

Recommendation Report for Planning Permission

REF NO: AB/125/17/PL

LOCATION: Land to the rear of
9 & 11 Kirdford Road
Arundel
BN18 9ED

PROPOSAL: 1 No. dwelling (resubmission following AB/101/07/).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is a resubmission of AB/101/07/ which granted planning permission for the erection of 1 no. dwelling on the site. This application seeks permission for variation of the dwelling which was approved and which is currently being constructed.
	The proposed alterations will consist of the installation of 1 no. velux roof lights; an additional window on the south-eastern elevation; and an alteration to the design of the porch.
SITE AREA	Approximately 0.035 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	29 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site prior to the implementation of the dwelling approved under reference AB/101/07 featured close boarded fencing and mature planting.
SITE CHARACTERISTICS	The plot was originally garden land associated with 9/11 Kirdford Road but was historically separated. The site is the subject of planning approval for 1 no. dwelling under reference AB/101/07/ and this permission is currently being implemented.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

AB/69/16/CLP	Lawful development certificate for the proposed provision of 1 No. dwelling with two parking spaces.	Approve 09-08-16
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AB/101/07/ Single detached dwelling and parking

ApproveConditionally
15-08-07

AB/49/10/ Pair of semi-detached dwellings

Refused
05-07-10

Planning permission was granted under reference AB/101/07 for the construction of a two storey dwelling on the site. The conditions imposed under this approval were discharged under reference AB/49/10/.

A certificate of lawfulness was submitted under reference AB/69/16/CLP which confirmed that the permission granted under reference AB/101/07 had been implemented in 2010.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

No objection.

1 No. letter of objection:

- The proposed dwelling appears out of keeping with the character of the locality.
- The proposed dwelling will have an unacceptably adverse impact upon residential amenity.
- Parking problems already exist in this area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted from Arundel Town Council.

The comment made in the objection are noted. However, planning permission already exists for the erection of the 1 no. dwelling on the site. Therefore, the only consideration in the determination of this application is the impact of the proposed alterations from the original approval under reference AB/101/07 and their compliance with relevant development plan policies. This will be considered in the conclusion to this report.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within built area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

Arundel Neighbourhood Plan 2014 POLICY 2:

Arundel Neighbourhood Plan 2014 POLICY1:	A Spatial Plan for the Town
	The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan

or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Arundel Neighbourhood Plan has been made and Policies 1 & 2 are considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

INTRODUCTION

Development has already commenced on the site with the dwelling the subject of this application having been granted planning permission under reference AB/101/07. This application seeks permission for variation of the fenestration details with 2 no. roof lights; a window added to the south-eastern elevation; and the alteration of the porch. Therefore, the principle of the proposed residential dwelling of the size and scale proposed in this application has already been established and the determination of this application will be focused upon the alteration in design.

PRINCIPLE

The application site is situated within the built area boundary where the principle of development is considered acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 of the Arun District Local Plan; Policy 1 & 2 of the Arundel Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The design of the proposed dwelling has already been approved under planning reference AB/101/07 and this application does not propose any alterations to the appearance of the dwelling other than the installation of the additional windows and the alteration in the design of the porch.

The proposed porch will measure an additional 0.4m in width beyond that originally approved and includes the addition of windows to the side of the front door. This alteration is not considered to have an adverse impact upon the character of the proposed dwelling and will not result in any unacceptably adverse harm to the established character of the street scene.

The proposal includes the addition of a first floor window on the south-eastern elevation as well as 2 no. roof lights on the north-western elevation. The proposed windows are not considered to result in any unacceptably adverse harm to the character of the host dwelling or the wider locality of the site.

Therefore, the proposed alterations to the scheme originally approved under reference AB/101/07 are considered to accord with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed alterations to the front door and porch are not considered to result in any unacceptably adverse overbearing, overshadowing or overlooking of neighbouring properties and as such will accord with policy GEN7(iv) of the Arun District Local Plan.

The proposed roof lights by virtue of their location will not give rise to any unacceptably adverse overlooking of neighbouring properties. The roof lights will be located on the north-western elevation and whilst looking towards the rear gardens of residential properties there will be a separation distance of approximately 28m at an oblique angle towards the nearest residential property. Therefore, the proposed roof lights are not considered to give rise to unacceptably adverse overlooking.

The proposed first floor windows on the south-eastern elevation is considered to give rise to unacceptably adverse overlooking of neighbouring properties. Residential properties to the south-east of the proposed dwelling will be situated approximately 10.9m away. This separation distance is considered insufficient to ensure that the amenity of existing and future occupiers is preserved/protected. Therefore, the proposed first floor window is considered to conflict with policy GEN7(iv) of the Arun District Local Plan. However, this conflict could be prevented through the inclusion of a condition requiring this window to being obscurely glazed and non-opening below 1.7m. Therefore, this condition has been included with this recommendation.

Due to the siting of the proposed dwelling and layout of nearby development it is considered that roof lights installed in the primary elevation of the dwelling would have the potential to adversely impact upon the residential amenity of neighbouring properties. Therefore, a condition has been included as part of this recommendation removing permitted development rights for the insertion/creation of additional windows above ground floor level on the south-eastern elevation.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and is

recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location & Site Plans - 171154/02
- Plans & Elevations - 17115/01

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The first floor windows on the south-eastern (front) elevation of the dwelling shall at all times be obscurely-glazed and non-opening below 1.7m from the floor level of the room in which the window is installed.

Reason: In the interests of residential amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No windows other than those shown on drawing no. 17115/01 hereby approved shall be constructed in the south-eastern elevation of the dwelling above ground floor level without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.