwelling is positioned on the northern boundary of the site and faces south over a large garden which is well screened from the surrounding area by a boundary wall, fence and vegetation. It has a large detached garage on the southern boundary at the front of the site which is on lower ground than the dwelling owing to the site being on a slope at the foot of the hill. The modern detached house, No.6 Manor Road, lies adjacent to the garage, to the east.

The cottage has rendered walls with an exposed timber frame, with a clay-tiled roof containing dormer windows. On the east side of the dwelling is a single-storey utility area with a part tile and part mineral felt sloping roof. This part of the building is attached to an outbuilding at No.6 Manor Road which sits on the boundary.

Directly to the north, at right angles to the site, is 'Smithy Cottage' (No.4 Mill Road) which is a Grade II listed building. This dwelling has a ground-floor kitchen window and two first-floor windows which face south towards the flat roof on the applicant's property.

The application proposes to construct a garden room extension projecting at a right angle from the utility area southwards along the eastern boundary for a distance of 7m. It will be 4m wide, 4.4m high at its northern end and 4.6m high at its southern end (owing to the drop in ground level), with a pitched roof with gable end. It is to be largely glazed on its west and south sides with folding glazed doors. There is to be a blank rendered wall on the east side. A circular window is proposed for the southern end gable with rooflights on the west roof slope. A chimney flue for a log burner is shown rising 0.7m above the ridge of the roof.

The roof of the garden room is proposed to tie into the new pitched roof over the utility area. This roof will be hipped and 3.7m high when viewed from the north. The roof will have a small upright section at the eastern end which will contain a high level window to give additional light to the utility room and to enable access to a gutter on the boundary with the adjacent outbuilding. According to the applicant, the new roof is needed to prevent further water ingress into the dwelling, to improve the appearance of this part of the dwelling and to form a support for the east side gable of the main dwelling which is bulging and structurally weak. At present the gable has a timber support.

Consultations and Representations

West Sussex County Council: The Conservation Architect accepts the principle but the roof ridge junction to the east end gable will adversely affect the property to the north. He recommends a flat leaded roof instead. The end gable requires structural consolidation.

Adur District Conservation Advisory Group: No objection.

Lancing Parish Council: On the *original plans*, were concerned that the roof could affect light and overlook the adjoining house but, as the option of a flat roof was not permissible because the site is in a Conservation Area, concluded that no objection would be raised if there were no objections from the neighbour.

Third Parties: 2 letters of objection have been received to the *original plans*, from the residents of No.4 Mill Road and No.6 Manor Road, raising the following concerns:-

- The pitched roof over the utility area will significantly reduce light to the kitchen and, to a lesser degree, the bedroom and bathroom above at No.4 Mill Road. The pitch of the roof should be lowered, or the kitchen window at No.4 raised at the applicants' expense, in order to overcome this objection.
- The size of garden room extension is out of keeping and will detract from the historic character and appearance of the adjacent buildings. Rooflights on the long pitched roof will face the neighbouring property at No.6 Manor Road. It would look better if it was a summerhouse-style conservatory.

[NB. the resident of No.4 Mill Road requested to speak at the Committee meeting]

Re-notification has taken place following receipt of the *amended plan* and any comments received will be reported verbally.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993 – 2006 (ADC 1996) (saved policies): AG1, AB4, AB11, AH7, and Appendix 11 'Supplementary Planning Guidance' comprising: -
Development Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development (ODPM 2005)
PPG15 'Planning and the Historic Environment' (DoE 1994)

Planning Assessment

Policies

The Council has a statutory duty to pay special attention to the need to preserve or enhance the character or appearance of Conservation Areas and to preserve the setting of listed buildings. It is therefore essential that new development respects the existing historic environment. The relevant policies are AB4 & AB11 and Government policy and guidance is in PPG15.

Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general.

PPS1 states "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

Visual amenity and impact on Conservation Area

The site is well screened from the street. The proposals would have only a limited visual effect on the Conservation Area and are, consequently, considered to preserve its character and appearance.

The scale of the garden room extension is considered to be sufficiently subsidiary so as not to dominate the original dwelling while in design terms it respects the character of the existing building. It is considered to be visually acceptable.

Residential amenity

The relevant concern is the impact on the residential amenities of the neighbouring dwellings to the north and east.

The garden room extension is to be sited 0.9m from the east side boundary with No.6 Manor Road where there is at present a row of conifers approximately 3m high. These trees are to be removed which will expose the side of the new extension to views from No.6. However, there is a 1.8m high close-boarded fence on the boundary which will screen much of the 2.5m high side wall of the extension with the pitched roof being the predominant visible feature. The occupiers of No.6 have expressed concern at the amount of rooflights on the east side roof slope and the applicant has agreed to remove them.

It is not considered that the proposed garden room extension will adversely affect the amenities of the occupiers of No.6 Manor Road. That dwelling is located approximately 8m forward of the application dwelling and is 3.5m from the boundary. Consequently, the extension will not result in unacceptable loss of light or outlook for the occupiers.

The effect on the cottage to the north (No.4 Mill Road) of the proposed pitched roof over the utility area is a greater concern. This dwelling is only 1.1m from the site boundary and has a kitchen window which currently faces the rear wall and sloping roofs of the utility

area on the application site. The proposed new roof will increase the height of this structure by up to 1.9m to 3.7m, consisting largely of a pitched roof which slopes away from the boundary. The height of the wall of the utility area is to be raised to a uniform 2m (it currently varies from between 1.8m and 2.3m). However, the kitchen window at No.4 looks out over the central section of the existing roof, which is the lowest part of the existing building. The increase in height as originally proposed would have been quite pronounced for the occupiers of No.4 and, as originally submitted, was likely to adversely affect their light and outlook.

The amended plans now show a reduction in the height of the ridge by 0.3m and an angling of the roof away from the boundary with No.4 so that the ridge is 3.7m from the ground floor window. Taken together, these measures are considered to improve the situation for the occupiers of No.4 to the extent that the impact on their light and outlook is, on balance, not likely to be so significant as to warrant a refusal of the application particularly as the kitchen does gain light through additional windows on the east elevation.

