

Recommendation Report for Planning Permission

REF NO:	AL/129/17/PL
LOCATION:	Land east of Forge House Nyton Road Westergate PO20 3UP
PROPOSAL:	Demolition of existing garage, demolition of portion of flint wall to re-instate pedestrian access onto Nyton Road & erection of 2 No. dwellings with associated car parking, cycle storage, bin storage & gardens. This application may affect the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The new dwellings will be semi-detached and will sit at the eastern end of the plot on a building line broadly similar with that of "Deene" to the east. They will each have two double bedrooms. They would be two storeys in height but with their first floor windows set as dormers into the roof. Two velux windows are also proposed on the rear elevation. No flank windows above ground floor. The buildings will be the same height as Forge House to the west and around 1.8m higher than "Deene" to the east. To accommodate the rear gardens and vehicular access/tandem parking spaces, it is necessary to remove three sections (2.5m, 5.5m & 2.4m) of the existing flint wall to the rear of the site. In addition, a previous pedestrian access within the front flint wall will be opened up and fitted with a new gate. The application also includes a new flint wall between Forge House and the new vehicle parking. It is also necessary to widen the existing driveway around the rear of Forge House. Cycle storage will be provided in the form of storage sheds in the rear gardens. A shared refuse/recycling bin store will be provided in the front (behind the front flint wall).
SITE AREA	Red edged area - 0.13 hectares. Actual site area - 0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	The density of the red edged site area which includes the existing dwelling is 23 dwellings per hectare. However, the density of the proposed site is 40 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Two medium sized trees are located towards the rear of the new plot and will be felled to facilitate the proposed gardens but neither are considered to be significant or worthy of protection.

BOUNDARY TREATMENT

Boundary treatments consist of a 2.2-2.3m high flint wall along the Nyton Road frontage, 2.5m high flint wall to the boundary with the neighbouring dwelling, "Deene" and a 3-4m high metal fence intertwined with planting to the rear (bordering the School site). A section of lower height flint wall runs east to west some 7m in from the rear boundary of the site. Within the front flint wall close to the boundary with "Deene", there is evidence of a former pedestrian opening that has been filled in with flint.

SITE CHARACTERISTICS

The application site comprises a detached dwelling of 2 storeys with gardens to the rear and to the eastern side. There is an existing detached pitched roof double garage which is to remain. Existing access is from Nyton Road via a private driveway which runs down the western side of the house and then behind the garden. The site of the new dwelling is part garden and part gravelled turning area. There are also 2 sheds and a greenhouse in this location.

CHARACTER OF LOCALITY

The area is part of a residential street comprising a mixed character with one and two stories properties, some of which are right up against the highway boundary and some of which are set back. Several properties along the southern side, including Forge House, are locally listed and the start of a Conservation Area is a short distance to the east.

The neighbouring dwelling, "Deene" is a bungalow with no roof level accommodation. Forge House has a rear conservatory and several secondary windows on its eastern flank at both ground & first floors. The demolition of the garage would allow these to look onto the site of the new dwellings.

RELEVANT SITE HISTORY		
AL/26/81	To Construct A Living Room And Bedroom Extension Form A New Car Port And Vehicle Access To A29	ApproveConditionally 13-05-81
AL/15/51/B	New Access	Approve 12-11-64

Pre-application advice was sought in September 2016 in respect of the siting of one new dwelling on the plot. This also proposed a new vehicular access from Nyton Road. The advice given was that a two storey dwelling would be inappropriate and that a bungalow would be a better fit. Also that the loss of the flint wall at the front could not be supported.

REPRESENTATIONS		
REPRESENTATIONS RECEIVED:		

Aldingbourne Parish Council

"An objection. The Parish Council objects to this application. The proposal detracts from the setting of a Listed Building Please refer to the ANDP (policy EH8 refers as well as H1). EH11 protects the flint wall."

