

Recommendation Report for Planning Permission**REF NO:** AB/57/15/PL**LOCATION:** Land r/o 74-76 Canada Road
Arundel**PROPOSAL:** Erection of 2No 3.Bed semi detached houses, associated car parking & erection of a car port**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal is for a pair of semi-detached 3 bedroom houses.
SITE AREA	440 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dwellings per hectare
TOPOGRAPHY	Predominantly flat. Land rises slightly to west.
TREES	Oak subject to Tree Preservation Order in front corner of site. Roots covered in concrete.
BOUNDARY TREATMENT	Close boarded fencing along road frontage to 1.8m in height. 1.2m high fencing to rear.
SITE CHARACTERISTICS	Site currently garden land with a garage and hardstanding. Garage has rendered elevations. Footpaths to west and semi-detached bungalows. Elevation closest to footpath has 2 secondary windows in side elevations. 2m wide verge to Canada Road.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly semi-detached properties of similar design.

RELEVANT SITE HISTORY

AB/107/05/	Outline application for the construction of 3 no. new dwellings (1 no. 2 bed and 1 no. 3 bed semi-detached houses & 1 no. 3 bed detached house)	Refused 30-09-2005
AB/143/05/	Outline application for the construction of 2 No. 3 bedroom semi-detached houses (Resubmission following AB/107/05)	Refused 21-04-2006 <i>Appealed</i> Appeal: Dismissed 27 02 2007
AB/120/10/	Demolition of existing garage & erection of 2	Refused

no. semi-detached 3 bed dwellings with
ancillary garaging & parking

24-12-2010

AB/71/11/

Demolition of existing garage & erection of 1
no. 4 bed dwelling with ancillary garage &
double garage to serve 74 & 76 Canada
Road

Approved Cond + S106

27-06-2012

2 dwellings have previously been refused on this site AB/143/05, which was also dismissed on appeal, and AB/120/10.

REPRESENTATIONS

Representations received:

Arundel Town Council

No Objection

1 letter of objection

Have objected to proposals to erect dwellings here in the past and their position does not change. The proposed dwellings will overlook and impact on the privacy of 72 Canada Road. The dwellings would impact on an underground water course and lead to drain failure. Given that we could all be financially responsible for the land drain, questions must be asked as to what would happen should damage be caused by the erection of these properties. The noise and disruption associated with the erection of these dwellings will also have a huge impact on the usage of garden throughout the time it is in progress.

The properties are going to offer two parking spaces per dwelling. Plus an additional car port to service 74 and 76. However the new driveways will remove at least 3 parking spaces from the roadway, due to there needing to be access to the driveways. So although the plans may appear as

though they are providing additional parking, they are not as they are increasing the strain on the area for parking spaces and removing a considerable number of those currently in use. The loss of on street car parking will lead to further parking stress on road.

Comments on Representations received:

Concerns regarding un neighbourliness and adverse overlooking or loss of privacy are agreed. No windows are proposed at first floor level in the side elevation but adverse overlooking to the garden to the rear of no 72 rear would result. However the windows on the first floor could be condition to be obscure glazed and permanently fixed shut. The distance to the rear boundary from the dwellings rear elevations are 7.9m at the furthest point and this distance is inadequate to prevent a sense of unneighbourliness and loss of privacy.

County highways have no objection to the proposal in terms of highway safety.

Damage of drains and financial liability are private matter which cannot be considered as part of this application

CONSULTATIONS

Engineering Services Manager

Engineers (Fluvial Flooding)

Arboriculturist

WSCC Strategic Planning

Consultations responses received:

County Highways - The proposal is for two dwelling units with access onto Canada Road via a

new access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Canada Road.

The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

The addition of 2 dwellings at this location should not materially increase the number of vehicles using Canada Road, there are no anticipated Highway safety concerns with this proposal, subject to conditions covering access, car parking and cycle parking.

Arboricultural Officer: The submitted application refers to an erection of two dwellings and separate car ports on a site located at 74/76 Canada road.

- The applicant has cited only one tree of interest in relation to this application, which is a mature oak tree standing on the north western boundary of the highlighted site. I would concur with this finding.

- Currently the cited tree has an existing garage located within the RPA.

The applicants statement that this structure is a restraint to root development is accurate, considering the nature of the materials used for the structures assembly (non-porous, solid structure).

- The applicant has also indicated a desire to complete a 5 meter crown lift and remove the epicormic growth present. For the crown lift, only small diameter material would be removed. For the epicormic growth removal, this action is seen as 'good practise', as reduce the chance of tears

emerging to limbs and/or the main stem.

- Also the proposed design would move the permanent structures further away from the cited tree, compared to the existing garage. This would mean a more expansive area for further root development of the cited oak tree.

- I would have no objection to the proposed application.