The upper floor windows of No.4 are affected to a lesser degree and it is not considered that the impact on these rooms (a secondary bedroom and bathroom) is so serious as to be a reason for refusal.

Recommendation

APPROVE for the reason that:-

The proposed development would not detract from the local environment, would preserve or enhance the character and appearance of the Conservation Area and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties. It would consequently not conflict with the policies of the Adur District Local Plan (AG1, AH7, AB4)

Subject to:-

1. C1Ci (Standard time limit)
2. C12Eii (External walls & roof of extension to match existing)
3. C14A3 (Permission relates to application as amended by revised plan dated 13 November 2009)
4. C18E3 amended (No windows to be formed in the east side wall or roof of the garden room and the north side wall or roof over the utility area without planning permission)
5. The rooflights to be used in the proposed garden room extension shall be 'conservation' style rooflights, fitted flush with the roofslope, in accordance with details to be submitted to and approved in writing by the local planning authority.

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Application Number: ADC/0392/09 Recommendation - APPROVE

Site: 23 Mill Road, Lancing BN15 0PX

Proposal: Single-storey rear extension



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The Application

The application relates to a detached thatch-roofed bungalow the front of which abuts the west side pavement of Mill Road, within the North Lancing Conservation Area. The front part comprises the conversion of a small former barn, abutting the northern side boundary of the site. Extending to the rear is a more modern series of tiled roof extensions comprising the majority of the living accommodation. The dwelling itself is 'L-shaped' and follows the majority of the northern boundary of the site then turns 90 degrees south across the site. To the west is a small rear garden, and to the front is an enclosed courtyard area, screened from the road and surrounding area.

Permission is sought for a rear hip-roofed extension on the north side of the rear elevation of the dwelling. The extension would be used for additional bedroom space, and would be 2.3m deep, by 4.5m wide, by 4.1m high to the ridge of the hipped roof.

The site is on sloping ground with the neighbouring properties to the north No's 25 and 25A being on ground which is approximately 1m higher than the northern edge of the site. These neighbouring properties are a bungalow that has been greatly extended to incorporate an attached dwelling to the front (No.25A). This was originally a 'granny

annexe' granted permission in 1986 (L/85/86) but subsequently became a dwelling in its own right (L/10/02). Each has a kitchen window facing south towards the application site.

To the south of the property is an access track which runs westwards from Mill Road to the rear entrance of North Lancing Primary School.

The application property was the subject of a permission in 2001 (L/173/01) for single-storey extensions at rear and on the south side of the front wing. This was partially implemented, with the more centrally located rear extension (2m deep, by 4.4m wide, by 4.1m high) never built.

In 2004 (L/199/03), a single-storey flat roofed extension on the north side was refused for the reason that:- *The site is within an area designated as a Conservation Area and the proposal, by reason of its unsympathetic design and materials, would detract from the appearance of the building and would therefore conflict with the intention of the Local Planning Authority to preserve or enhance the character or appearance of such areas. The proposal therefore conflicts with policies AG1, AH7 and AB4 of the Adur District Local Plan.*

In 2006 (ADC/0122/06) a single-storey front extension on south side, with a part hipped roof/ part flat-roof) was approved.

Consultations and Representations

Lancing Parish Council: Object on ground that the extension would have a detrimental effect on neighbouring properties' outlook.

Adur District Conservation Advisory Group: No objection, approve with pitched roof.

Third Parties: 3 letters of objection have been received from the owners of both properties directly to the north (No's 25 & 25A).

The owner of No.25 states that due to the gradient of the hill, their kitchen/diner window is level with the lower roof level of No.23. The kitchen is the most frequently used room in the house and has floor to ceiling windows to let in light to a relatively dark room. The room currently looks out onto part of the existing roof and, if the new roof were permitted, it would completely block any view from the window, and the outlook would just be a window filled with a view of roof tiles with a small amount of skyline above.

Both owners of No.25A object to loss of light, overdevelopment in a conservation area, loss of access to strip of ground on the north side of the property, and it being too close to the boundary. They mention that the former front extension has a flat roof.

[NB. the residents of No's 25 & 25A have requested to speak at the Committee meeting]

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB4, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings.'

PPS 1 'Delivering Sustainable Development' (ODPM 2005)

PPG15 'Planning and the Historic Environment'

Planning Assessment

Policies

There is a statutory duty to pay special attention to the need to preserve or enhance the character or appearance of Conservation Areas. Local Plan policy AB4 also requires design and construction materials be of a high standard.

Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general and accord with the Council's DC standards.

Visual amenity

The proposed extension would not be seen from the road, only from the access way to the school and the adjoining property to the north. It is modest in scale, not overdominating the dwelling, and the hipped roof is sympathetic in design to the rear part of the building. The proposals would not detract in any way from the character of the Conservation Area. Amendment of the design to a flat roof might have less effect on the outlook of the neighbours to the north (see below) but would be unsympathetic to the appearance of the dwelling and Conservation Area.

Residential amenity

The properties affected by the proposed extension are the two semi-detached bungalows directly to the north. Their orientation is such that the two bungalows are located on an east-west alignment, one behind the other, with a driveway and detached double garage on the northern side. The western half of the pair (No.25) has a rear outlook from a conservatory into a rear garden which is large and expansive, including a patio area extending to the south west behind the rear of the application site. The former annexe (No.25A) has the front garden and a patio to the south side. Currently the two dwellings are in the ownership of one extended family but permission exists for them to be separately occupied.

The proposed extension would be located inset from the northern flank wall of the existing building by 0.45m, and it would project westwards by 2.3m. There would be a gap of 0.9m between the extension and the northern side boundary with No's 25/25A and would not represent a loss of access to the north side of the existing dwelling.