COMMENTS ON REPRESENTATIONS RECEIVED:

The application was advertised as potentially affecting a Listed Building given the presence of the Grade II Listed dwelling known as Merryend to the east of the site. This building is two houses away from the site and there is a distance of around 17m between the application site and the border of Merryend's curtilage. It is noted that the Council's Conservation Officer did not object on the basis of harm to the setting of the Listed Building but instead has concerns with the impact on the Building of Special Character (Forge House) and the loss of the historic flint walling.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Archaeology Advisor
Listed Building Officer
Conservation Officer
Conservation Officer
Conservation Officer
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection subject to an informative regarding connection to the sewer and a condition to protect sewers if any are found to cross the site.

WSCC HIGHWAYS - No objection. Do not consider that the proposal will have a 'severe' impact on the operation of the Highway network and therefore is not contrary to the National Planning Policy Framework (paragraph 32) such that there are no transport grounds to resist the proposal. Recommend conditions relating to vehicle parking & turning, cycle parking & construction management plan.

CDC ARCHAEOLOGY - No objection. State that: "It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified."

ADC DRAINAGE ENGINEERS - No objection subject to a drainage condition.

ADC CONSERVATION OFFICER - Considers that the proposal will have little or no effect on nearby Listed Buildings. However, raise objection as to the impact of the houses and the associated extent of hardstanding on the street scene and on the setting of the adjacent Building of Special Character. The concerns are with the dominating impact of the dwellings in terms of their close proximity, massing, roof height and roofscape. In addition, the necessary landscaping, including hardstanding for multiple vehicles is considered to be detrimental to the setting of the heritage asset. Also object to the proposed

loss of a large section of the historic walling to the rear which itself is shown on the Councils 1875-1890 map. However, there is no objection, subject to approval of gate details, to the proposed creation of a pedestrian gate to the front.

Further comments on revisions to the scheme advised that:

- (1) a potential change from dormers to rooflights would reduce the massing of the roofscape but that velux windows are incongruous to the area/adjacent Building of Special Character so there would be little net benefit;
- (2) The submitted change to the roof design represent a minimal alteration and would make no substantial difference to the previous comments; and
- (3) The reduction in amount of historic flint wall to be removed would still result in significant loss of fabric and visual fragmentation of the wall.

COMMENTS ON CONSULTATION RESPONSES:

It is noted that the applicant is able to remove section of the historic wall without the benefit of planning permission. However, it is still necessary to give full weight to policy EH11 of the Neighbourhood Plan which seeks to protect certain flint walls within the Parish (and includes this particular wall).

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Class A Road;
Building of Special Character;
Lidsey Treatment Catchment Area;
Archaeological Notification Area; and
Flood Zone 2.

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN22	Buildings or Structures of Character

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

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
HER DM2	Locally Listed Buildings or Structures of Character
HER SP1	The Historic Environment
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM2	Flood Risk

W DM3 Sustainable Urban Drainage Systems

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#)

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Resist development outside

Development in Flood risk areas will not be supported unless...

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Surface Water Management

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY EH8

Buildings and Structures of character

Aldingbourne Neighbourhood Plan 2016 POLICY EH11

Flint walls

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H1

New housing or altering dwellings

Aldingbourne Neighbourhood Plan 2016 POLICY H3

Quality of Design

Housing density

Aldingbourne Neighbourhood Plan 2016 POLICY H6

Within built up area boundary

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Windfall sites

Dwellings must have adequate private or shared amenity.

Aldingbourne Neighbourhood Plan 2016 POLICY H9

Outdoor space

Items to consider e.g. - bin stores

Attention to detail

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 then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017

and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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 relevant policies within the Aldingbourne Neighbourhood Development Plan have been considered in the preparation of this report.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the established character of the surrounding area and on the setting of the adjacent Building of Special Character.

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

PRINCIPLE:

The site is in an urban and predominantly residential area. It is defined as being part of the built up area boundary area in both the Arun Local Plan (ALP) and the more recent Aldingbourne Neighbourhood Development Plan (ANDP). Both ALP policy GEN2 and ANDP policy EH1 permit development in the built up area provided that they comply with the other policies of the respective plans. The proposal is therefore acceptable in principle subject to normal development control criteria such as residential amenity, design/character, historic environment, highway safety and parking.

