

Recommendation Report for

REF NO: AB/23/24/S73

LOCATION: 23 Torton Hill Road
Arundel
BN18 9HF

PROPOSAL: Variation of condition imposed under AB/24/23/PL relating condition 2 - approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks to vary the plans condition (Condition 2) of application AB/24/23/PL. The variations proposed include:

- The use of brickwork to external walls.
- Relocation of proposed dwelling approx. 1.1m closer to the southwestern boundary.
- Alteration of front porch.
- Replacement of single garage with double garage.
- Alteration of rear fenestrations.
- Alteration and removal of side windows and openings.

RELEVANT SITE HISTORY

AB/24/23/PL	Demolition of existing detached dwelling and garage and erection of 1 No detached dwelling with rear annexe (resubmission following AB/150/22/PL. This site is in CIL Zone 2 and is CIL Liable as a new dwelling.	ApproveConditionally 09-06-23
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AB/24/3/PL - This application granted approval for the demolition and replacement of 1 No. dwelling with rear annexe and other associated works.

REPRESENTATIONS

Arundel Town Council - No Objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection:

- Comments remain as per original consultation dated 14th April 2013.

Original comments:

- The proposed development will lie over an existing public foul sewer, which will not be acceptable to Southern Water.
- The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalized.
- It might be possible to divert the public foul sewer.
- Condition relating to the details for the protection of sewers during the construction requested.
- Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Consideration of the foul sewer on site is outside of the remit of this application and Southern Water have advised the applicant must determine its exact location in consultation with them prior to finalising the layout. It is understood that the applicant has been in contact with Southern Water on this matter and it forms part of the reasoning for the proposed relocation of the dwelling.

POLICY CONTEXT

Built-up Area Boundary.

2km Buffer for Site of Special Scientific Interest.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
DDM1	D DM1 Aspects of form and design quality

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 complies with relevant Development Plan policies in that it would not unacceptably compromise the established pattern of development, would be an overall visual enhancement of the dwelling and character of the area, and would not result in any significantly adverse impacts of residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

CONTEXT

This application seeks to substitute the plans previously approved under AB/24/23/PL with those submitted with this application. The only matters to be considered under this application are those to be altered by the substitute plans and any matters that require consideration as a result of these changes. Those which are unaltered by this application remain as previously approved.

CONDITIONS

The previous application was subject to a series of conditions. Some of which have been altered or removed under this application following changes in approach to their wording or necessity, or various parts are no longer relevant.

The previous application included a requirement for the submission of details relating to the proposed materials. As part of this application, specific materials were identified, and they are more in keeping with the wider locality. A condition relating to the materials is no longer necessary and has been discounted from this permission.

Following the removal of various openings, the condition on the previous application pertaining to the use of obscured glazing on various openings has been amended as relevant to this permission.

The specific wording of the requirements for EV Charging points has been amended to accurately reflect the requirements of our Parking Standards SPD.

The previous condition requiring a scheme to be submitted for approval as to the implementation of current energy efficiency measures and/or renewable low carbon energy sources has also been

amended to not require the submission of details but maintains the requirement for their provision prior to occupation.

PRINCIPLE

From review of the proposed variations, the key Development Plan policies of relevance to this proposal are D SP1, QE SP1 & D DM1 & T SP1 of the Arun Local Plan (ALP).

The Arun Design Guide is also of relevance.

It should be noted that this proposal forms, in itself, a new permission, and as such, all conditions of relevance attached to the previous decision are to be attached to this decision.

DESIGN AND VISUAL AMENITY

This proposal would replace the previously approved render and quoins materials with facing brickwork. The application form makes reference to the use of Wienerberger Kassandra Multi Facing Bricks and Sandtoft Tuscan Smooth Clay Tiles. These are a significant visual alteration, but one that would ensure the proposal is in better keeping with the surrounding vernacular and is a visual enhancement in terms of how the proposal relates to the character of the area.

The relocation of the dwelling approx. 1.1m closer to the southwestern, shared site boundary would result in an encroachment of the separation between the proposed dwelling and No. 25 Torton Hill Road. The resultant gap would be approx. 1.6m between the two properties as No. 25 is situated right up to the shared boundary. Whilst a 2m separation is usually the recommended minimum separation between dwellings as set out in Section M of the Arun Design Guide and Policy D DM1, in this instance, the proposed dwelling is set back from the wider street scene by approx. 18.5m, is obscured by mature planting, is lower in height than No. 25, and features roof forms that maintain a clear visual separation from its neighbour. The proposed relocation would not unacceptably diminish the visual gap between the two dwellings and remains acceptable in terms of character and visual amenity.

The amended front porch design is not a significant visual alteration, does not result in any significant variation of scale, and remains acceptable in terms of visual amenity.