Both No's 25 and 25A have kitchens facing the position where the proposed extension would be sited, with one having a seating area and the other a dining area adjacent to the windows in the respective dwellings. The lower ground level of the application site lessens the impact of the proposed extension on outlook from and daylight to these neighbouring dwellings. The north side of the proposed extension would be 6m from the kitchen window of No.25A, and 5m from the kitchen window of No.25, with the ridge of its sloping roof being a further 2.2m away. As a result of the small size of the extension, the ground level difference and the hip-roofed design, it is considered that the proposal would not have an unacceptable effect on the levels of natural daylight reaching either of these adjacent dwellings.

The roof line of the extension would be seen from the kitchen of No.25 but it is not considered that it would be so close or so high as to cause loss of outlook, an excessive degree of enclosure or an overbearing effect. Refusal would not be warranted, nor a requirement to change the design to a flat roof. The impact on the outlook from the kitchen or patio area of No.25A would not be greatly different from the outlook that currently exists.

Recommendation

APPROVE for reason that:-

The proposed development would preserve the character and appearance of the Conservation Area and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties. It would consequently not conflict with the policies of the Adur District Local Plan (AG1, AB4, AH7).

Subject to:-

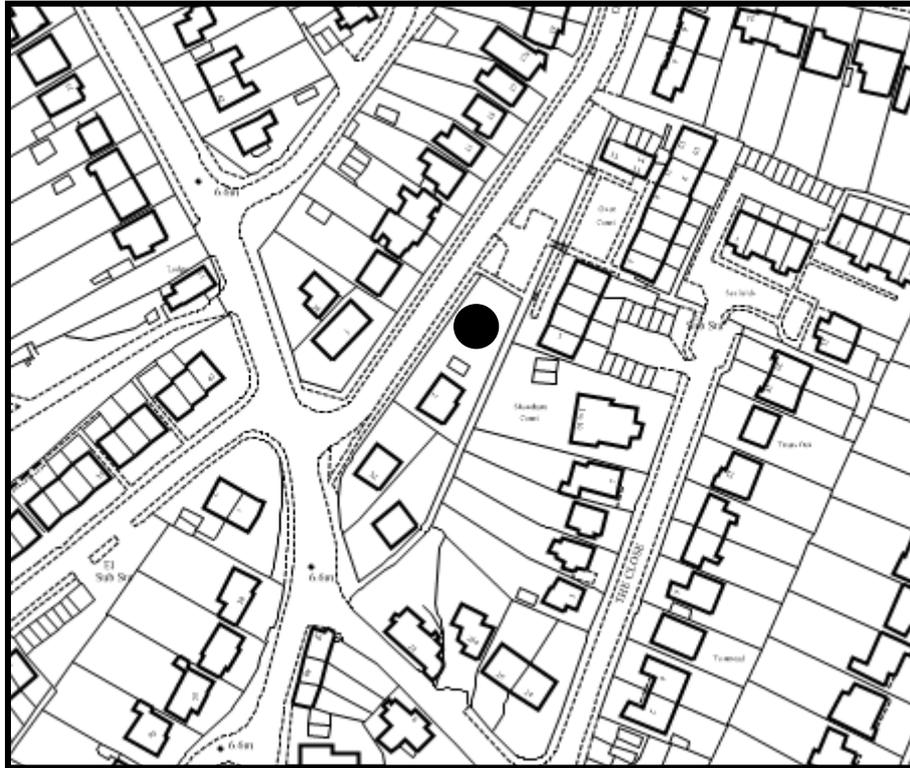
1. C1Ci (Standard time limit)
2. C12Eii (External walls and roof of extension to match existing)
3. C18Eiv (No windows or rooflights to be formed in the north side wall of the extension without planning permission)

.....

Application Number: ADC/0301/09 Recommendation - APPROVE

Site: 2 Oxen Avenue, Shoreham-by-Sea BN43 5AF

Proposal: Detached three-bedroom chalet-style dwelling (with dormers) and front parking space (on north-east side of existing dwelling)



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The Application

The application relates to the north side garden of the existing detached bungalow with rooms in the roof. A footpath runs along the rear (east) boundary with dwellings beyond, to the east, the nearest of which is No.1 Oxen Court. To the north of the site is a parking area serving the dwellings at Oxen Court, which are set much further back from the road.

The site measures 22m wide and 18m deep, narrowing to 14m at the northern end. It is enclosed by a mature hedge and there are a number of trees and shrubs around the boundary of the site. The site at present contains a small summerhouse.

It is proposed to erect a detached three-bedroom chalet bungalow, with the three bedrooms and a study in the roofspace, served by flat-roofed front and rear dormers. It will have a tiled roof with its ridge 6.1m high and side gables. The walls will have a rendered finish with brick quoins. The front will face Oxen Avenue and the gables will be on the north-east and south-west sides.

Access will be from Oxen Avenue, adjacent to the existing access to No.2 Oxen Avenue. No garage is proposed and the dwelling would be served by a single parking space at the front.

In 1962 an outline application for a dwelling on the same site was refused on the ground that it would be detrimental to the character and amenities of the area, by reason of the insufficient size of the site and its unsatisfactory shape (SU/32/62). In 1970 another outline application was refused for similar reasons (SU/362/70), while in 1993 a further outline application was refused on the grounds of it being overdevelopment and out of character with the locality (SU/51/93). More recently, in May 2009, an application for a three-bedroom chalet dwelling was refused for similar reasons as before (ADC/0575/08).

Consultations and Representations

West Sussex County Council: No objection subject to a section 106 Obligation undertaking to pay a sustainable transport contribution of £1,680.

Third Parties: On the *Original Plans*, 3 letters of objection were received from the residents of No's 1, 2 and 3 Oxen Court raising the following:-

- This application is even more intrusive than the previous application, with bigger windows leading to overlooking and loss of privacy
- Too close to path at rear of site
- Loss of light
- Previous applications have been refused
- Additional highway hazard
- Loss of trees would be harmful to character of area
- Loss of view
- Out of character

Following re-notification on the *Amended Plans*, 1 letter of objection has been received from the residents of No.1 Oxen Court on the following grounds:-

- The proposed revisions will only increase the impact on their house
- Loss of privacy, light and outlook
- They have an autistic daughter who needs a calm environment rather than looking out at new house.