IMPACT ON THE HISTORIC ENVIROMENT:

The site is within 17m of the curtilage of a Grade II Listed dwellinghouse and also forms part of the curtilage of a designated building of special character. Furthermore, the flint wall which forms the northern & eastern boundaries and also falls within the rear part of the site is considered to date from at least 1890.

There are no policies within the current development plan that refer to listed buildings and therefore, it is necessary to have regard to the policies within the emerging Local Plan (Arun Local Plan 2011-2031) which is considered to have weight in the planning determination process and to the guidance within the National Planning Policy Framework (NPPF). Policy HER DM1 of the emerging Local Plan (Arun Local Plan 2011-2031) states that proposals affecting Listed Buildings will be required to "protect, and where possible enhance the setting of the building".

In respect of buildings of special character, ALP policy GEN22 states that: "Alterations, extensions or other development which would adversely affect the appearance or setting of such buildings or structures will not be permitted." Furthermore, ANDP policy EH8 states that: "Development proposals involving the buildings of local character listed in Schedule D must retain their significance including their contribution to local distinctiveness."

ANDP policy EH11 seeks to protect existing flint walls in the Aldingbourne Parish. It states that: "Development proposals which would seek to remove, or replace the flint walls listed in Schedule F will not be supported. New development proposals in the areas specified in EH11.1 will be required to provide flint walls and/or incorporate flint details into boundary treatments where it is appropriate."

It is also necessary to consider criteria (ii) of ALP policy GEN7 which states that "(Development will be permitted provided it:) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness".

The NPPF also provides guidance on the determination of applications concerning designated heritage assets (i.e. Listed Buildings, Conservation Areas) and non-designated heritage assets (i.e. locally listed buildings of special character and historic boundary treatments).

Paragraph 132 of the National Planning Policy Framework (NPPF) states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Further, that substantial harm to a grade II listed building should be exceptional. Paragraphs 133 & 134 state that where a proposed development will lead to 'substantial harm' or 'less than substantial harm' to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal (with a more stringent test for substantial harm).

Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings should enhance or better reveal their significance. In respect of non-designated heritage assets, paragraph 135 states that "In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The Councils Conservation Officer was requested to assess the impact of the proposal on the nearby Listed Building, the adjacent Building of Special Character and the historic flint wall. The advice received is that there will be little or no effect on the Listed Building but that the proposal will result in harm to the appreciation of the adjacent Building of Special Character. Also, that the loss of the flint wall from the rear of the property will result in a significant loss of fabric and the visual fragmentation of the wall.

The Conservation Officer considers that the new dwellings will have a dominating impact on the building of special character by reason of their close proximity, massing, roof height and roofscape. The Conservation Officer also considers that the amount of hardstanding required for the parking of 4 cars and the widening of the existing driveway (which is being widened to the south of Forge House from 2.8m to 4.8m) will be detrimental to the setting of the heritage asset. The Conservation Officer further commented on the changes that the applicant has made to the scheme in an effort to resolve the concerns but did not consider that any of these satisfactorily resolved the harm to the building of special character or to the loss of the sections of flint wall.

It should be noted that although the Councils Conservation Officer did not comment on the previous pre-application enquiry for one dwelling, advice was given by the planning officer in respect of the impact on the building of special character and it was suggested that a bungalow of a similar height as "Deene" to the east would reduce the harm to the building of special character.

In respect of the flint wall, it is accepted that this structure has no statutory protection and could be demolished without planning permission. However, ANDP policy EH11 is a part of the development plan and it is necessary to give the policy full weight. Furthermore, a refusal based on this policy would not prevent the applicant from exercising his rights to demolish if he so chose but would ensure that the decision was in accordance with the development plan.

Excepting the reinstatement of the front pedestrian gate (which is considered to be acceptable), the proposal seeks to fragment the existing wall by removing three sections of it measuring 2.5m, 5.5m and 2.4m. The existing gap which provides vehicle access into the property is to be retained to the rear of plot 2. This is an improvement on the original scheme which sought to remove some 22.6m of the wall but will still remove a sizeable section of historic fabric. This is conflict with ANDP policy EH11 and with the advice of the Conservation Officer. The proposed introduction of new flint walling to act as the boundary between Forge House and the new dwellings is positive and would be in accordance with EH11 but is not considered to outweigh the loss of the existing wall.

