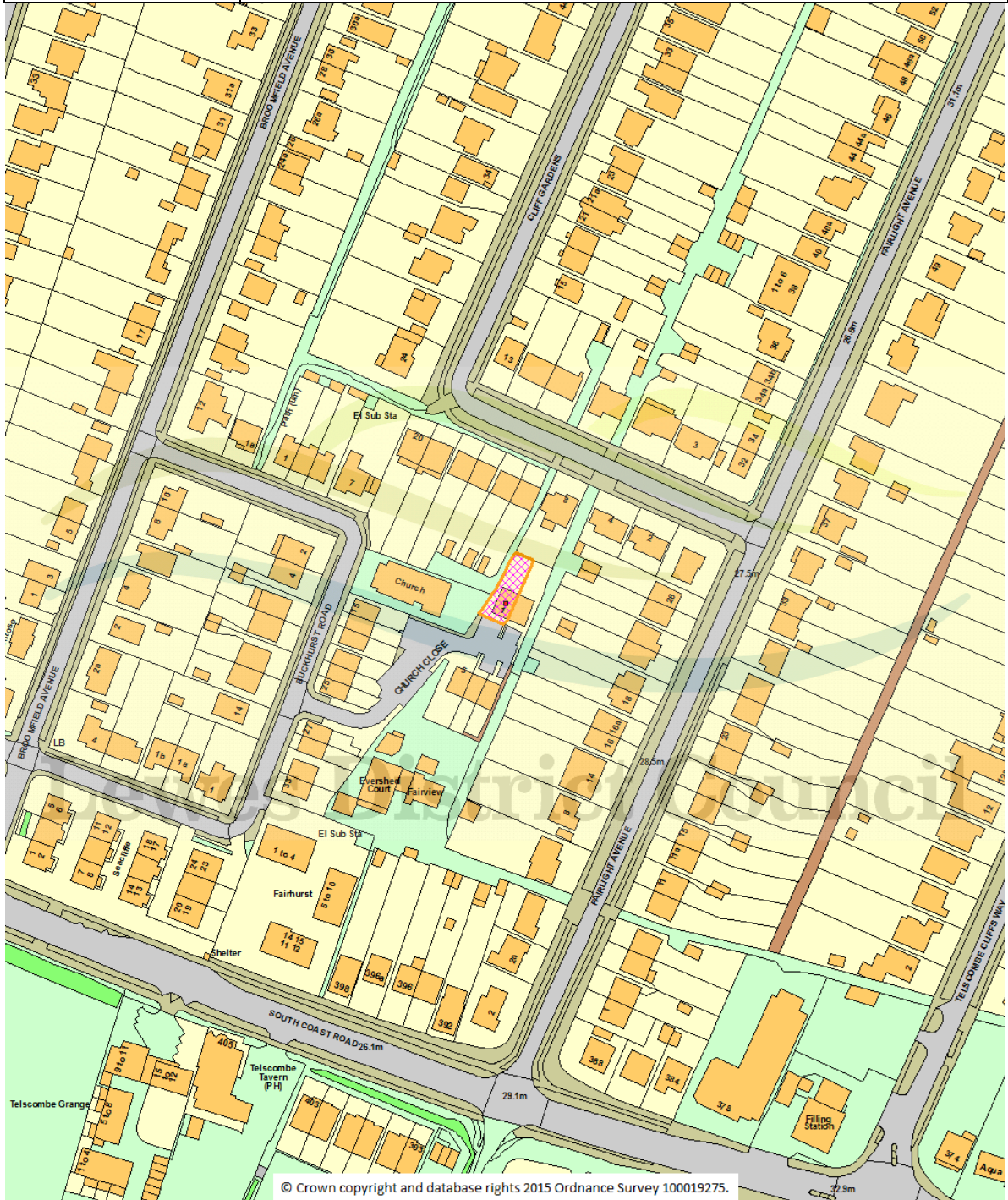


APPLICATION NUMBER:	LW/17/0100	ITEM NUMBER:	9
APPLICANTS NAME(S):	Mr M Steels	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning Application for Section 73A retrospective application for erection of wooden garden building		
SITE ADDRESS:	1 Church Close Telscombe Cliffs East Sussex BN10 7FD		
GRID REF:	TQ 39 01		



1. SITE DESCRIPTION / PROPOSAL

1.1 Section 73A retrospective planning permission is sought for the retention of a wooden garden building within the rear garden. The property is a recently constructed semi-detached house located at the end of a close and within the planning boundary for Telscombe. The site is surrounded by residential dwellings and adjoins the church and community hall to the side.

1.2 The building is a wooden shed of 6m wide x 6m deep with a shallow pitch roof of 2.8m high. It is located in the rear garden of this property and positioned approximately 0.5m from the side and rear boundaries and 5m from the house. There is a single door and window to the front and double doors to the side. There are 1.8m high fences to the side boundaries and a 3m high wall to the rear.