[NB. the residents of No.1 Oxen Court have requested to speak at the Committee meeting]

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SP3, CC6, H1-2, H5, T4, BE1-2, SCT1, SCT5

Adopted Adur District Local Plan 1993-2006 (ADC 1996): (saved policies) AG1, AB25-26, AH2, AH5 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space around New Dwellings and Flats'

Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)

PPS1 'Delivering Sustainable Development' (ODPM 2005)

PPS3 'Housing' (DCLG 2006)

Planning Assessment

Policies

The site is located within a residential part of the built-up area and there is no objection in principle to infill development in order to meet the housing requirements of the approved South East Plan and Local Plan.

The South East Plan sets out the long term spatial planning framework for the region with the aim of achieving more sustainable development, protecting the environment and combating climate change. It provides a spatial context within which Local Development Frameworks and other strategies should be prepared.

Policy SP3 seeks to achieve at least 60% of all new developments on previously developed land and through conversions of existing buildings. Developments in urban areas, including infill, should be well designed and consistent with the principles of urban renaissance and sustainable development. Policy CC6 requires development to respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes throughout the region, and to use innovative design processes to create a high quality built environment which promotes a sense of place.

Policy H1 sets out the housing delivery requirements for the region and districts while H2 sets out the factors to be considered when planning for the delivery of housing, including encouraging development of previously developed sites and realising opportunities for intensification consistent with advice in PPS3. H5 encourages positive measures to raise the quality of new housing and reduce its environmental impact. Higher densities will also be encouraged with an overall regional target of 40 dwellings per hectare.

Policy BE1 states that local authorities should use the opportunities associated with new development to help provide significant improvements to the built environment, including the promotion and support of design solutions which build upon local character and distinctiveness and sense of place. SCT1 seeks to promote the sustainable economic growth and regeneration of the Sussex Coast, including the promotion of design excellence. SCT5 reiterates the Sussex Coast's housing delivery targets.

Local Plan policy AH2 relates to new residential development (by way of infilling and redevelopment) and states that new dwellings should be designed so that their appearance, character and scale create a pleasant place in which to live and are in keeping with and enhance the existing local environment with particular attention being paid to architectural form, height, materials, density, layout of buildings and hardsurfaced areas; they do not have an unneighbourly effect due to loss of privacy; daylight/sunlight; outlook or open space, incorporating adequate standards of residential amenity for the new dwellings in terms of amenity space, daylight, outlook and privacy; access and parking provision meets the adopted standards; and they accord with the Council's DC Standard No.2 'Space around New Dwellings and Flats'.

Government policy guidance in PPS3 encourages best use of urban land for housing development, particularly affordable housing and a mixture of types to create a balanced community, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges

imaginative designs and layouts which make more efficient and sustainable use of land without compromising the quality of the environment. PPS1 states:-

“Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”

PPS3 also states that Councils should “facilitate good design by identifying the distinctive features that define the character of a particular local area..... Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric... ..successful intensification need not mean high rise development or low quality accommodation with inappropriate space.....The density of existing development should not dictate that of new housing by stifling change or requiring a replication of existing style of form.....If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”

Visual amenity and character

The design of the proposed dwelling is an improvement on earlier designs and would be a modest addition to the streetscene. It will have its main elevation facing towards the road (north west) with flat-roofed front and rear dormers and side gables. The existing garden of No.2 Oxen Avenue, with its large hedge, shrubs and trees, makes a significant contribution to the character of the area. The provision of the extra space around the proposed dwelling, when compared with the previous scheme, should mean that less cutting back of vegetation will be required to enable the building to fit comfortably. This can be controlled by condition to protect the overall appearance of the site and to ensure that the dwelling does not become an overly prominent feature.

The plans have been amended to raise the ridge height of the dwelling slightly in order to make it appear less ‘squat’; to divide the dormers into two separate windows and to bring the dormer windows further up the roofslope, away from the eaves; and to remove two circular windows previously shown on the south side gable.

Overall, the proposal is considered to be acceptable in terms of its impact on the visual amenity of the area. The changes to its design, removal of the garage, amended height and increased spacing around the building help to avoid a cramped appearance and fit more comfortably without detracting from its surroundings.

Residential amenity

The dwelling has been positioned so as to not be directly in front of No.1 Oxen Court, some 11.5m away. No.1 Oxen Court is at a higher level than the site and it is not considered that the proposal will have a detrimental impact on light to, or outlook from, that dwelling. Given the distance involved and the difference in levels, there is also not considered to be any increased sense of enclosure for those occupants.

On the rear (east) elevation two bedroom windows were originally shown, which was an increase in fenestration when compared with the previous scheme. Amended plans have since been received which have deleted the window nearest to No.1 Oxen Court at the rear and replaced it with a rooflight. The remaining dormer has also been reduced in size. There would only be approximately 13m between the proposed dwelling and Oxen Court.

However, as a result of the acute angle involved, the higher level of 1 Oxen Court, the tree and hedge screen around the site boundary and the amendments to the fenestration on the rear elevation, there is not considered to be a risk of any serious loss of privacy. The remaining dormer window will face toward the listed building of Shoreham Court, but that building is over 25m away. Windows on the north-west (front) elevation of the proposed dwelling are also unlikely to cause any loss of privacy. No windows would face the side of the existing dwelling at No.2 Oxen Avenue.

As to the standard of amenity of the proposed dwelling, it would be sited only 3m from the eastern (rear) boundary at its closest point. This is an improvement over 1.2m in the previous application. Its main garden area will be to the side (north) as before, measuring approximately 190sqm with a depth of 12m to the northern boundary compared with 9m previously. The additional space has been achieved by removing the garage and locating the dwelling further south. This is well in excess of the Council's minimum standard of 85sqm.