On this basis, it is considered that the proposal in terms of its height of the dwellings, the amount of hardstanding and the loss of historic flint wall would have a harmful impact on the significance of the locally listed heritage asset and therefore the proposal is considered to conflict with policies GEN7 & GEN22 of the ALP, policies EH8 & EH11 of the ANDP, policies D DM1 & HER DM2 of the Arun Local Plan 2011-2031 and the guidance on heritage assets within the NPPF. However, it is not considered that there would be any harm to the Grade II Listed Building to the east.

CHARACTER:

Arun Local Plan (ALP) Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Policy D SP1 of the Arun Local Plan 2011-2031 (eLP) requires that all development proposal make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 provides similar text to GEN7. The following paragraphs are considered relevant:

"Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features".

"Density - The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity."

"Scale - The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Aldingbourne Neighbourhood Development Plan (ANDP) policies H1, H3, H6, H9 are all relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Policy H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties. Policy H6 of states that residential development on infill/redevelopment sites is acceptable but must be appropriate in scale & density to the size and character of the settlement, Policy H9 requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area. In addition, paragraph 17 states that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

It is considered that regard should also be had to the informal advice given previously in respect of a proposal for a single dwelling on the application site. No objection was raised to the principle of 1 dwelling but it was suggested that a two storey dwelling would be inappropriate and that a bungalow would be a better fit. It was also advised that the width of the proposed plot at 11.4m is similar to that of the neighbouring plot ("Deene") at 11m and this was used as an argument in favour of 1 dwelling.

The applicant has stated that the appearance within the street scene would be as one dwelling and therefore, there would be no sense of a cramped development. They also argue that the benefits of two dwellings in a sustainable location should be given weight in the determination process. However, it is not considered, in the grand scheme of things (noting that the Council cannot currently demonstrate an NOPF compliant 5 year housing land supply), that the benefit of 2 houses would be significantly dissimilar to the benefit of just 1 house.

It is noted that the proposed density of the site of the two dwellings is 40 dwellings per hectare (dph) and that is in excess of the density of Forge House as it stands (6 dph) as well as the dwellings to the east,

"Deene" at 33dph and "Applecroft" at 25dph. It is also noted that the adjacent property, "Deene" has a plot width of 11m which is essentially the same as the width of the plot for the two new dwellings. It is accepted that there are higher densities on the northern side of Nyton Road. However, the southern side has a more historic character to it and it is considered important to reflect this character and maintain the density of nearby plots.

The proposed design of the dwellings in respect of appearing as single entity is noted. However, it is not considered possible in view of the need for house numbering and the potential for future personalisation of the external elevations to completely disguise the presence of two dwellings in the street scene. It is also noted that the drawings do not show certain add-on features such as satellite dishes, telephone lines, TV aerials as per the requirements of ANDP policy H9. Furthermore, individual home owners could add burglar alarms. Unless shared, these would certainly indicate the presence of separate dwellings.

It is therefore considered that the proposal will conflict with ALP policy GEN7, ANDP policies H1, H3 & H6 policies D SP1 & D DM1 of the Arun Local Plan 2011-2031 and the guidance on good design in the National Planning Policy Framework.

RESIDENTIAL AMENITY:

Arun Local Plan (ALP) Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Policy D DM1 of the Arun Local Plan 2011-2031 (eLP) provides similar text to GEN7. In respect of 'Impact', it requires development to "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance".

It is not considered that the introduction of dwellings into this location will result in any unacceptable noise and disturbance issue to either Forge House or Deene. Furthermore, the dwellings have been designed with no first floor flank windows and so there will be no overlooking of adjacent properties. Ground floor flank windows will be screened out by the existing and proposed flint walling. It is not considered that there will be any loss of light to the neighbouring dwellings as the houses are to be built with front & rear building lines set slightly within those of Deene; and the dwellings will be some distance east of Forge House. The proposed rear gardens will be private spaces and will only be overlooked by the neighbouring proposed dwelling (i.e. plot 1 has a view of plot 2 and vice versa) as per a typical residential situation.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ALP and policy D DM1 of the eLP.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments Technical Housing Standards (Nationally Described Space Standard). The requirement for two storey 2 bed, 4 person dwellings is 79m² but both dwellings have an internal floor area of 86m² and therefore exceed the required standard.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, policy H8 of the ANDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area."