There is to be an extension of the already approved integral garage to the side of the dwelling that will result in a double garage. In effect, this is a single storey side extension with a shallow pitch hipped roof. This extension is at ground floor only and would not unacceptably disrupt the separation between the host dwelling and No. 21 Torton Hill Road. It would also clearly relate to the host dwelling and is acceptable in terms of both visual amenity and character.

There are also some general fenestration alterations and removals proposed. All first-floor side windows are proposed to be removed with the exception of one bathroom window, which will be conditioned to be obscure glazed and fixed shut up to 1.7m. One smaller window to the front elevation has been removed, and the 3 No. rear, first-floor openings have been relocated and one swapped from a Juliette Balcony to a window. All of which are acceptable visual alterations.

In terms of visual amenity and character, the proposed variations are acceptable and in accordance with policies D SP1 & D DM1 of the ALP.

NEIGHBOURING RESIDENTIAL AMENITY

It is acknowledged that the dwelling is getting closer to No. 25, however, this dwelling immediately abuts the shared boundary, and has no side facing openings on its north-eastern elevation. The addition of the double garage also results in an extension of the dwelling toward the north-eastern boundary, but it remains at ground-floor level, and maintains a separation of approx. 2.8m from the neighbouring dwelling

No. 21. From review of plan records for No. 21, the ground floor room closest to the double garage serves a playroom and has a secondary opening and door on the southeast elevation closest to the double garage. This opening is secondary and would not be the subject of unacceptable overshadowing or overbearing impacts as a result of the proposal. The proposed variations do not result in any significant increase of scale or bulk that would result in significantly adverse impacts by way of overbearing or overshadowing of the neighbouring properties.

The proposal includes the removal of a number of side windows, relocation of the proposed rear first-floor windows, and removal of a Juliette Balcony in favour of a window. It is noted that a first-floor rear window closest to No. 25 would be installed closer to the shared boundary however, the views would remain largely the same as previous and it is acknowledged that the window is now to serve a bathroom. As such, it is likely to be obscure glazed, albeit not necessary in residential amenity terms. Overall, the proposal reduces potential overlooking impacts and remains acceptable in these terms.

The proposal is in accordance with policies QE SP1 & D DM1 of the ALP.

SUMMARY

The proposal is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is CIL liable therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply). This proposal includes an increase of the overall footprint relative to the previous proposal approved under AB/24/23/PL. An exemption form was

submitted for the previous development and it is assumed that the exemption remains applicable but the forms are likely to require amendment prior to the commencement of the development granted by this permission.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun on or before 09/06/2026 (being three years from the date of the original planning 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 Plan (ID: MPMUP-01152329)(Dated: 29th February 2024).
- Front Elevation (Accepted: 01/03/24).
- Roof Plan (Accepted: 01/03/24).
- Proposed Street View (Accepted: 29/02/24).
- Proposed Ground & First Floor Plan (Accepted: 29/02/24).
- Proposed Side Elevations (Accepted: 29/02/24).
- Proposed Rear Elevation (Accepted: 29/02/24).
- Proposed Site Plan (Accepted: 29/02/24).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1 & D DM1.

- 3 The integral rear annexe hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of 23 Torton Hill Road as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies D DM1 of the Arun Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between dwellings.

- 4 The bathroom window on the first-floor of the north-eastern elevation of the dwelling hereby permitted shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a minimum height of 1.7m from the finished floor level of the room it serves.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 & QE SP1 of the Arun Local Plan.

- 5 The flat roof of the rear annexe hereby approved shall not be used for any purpose other than as a means of escape in an emergency or for the maintenance of the building, and shall remain as such in perpetuity.

Reason: In order to safeguard the residential amenities of the adjoining premises in accordance with policy D DM1 & QE SP1 of the Arun Local Plan.

- 6 The hardstanding to the front garden hereby permitted shall be made of permeable or porous materials and/or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse.

Reason: To ensure adequate consideration of surface water runoff in accordance with Policies

W SP1 & W DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking provision has been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 8 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all the other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policies T SP1 & QE DM3, the Arun Parking Standards SPD and the NPPF.

- 9 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works on Sunday or Bank/Public Holidays.

Reason: to protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

- 10 No development above damp proof course (DPC) level shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance biodiversity on the site and within the vicinity in accordance with Policy ENV DM5 of the Arun Local Plan.

- 11 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of the dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 12 **INFORMATIVE:** To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available from:
<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>.
- 13 **INFORMATIVE:** It is likely that an existing on site public foul sewer will need to be relocated as part of this development. The relocation of this public foul sewer will need to be undertaken in correspondence with, and to the satisfaction of, Southern Water, and at the expense of the applicant.
- 14 **INFORMATIVE:** It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 15 **INFORMATIVE:** Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
To make an application visit Southern Water's Get Connected service:
developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements
- 16 **INFORMATIVE:** The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 17 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.