For the existing dwelling (No.2 Oxen Ave), its private garden area is reduced to an area at the rear only 5.5m deep but totalling 90sqm approximately. The Council's standard states that rear garden depth should usually be 11m, although this is largely to enable adequate separation between dwellings. However, while the shallow garden, which is partly overshadowed by tall trees subject to TPO, would not be a particularly attractive amenity for the occupants of No.2 Oxen Avenue, it does comply with the Council's standards in terms of garden area, being over 85sqm.

Recommendation

Subject to a satisfactory section 106 Obligation being completed undertaking to pay £1,680 to sustainable transport improvements in the locality, APPROVE for the reason:-

The proposed development is within the built-up area and would help meet the need for new housing without detracting from the existing local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detracting from highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AB25-26, AH2, AH5) and The South East Plan (SCT1, SCT5, SP3, CC6, H1-2, H5, T4, BE1-2).

Subject to:-

1. C1Ci (Standard time limit)
2. C8Gii (The approved dwelling shall not be occupied until 2 covered secure cycle parking spaces and one car parking space have been provided in accordance with details to be submitted to and approved in writing by the local planning authority) (amended)
3. C9Ai (Pavement crossing details)
4. C9F (No development shall be commenced until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Oxen Avenue. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level) (amended)
5. C9N (Temporary provision for contractors' vehicles, materials, etc. on the site)
6. C11Ai (Landscaping scheme including existing trees to be approved and implemented and replacement of those that die)

7. C12Ai (External materials & roof of building to be approved)
8. C14A3 (Permission relates to application as amended by revised plan dated 4 November 2009)
9. C18E3 (No windows to be formed in the south-west side wall of the building without planning permission)
10. C18B (Removal of permitted development rights related to existing and proposed dwellings in respect of extensions and outbuildings over 10 cubic metres)

.....

Application Number: ADC/0388/09 Recommendation - APPROVE

Site: 57 Ring Road, Lancing BN15 0QE

Proposal: Pitch-roofed front extension (garage) and conversion of existing garage to a study/bedroom with roof alteration



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The Application

The application relates to a split-level detached dwelling located on the south side of the upper part of Ring Road. It has the appearance of a bungalow from the road and has been extended to the rear with a substantial two-storey extension and raised patio (L/54/99). As a result of the hillside location, the site steeply slopes down to the south (rear), with dwellings on the opposite side of the road (to the north) being on a much higher ground level. The site is well screened from the road by some trees, including a pine subject to TPO 162/1/62(L), and there are other trees subject to the TPO on the frontage of No.55 to the east.

The proposals are for a pitch-roofed front extension forming a double garage, plus internal alterations to enable the conversion of the existing integral garage into a study/bedroom, including modification to its projecting roof. The proposed projecting new front garage has been amended in design after discussions with officers regarding scale and height. The proposals also include a new front boundary treatment with a proposed new front wall (0.6m high plus 0.9m high railings, with 1.5m high piers), and a 1.5m high pair of entrance gates.

The front extension, as amended, would now have a fully hipped roof of matching concrete tiles, with brick-built side walls. It would be 5.9m wide, by 5.8m deep, by 4.5m high to the

ridge of the roof (and side walls 2.2m high). Access to the garage would be from the existing sloping driveway from the west of the site.

The existing garage to be converted to a room would incorporate a new front window to match existing windows and have a small hipped roof 1.2m high of similar style to the proposed new garage roof.

Directly to the east is No. 55, a two-storey house sited forward of the applicant's dwelling by 2m. It is also below road level and screened well by the trees subject to TPO.

Consultations and Representations

Lancing Parish Council: No objections.

Third Parties: 10 letters/emails of objection have been received.

The residents of No.55 Ring Road, directly to the east, object because they feel the proposals would cause an unacceptable loss of light, particularly as their property is already deeply shaded at the front; cause overlooking at the front; are a gross overdevelopment of the site which is out of keeping; and cause uncertainty regarding the void roof areas.

The resident of No.64 Mill Road, adjacent to the west, states that he feels the proposals are very large and they would project forward of the building line; the loss of mature trees and much of the front garden will affect the appearance and character of the area; and the windows on the first floor which face west will result in loss of privacy.

The others are 8 identical letters which have been received from residents of No's 45, 52, 60 & 62 Ring Road and No.66 Mill Road and from residents at a property elsewhere in Lancing (No.228 Brighton Road). The objections are:-

- Extension is too long and too wide and is overdevelopment of the site;
- Projects forward of the 'building line' and is too close to the footway;
- Out of character with North Lancing which comprises detached dwellings with open front gardens;
- Sets a precedent;
- Loss of wildlife and reduced rainfall catchment footprint;
- Loss of trees not compensated for by low level shrubs;
- Previous refusal for a roof extension at No.64.

Concerns are also raised that the plans fail to incorporate the rear extension and west side lean-to, that the roof voids could be converted in en-suite bathrooms, and the block plan does not accurately show the position of the garage in relation to the highway.

NB. Re-notification of all the neighbours and objectors has taken place as a result of the receipt of amended plans. This has so far resulted in 3 emails from the residents of No's 55 & 62 Ring Road stating that these new plans change nothing of substance and their objections still stand.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB23, AB25, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings.'

PPS 1 'Delivering Sustainable Development' (ODPM 2005)

'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

Policies

Policy AH7 of the Local Plan states that extensions and alterations should be designed so as not to result in an unacceptable degree of overlooking, a loss of natural light or an overbearing effect on neighbouring dwellings. They should be of sympathetic design and materials to the original dwelling and the area in general and accord with the Council's DC standards.

The Council's Development Control Standard No.3 entitled 'Extensions and Alterations to Dwellings' states that front extensions are particularly difficult to incorporate successfully with existing dwellings. It states they should not extend significantly beyond the 'building line' or abut side boundaries. In the case of semi-detached or detached dwellings, front extensions will only be allowed where the extension can be successfully assimilated into the streetscene and not unduly affect neighbours. In respect of garages attached to dwellings, it states that they should be in sympathy with the design and scale of the dwelling concerned.