The proposal would not have been considered to comply with D DM3 as the private rear garden areas fall below the 85m² standard (at 69m² & 56m²). However, in the absence of any specific guidance on garden areas and given that both spaces are 10m deep (also a requirement of D DM3), there is no reason not to conclude that the proposed gardens are of an adequate size and as such there is not considered to be any conflict with ANDP policy H8.

HIGHWAYS & PARKING

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 4 spaces. ANDP policy GA3 states that: "Proposals must provide adequate parking in accordance with the standards adopted at the time."

The application has been assessed by WSCC Highways who raise no objection and consider that the existing access is suitable for the increased use, that the parking and turning provision is adequate and that the site lies in a sustainable location where occupiers would have a realistic choice of alternatives to the use of a car.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

FLOOD RISK:

The very north eastern corner of the site is within the Flood Zone 2 designation. ANDP policy EH5 states that:

"New development, within areas at risk from flooding, will not be permitted unless it is supported by a site-specific Flood Risk Assessment which provides clear evidence to demonstrate that the proposal:

- a). Would not give rise to additional risk of flooding, either to the development site or to other land, arising from the carrying out or use of the development;
- b). Would make appropriate provision for accommodating the surface water and foul water arising from the development."

The application was not accompanied by a Flood Risk Assessment. However, it is not considered that a refusal on these grounds could be justified as the part of the site affected by the Flood Zone 2 designation is currently in use as garden to Forge House and is proposed to become front garden to plot 1. Therefore, there is no material change in the use of the land and the extent of flooding would not affect the dwelling itself such that there would be no risk to the occupiers safety.

Neither the Councils drainage engineers nor Southern Water raise any objection (subject to conditions) and therefore it is considered that the proposal complies with ANDP policy EH5

SUMMARY:

There is no in principle objection to the residential development of this site within the built up area and it is considered that the proposal complies with development control criteria concerning residential amenity, highway safety, parking, space standards and drainage. However, it is not considered that the

site is suitable for the development of two dwellings and that the height of the dwellings as proposed would have a dominating impact on the streetscene to the detriment of the adjacent building of special character. The loss of the flint wall to the rear of the property would also result in a loss of historic fabric and a negative impact on the setting of the building of special character. It is suggested that a more acceptable proposal would be one bungalow as per the advice given previously.

The Council cannot currently demonstrate a 5 year housing land supply and the policies of the development plan relating to housing supply are considered to be out of date. As a result, paragraph 14 of the National Planning Policy Framework (NPPF) is engaged and this states that planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. In this case, it is not considered that the tilted balance in favour of sustainable development would apply as the proposal would result in adverse impacts on the setting of the adjacent building of special character, on the street scene, on the character of the local area and in respect of the loss of historic flint wall.

It is therefore recommended that permission be refused for the following three reasons.

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), 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 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

REFUSE

- 1 The site by virtue of its size, is considered unsuitable to accommodate two dwellings 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, policies H1, H3, H6 of the Aldingbourne Neighbourhood

Development Plan, policies D SP1 & D DM1 of the Arun Local Plan 2011-2031 and the guidance on good design in the National Planning Policy Framework.

- 2 The close proximity, massing, height and roofscape of the proposed dwellings are considered to dominate the streetscene and with the addition of the necessary landscaping, including hardstanding for multiple vehicles, will harm the appreciation of the adjacent Building of Special Character. The development will therefore be contrary to policies GEN7 & GEN22 of the Arun District Local Plan, policy EH8 of the Aldingbourne Neighbourhood Development Plan, policies D DM1, HER DM2 of the Arun Local Plan 2011-2031 and the guidance on heritage assets within the National Planning Policy Framework.
- 3 The proposed loss of the sections of existing flint wall to the rear of the site would be in conflict with policy EH11 of the Aldingbourne Neighbourhood Development Plan which seeks to protect those flint walls within the plan area that contribute to the character of the Parish and its architectural history.
- 4 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.