- The following conditions must be adhered to;

Conditions:

- If any root structure is excavated with a diameter over 25 mm, then the ADC tree officer must be informed, so a site visit can be conducted.

- All methodology for working within the RPA cited in the submitted arboricultural report is adhered to.

- All cited RPA fencing/protecting must be installed as to meet the methodology as stated in the submitted method statement.

- All pruning operations are to meet the standards as set in the BS 3998 2010.

Engineers - The applicant states that surface water will be discharged to soakaways.

Please apply standard conditions ENGD2A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for

climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary
Tree Preservation Order 3/89 (T2)

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them

will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no specific policies in Arundel Neighbourhood Plan relating to this type of development.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the locality and 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

The site lies within the built-up area boundary where development is acceptable in principle subject to usual development control criteria being met.

The site has been the subject of previous applications for 2 dwellings which have been refused.

Application AB/143/05 was in outline form for 2 semi-detached dwellings. The proposal was refused on the grounds of unneighbourliness, adverse effects on the character of the area, increase in pressure for on-street parking and loss of a preserved tree.

The application site was identical to AB/120/10 which provided a distance of 11m to the rear garden with No.72 so the unneighbourliness and loss of privacy issues were satisfactorily addressed, although the impact on the character of the area was not. This application sites the dwellings back from the site frontage to reduce their prominence in the street scene, but this has provided a gap to the rear boundary of only 7.9m at its widest point and therefore would result in materially adverse effect on the residential amenities of the garden area of 72 Canada Road and loss of privacy.

This proposal has provided a gap of 16.5m to the side elevation of the new dwelling from the rear elevation of No.76 and a distance of 7m to the garden area which would contain a car port to

serve the host dwelling. These distances are adequate to prevent any adverse overbearing effects on No.76.

In addition earlier matters of the impact on the preserved trees have been dealt with by way of the submission of an arboricultural report. The Council's Arboricultural Officer has no objection subject to provision of acceptable conditions since the tree roots are already buried below concrete.

The position of the dwellings has been amended to reduce their prominence in the street scene following the reason for refusal on AB/120/10. They are now set back further from the site frontage. This has reduced the visual presence of the dwellings in the street scene, but still fills the visual gap which was referred to by the Appeal Inspector. The Inspector for AB/143/05 stated " the development of the appeal site would result in the loss of the openness provided by the existing gardens and hence a significant reduction in the visual amenities of the area ". Whilst it is accepted that the site opposite at 11 Canada Road has been infilled adjacent to Canada Road (following this appeal decision) in an area that provided space to the road frontage, it is not considered that this sets a precedent for allowing this development. Moving the dwellings back has served to illustrate that the site is not large enough to accommodate 2 units. The rear garden depth of less than 10m for both plots does not meet the standards set out in policy DDM3 of the Emerging Local Plan and Unit 2 has a rear garden size of just 48sqm when the policy refers to a minimum area of 85 sq m.

The plot sizes would be slightly narrower than those adjoining the site and it is considered that the proposed development would adversely affect the character of the area by producing a cramped form of development that is out of keeping in the street scene. The dwellings would have a total height to the ridge of 9m and their design would be bulky and dominant. The buildings would be slightly elevated above the road which further emphasises the presence of the buildings in the street scene.

The overall internal floor area for dwelling would be limited and would not meet the minimum essential general internal floor area for a 3 bedroom 2 person 2 storey dwelling as set out in policy DDM2 of the Emerging Local Plan. The standard is 77 sqm. Unit 1 has an internal floor area of 48sqm and unit 2 of 41.5sqm. This area is well below the standard. The size of bedrooms 2 and 3 in each dwelling are also below standard.

The proposed development is considered to be contrary to the emerging internal space standards which is indicative of overdevelopment of the site. The space standards set out minimum requirements that are considered acceptable for all occupants and their changing needs. The proposed development falls significantly short of the standards. The proposal would therefore result in a cramped form of development which would adversely affect the residential amenities of potential occupiers contrary to policy GEN7 of Arun District Local Plan.

In addition, the size of the plots is uncharacteristically small. The area is one of reasonably sized terraced dwellings set within spacious plots with road frontages. In contrast, the proposal is for 2 semi-detached dwellings of differing designs with smaller gardens infilling an open area to the street scene. As such it is considered that the proposal would fail to integrate with and be at odds with the established character of the area appearing cramped and obtrusive.

The application is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 neutral 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).

RECOMMENDATION

REFUSE

- 1 The site by virtue of its size and shape, is considered unsuitable to accommodate 2 dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and policies DDM1, DDM3 and DDM4 of the Emerging Local Plan.
- 2 Having regard to the limited area of the site and the rear ward position of the dwellings, the relationship to existing residential properties of the proposal would give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the locality in conflict with policy GEN7 of the Arun District Local Plan.
- 3 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.