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

Given that the site is well screened from the road and below road level and that the proposed garage, as amended, would be set back 5.5m from the front boundary and of sympathetic design and scale, it is not considered that the proposals would be out of character with the area or detrimental to visual amenity.

The surrounding locality is characterised mainly by relatively large detached houses and bungalows. Due to the steeply sloping location, the majority of the dwellings on the north side of the road are on significantly higher ground level than those to the south. The variety of house types and ages results in there being no defined architectural character or dominant style.

The existing dwelling at No.57 is well screened from the road by the trees subject to group TPO and by other garden shrubs and conifers not subject to specific protection both on and adjoining the site. With its siting 1.1m below road level, it is relatively inconspicuous, especially as it is set further back (10m) from the highway than most of the other dwellings on the south side of the road.

The proposed extension would also be relatively obscured from view. In reducing the depth of the extension, the applicants intend to retain all of the front boundary planting, which will aid the screening of the proposals.

The design of the garage extension is not considered to be out of keeping with the design of the existing dwelling, with its tiled roof and brick wall construction. There has been a reduction in the overall dimensions of the garage by 0.4m in width, 0.95m in depth and by 0.5m in height, and consequently the extension would be a further 0.5m from the road, leaving a set back of 5.5m which would be similar to other dwellings further to the east. It is considered that the reduction helps to prevent the extension from appearing overly wide in relation to the original bungalow.

As to whether the proposal is overdevelopment, the total site area is 750sqm (15.4m wide and 49m deep). The total area to be taken up by the proposed extension is 34sqm, increasing the total ground coverage of the dwelling from 181sqm (24% of the total site area) to 215sqm (29%). Whilst this may be a higher ground coverage than other properties in the vicinity, the extension represents only a 15% increase in footprint of the dwelling and it is not considered that it results in overdevelopment of the site. The rear garden, which is unaffected, is over 3 times the Council's minimum size.

The proposed boundary wall, railings and gates, with an overall height of 1.5m (as compared to the 'permitted development' limit of 1m), would have a direct effect on the streetscene. However, the design with railings between the piers would allow a view of shrubs behind. On balance, taking account of solid brick walls of similar height on the frontages of No's 51 & 53 a short distance further east, it is considered it would not be excessively prominent. Care needs to be taken in its construction so as not to harm the roots of the protected pine tree, but it would be in the same position as the existing low brick wall and corner pier.

Residential amenity

No.55, to the east, is a two-storey house also set below road level and sited at a slightly oblique angle to the road. It is 2 metres in front of the applicant's dwelling and about 1m from the side boundary.

It has a small study at groundfloor level, served by a window at the front. Due to the study being on the northwest corner of the dwelling, it currently gets no direct sunlight and has poor natural daylighting, largely owing to the trees subject to TPO which are mostly located on the northern boundary. The proposed garage extension would be located about 2.5m west of this study window and would project 3.8m further forward. The extension would have some effect on daylighting to the study but not to an excessive degree taking account of the amendment from a part gabled to a fully hipped roof which has now lessened the bulk. Given the type of room involved, with the main living rooms of No.55 being unaffected, it is considered that the proposed garage as amended would not result in a loss of residential amenity to a degree warranting refusal.

There would be no loss of privacy to any neighbouring properties. Conversion of the roof space above the garage for any purpose other than storage is unlikely owing to the very limited headroom. A condition can be imposed to control any future rooflights or windows in the east side to avoid any risk of loss of privacy to the neighbours.

Trees

The TPO 162/1/62(L) was made in 1962 when the two dwellings were permitted. The application site along with No.55 to the east had originally been part of the rear garden of No.64 Mill Road to the west. A significant number of trees along the north boundary were made subject to a TPO (plus others adjoining Mill Road) but only one is in the front garden of the application site. This is a large Corsican pine which is to be retained, although care needs to be exercised in constructing the proposed front wall and gates as this tree directly abuts them.

The amended plan shows the retention of all of the existing trees and shrubs in the front border to keep the current well screened appearance of the site (NB. 2 of these were originally proposed to be removed). The only ones now to be removed are 3 conifers (2 of which appear dead or dying) growing directly against the front of the dwelling itself. There would be no material loss of wildlife habitat.

Access

The proposed garage would be sited on the existing hardstanding and utilise the existing site access. There would be no effect on highway safety. The garage and driveway are below the level of the road, thus any surface water run-off would not flow onto the road.

Recommendation

APPROVE for reason that:-

The proposed development would not detract from the local environment and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detracting from highway safety. Subject to adequate precautions, it would not cause harm to the tree subject to TPO. It would consequently not conflict with the policies of the Adur District Local Plan (AG1, AB25, AH7)