1.3 The building is used for martial arts (incidental to the house) and as a games room for the applicant's family and friends.

1.4 Planning permission is required as the building is 30cm higher than allowed under permitted development.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – RES18 – Garages and other Buildings

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

None relevant.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Telscombe Town Council – The Planning & Highways Committee considered the application and OBJECT to the proposal on the grounds that the building is an overdevelopment of the site, reducing the amenity space of the host dwelling. It's siting and design are contrary to ST3 of the saved policies. The Committee noted that two objections were received from members of the public both refer to the use of the building for business premises and the disturbance this causes. While it is appreciated by the Council that a change of use application was not before the Committee, Councillors would like Lewes DC to investigate this matter as it would appear that a change of use of the premises has occurred

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 One letter of objection received from neighbour to the rear concerning:

5.2 Matters relating to the building structure:

5.3 Whether the appearance and size of a new building/structure is in keeping with its neighbours and the surrounding area - The building consumes in excess of 50% of the rear garden space, and possibly curtilage if existing sheds are taken into consideration. This is an unsuitable over development and would set precedence within the social housing area of being acceptable to develop on this scale.

Noise and disturbance - causes excessive noise and disturbance late into the evenings on a daily basis. The current noise, which is potentially exacerbated by the wooden floor construction echoes throughout our home and disturbs our family mealtimes and our children's bedtime routine.

5.4 Other matters relating to the use of the building which cannot be considered by this application:

5.5 Whether the proposed use is suitable for the area - use of the garden structure is for the Steel Fist Martial Arts Club and as a personal gym for the occupying residents. Whether there will be any increase in noise and disturbance, for example from the comings and goings of extra traffic.

Whether new public buildings have satisfactory access for the disabled.

Whether there is adequate parking or the development would be dangerous for road users and pedestrians.

5.6 Overall, the outbuilding is overbearing and its use as a professional martial arts gym overwhelmingly unsuitable for a social housing estate with no consideration for access or egress in an emergency situation. The Housing Association (Affinity Sutton) have allowed the tenant to build at this scale on their land and at no point have they confirmed that prior permission was sought from them prior to the building being erected.

6. PLANNING CONSIDERATIONS

6.1 The only matter for consideration under this application is the impact on the structure on neighbours amenity and the locality. This application is not for change of use of the building and therefore matters relating to this cannot be considered.

6.2 The building takes up about half of the garden space to the rear but does not exceed 50% of the total curtilage land for the property. The building is fairly large in size compared to the garden area it occupies however, sufficient garden space is retained as amenity space for a property of this size. There are many examples of large garden buildings in the locality which are characteristic of the area. The building is not considered to be excessive in scale or over development of the site.

6.3 The height of the building at 2.8m is only 30cm above that allowed under permitted development and it is for this reason alone that the building requires planning permission. The height is typical for a garden building and projects a maximum of 1m above the garden fence to the side. The building is entirely screened to the rear by the 3m high wall. Due to the low height of the building, only a small section of the roof is visible from the front of the property, the rest of the building is screened from view by the existing fencing. The design of the building is typical for an ancillary garden building and does not appear out of keeping with general development in the area. The building is not considered to have any adverse impact on the visual amenities of the area or the character of the street scene.

6.4 The position of the building within the rear garden to the north of the house would limit any overshadowing to the neighbours garden to the east. The low height of the building would further minimize any impact on the neighbours garden in terms of loss of light. The building would not affect light to the neighbours house. The height and depth of the building are not considered to result in an overbearing or oppressive outlook for the neighbours or to detrimentally affect their amenities. The amenities of the neighbours to the rear would be protected by the high wall which screens the building from view. The land to the west side comprises partly of scrub land with a proliferation of garages, sheds and outbuildings, the rear garden area of the property to the north-west and the

church/community building. The retention of the building in this location is not considered to adversely affect the amenities of neighbours.

6.5 Several comments have been received regarding the use of the building as a martial arts school. The Council have investigated this matter and the applicant has confirmed that this is not the case and the building is currently only being used by family and friends as an ancillary building. The potential for use of this building for business purposes is however noted and therefore it is recommended that a condition is attached to the grant of any consent limiting the use of the building to ancillary use only. An application for change of use is not required in relation to the current use of the building and therefore matters relating to its use as a business cannot be considered by this application. If the level of use changes in the future, a separate application will be required for change of use and all matters relating to the use would be formally considered by that application.

6.6 The retention of the building is therefore considered acceptable subject to a condition restricting its use to ancillary purposes only relating to the residential use of the dwelling house.

7. RECOMMENDATION

7.1 That planning permission is granted.

The application is subject to the following conditions:

1. The garden building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Church Close.

Reason: To prevent the use of the building for business purposes and to protect the amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Layout Plan	2 February 2017	
Proposed Floor Plan(s)	2 February 2017	
Proposed Elevation(s)	2 February 2017	
Photographs	2 February 2017	

Location Plan	2 March 2017	1:1250
Proposed Block Plan	2 March 2017	1:500