Subject to:-

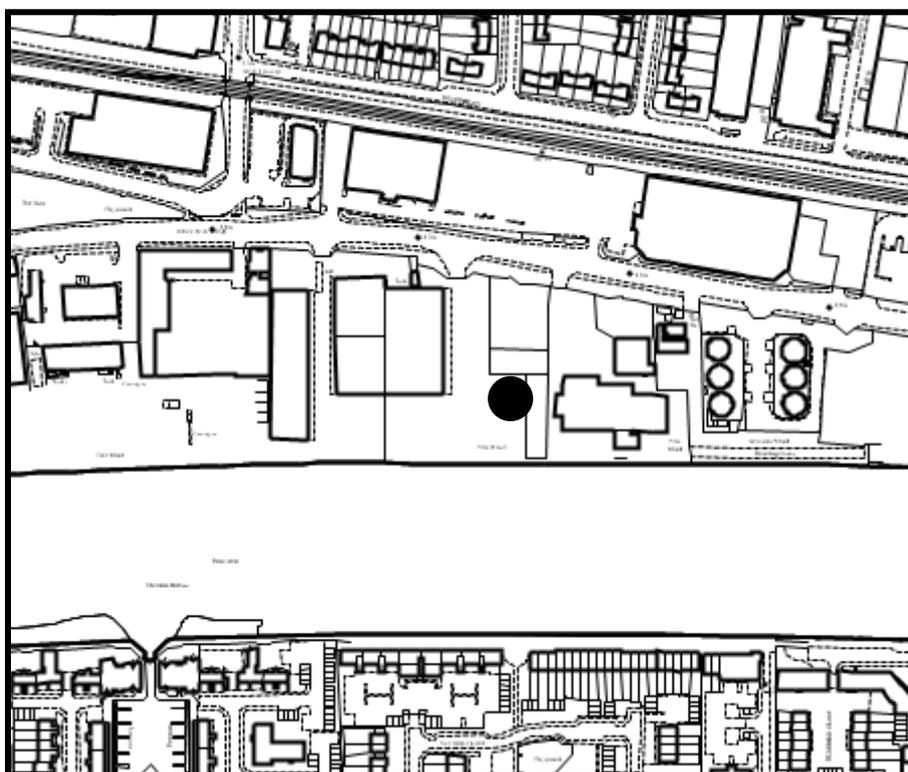
1. C1Ci (Standard time limit)
2. C11D (Protection of existing trees) (amended)
3. C14Aii (Permission relates to amended plans received on 8 November 2009)
4. C12Eii (External walls and roof of extension and alteration to match existing) (amended)
5. C18Eiv (No windows or rooflights to be formed in the east side wall or roof slope of the extension without planning permission)

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Consultation Number: ADC/0427/09 Recommendation – see below
Application No. WSCC/079/09/SU

Site: Kendall Bros Concrete Batching Plant, New Wharf
Brighton Road, Shoreham-by-Sea BN43 6RE

Proposal: Consultation by WSCC on variation of condition 1 of
SU/233/04 to extend the temporary permission for
unloading, preparation and storage of mineral aggregates
with concrete batching plant



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The Application

The application will be determined by West Sussex County Council as a 'County matter' and is referred to this Council for consultation purposes only. Planning applications relating to minerals and waste are dealt with by County Councils, not District Councils. The County Council has only given this Council 21 days to make comments, which expired on 20 November. Consequently, a provisional reply has already been sent which the Committee is now asked to ratify.

The application site (0.4 hectare) comprises the western part of New Wharf which historically was a coal-handling wharf. In 1983 it became used for handling fish on the east part and for various temporary storage uses on the west part.

The use of the west part of the wharf for the handling, processing and storage of sea-dredged aggregates and concrete-batching with associated plant was originally granted temporary planning permission by WSCC in September 2000 (SU/112/98), after this

Council had objected. This permission was subsequently renewed in 2006 (SU/233/04) until 31 December 2009 and the present application seeks a renewal for a further 5 years.

Employment on the site comprises 5 to 6 staff and, additionally, there are 5 lorry drivers.

Consultation and Representations

Under the relevant Regulations, all consultations and publicity are carried out by WSCC.

ADC Environmental Health: No adverse comments to make on the present application for renewal of the previous permission.

[NB. at the time of the previous application for renewal in 2004, letters were received from 7 residents of Anchor Close and Waters Edge flats on the opposite side of the river and one from the warehouse to the west objecting to renewal mainly on grounds of excessive dust and noise, mainly from a mechanical shovel scraping the wharf surface and from unloading ships sometimes at unsocial hours]

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1-7, RE6, H1-2, M1, M3, M5

West Sussex Minerals Local Plan 2003 (WSCC) (saved policies): 40

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE7-9, AT4, AT10

Shoreham Maritime – Vision to Reality (for ADC & Ptnrs 1999)

Shoreham Waterside North Interim Planning Guidance (for ADC & Ptnrs 2000)

PPS1 'Delivering Sustainable Development' (ODPM 2005)

PPG4 'Industrial and Commercial Development and Small Firms' (DoE1992)

Consultation Paper on proposed new PPS4 'Planning for Prosperous Economies' (DCLG 2009)

PPG13 'Transport' (DTLR 2001)

PPG24 'Planning and Noise' (DoE 1994)

National & Regional Guidelines for Aggregates Provision in England 2005-2020 (DCLG 2009)

Minerals Planning Guidance MPG2 'Applications, permissions and conditions' (DETR 1998)

Planning Assessment

Policies

The use of the site for the port-related purposes to which the application relates accords in principle with the Adur District Local Plan because the site is within an area of wharves on the north side of the river which are identified for port-related use under Local Plan policies AE7-9 and AT4. These policies are subject to the environmental effects, including the effects of HGV traffic, being judged to be acceptable and do allow for non-port related use where wider benefits may be secured provided the operation of the Port is not adversely affected.

The site is not a 'safeguarded' mineral site, unlike Fordamin to the west and the disused Pioneer aggregates site further east. South East Plan policy M5 requires safeguarding of

mineral reserves, wharves and rail depots. 'Saved' policy 40 of the West Sussex Minerals Local Plan 2003 states:-

- 40 'Wharves with current or potential mineral use will be safeguarded from inappropriate development. The improvement, modernisation and increase in capacity of aggregates wharves will be encouraged provided such operations would not have an unacceptable impact on the environment and would not cause a significant increase in disturbance due to factors including increases in noise, dust and traffic.'

The latest Government guidelines for aggregates provision in England (in 2009 as compared to 2003) and policy M3 of the South East Plan identify an increase in the contribution of marine-dredged aggregates and recycled materials within a background of declining overall demand.

Shoreham Harbour Regeneration Project and proposed Joint Area Action Plan

Shoreham Harbour is identified as a 'Strategic Development Area' (ie. a regionally-significant growth point) in the South East Plan. During 2007, SEEDA commenced to work with Shoreham Port Authority and Adur District Council, Brighton & Hove City Council and West Sussex County Council to develop a new set of proposals for Shoreham Harbour with a view to producing a deliverable redevelopment programme (the Shoreham Maritime Vision of 1999 having been regarded as undeliverable by Brighton & Hove). This approach was endorsed by the Councils in September 2007 and it was agreed that a joint Area Action Plan (JAAP) be prepared for the wider harbour area as far north as the railway. The timing of the JAAP and the target housing and employment figures are under detailed consideration and options will be put forward. SEEDA propose that a 'special delivery vehicle' be set up in order to implement the JAAP.

Shoreham Maritime Regeneration Strategy

The Shoreham Maritime Vision (adopted as supplementary planning guidance in 1999) has been regarded, since 2003, as an economically unfeasible strategy by Brighton & Hove Council owing to lack of central Government support to fund the proposed consolidated Port (which depends upon substantial land reclamation from the sea) and a new link road from the port to the A270. However, Adur has not made a decision to abandon the Vision and its basic objectives remain highly relevant.

Within the Vision, the present application site lies within the area identified as 'Shoreham Waterside North'. This is an area in particular need of economic and environmental regeneration where the Vision is that the existing uses (largely port-related or low quality storage premises) would be replaced with high density contemporary mixed use development. The intention is to relocate the port uses to the consolidated Port zone on the south side of the Canal/eastern arm of the harbour, thereby releasing the north side of the river for redevelopment. However, as stated above, the development of the Port zone is dependent on land reclamation from the sea and provision of a new access road to the Port zone, neither of which have yet been progressed (and are now dependent upon the outcome of the proposed JAAP).

The more detailed Interim Planning Guidance (IPG) for 'Shoreham Waterside North' (adopted in 2000), puts the present application site in an area identified for mixed development of business and offices, residential and informal leisure and recreation, with the A259 incorporating landscaped pedestrian and cycle routes. Most significantly, it is

intended that there would also be a continuous pedestrian walkway and cycle route along the riverside (present wharf edge), with links to the A259 at regular intervals. The latter is consistent with Local Plan policy AT10 which seeks extension of public rights of way alongside the river Adur when development proposals are submitted.

Whether the development is prejudicial to Shoreham Harbour Regeneration project

The proposed Joint Area Action Plan for the Shoreham Harbour area is only in its very earliest stages as an emerging plan and not expected to be adopted until June 2012. However, it is still important to consider whether developments within the JAAP area, including the renewal of permission in the present case, could hinder the delivery and implementation of a holistic regeneration strategy for Shoreham Harbour or subsequent more detailed guidance (whether within the JAAP itself or a subsequent masterplan). Government policy in PPS12 is that AAPs should provide a planning framework for areas where planned growth will be delivered, including resolving conflicting objectives. "Further guidance such as the layout of uses and design requirements etc may be provided in the relevant area action plan or in one or more supplementary planning documents in the form of a master plan."

The development forming the subject of the present application is clearly wholly at odds with the type of mixed use largely residential type of development identified in the Shoreham Maritime Strategy and Waterside North IPG and likely to be included in the proposed Area Action Plan. It would perpetuate the existing very poor environmental quality of the area.

However, it is recognised that the redevelopment of the area is not a short-term process and that this site and the adjoining ones are unlikely to be suitable for any potential "quick wins". This was the reason WSCC granted a temporary 5 year permission (augmented by a section 106 Agreement) in 2000 and renewed it again until 31 December 2009.

The present application seeks renewal of permission for a further 5 years, expiring at the end of 2014. This is later than the programmed June 2012 date of adoption of the proposed Area Action Plan. Consequently, renewal of permission for a further 3 years, rather than 5 years, would be more appropriate although it has to be recognised that actual redevelopment proposals may take longer to achieve and are likely to depend upon the 'special delivery vehicle' proposed by SEEDA.

Residential amenity

There is concern about the effect of site operations on the flats and houses at Anchor Close and Waters Edge on the opposite side of the river given that the type of use to which the application relates is unsuitable close to dwellings. The nearest of these are 97m away but it is still highly desirable that operations of this type are moved to the proposed new consolidated Port zone, well away from residential areas.

The view has previously been that conditions can be imposed to deal with noise and dust from operations on the site itself which, together with separate authorisation control over the concrete-batching plant under Part 1 of the Environmental Protection Act 1990, should provide control. The conditions include a requirement to adhere to the Environmental Management Scheme approved by WSCC on 2 February 2006.

Control over unloading of ships is problematic because of the historic use as a wharf and the constraints imposed by the tides, factors which previously led the Secretary of State on another site to the east to remove a condition imposed by the Council preventing unloading of ships at night on grounds of unreasonableness. However, in this particular case, WSCC have negotiated a section 106 Agreement with the applicant which undertakes not to unload any vessels except between the hours of 7am-11pm unless WSCC have given written notice in advance to any exception.

Traffic

The environmental effect of HGV traffic on sensitive areas such as the High Street (which is an air quality management area) and north-south links to the A270 and A27 is a concern. On the original application 26 loads per day were estimated. Whilst not a high level of traffic, the type of vehicles are prone to cause noise and vibration. This is a further reason justifying only a temporary permission.

Recommendation

That West Sussex County Council be informed that this Council remains opposed to the use of this site for the purposes to which the application relates because of its adverse environmental effects and conflict with the objectives of the Shoreham Harbour Regeneration Project and proposed Joint Area Action Plan.

However, because the redevelopment of this area of the harbour is unlikely to take place prior to the adoption of the proposed Joint Area Action Plan and the setting up of the associated 'special delivery vehicle', no objection is raised to a further temporary permission (and any necessary deed of variation to the section 106 Agreement) but with the period expiring on **31 December 2012 (not 2014 as sought)**, with the previous conditions 2-11 also re-imposed.

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Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to provide improved customer services
 - to promote a clean and green environment
 - to revitalise, regenerate and create lively economies
 - to support and contribute to the health, safety and wellbeing of the area

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.