

Recommendation Report for Planning Permission

REF NO: AL/76/19/PL

LOCATION: Evergreens
Level Mare Lane
Fontwell
PO20 3SA

PROPOSAL: Demolition of existing dwelling & erection of 3 bed replacement chalet dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The planning application seeks planning permission for the erection of a replacement 3 bedroom chalet bungalow, following the demolition of the existing 2 bedroom dwelling.
SITE AREA	0.1 hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site is surrounded by tall conifer hedging to the front and sides of the site. There are no trees or vegetation of significance (subject to Tree Protection Orders or special amenity value) which would be affected by the proposed development.
BOUNDARY TREATMENT	To the front of the site, there is a medium height brick wall with conifer hedging atop. To the sides of the site there is tall conifer hedging and a section of close board timber fencing adjacent to the shared driveway. There is a single storey separate outbuilding forming the rear boundary to the site.
SITE CHARACTERISTICS	The site is currently occupied by a detached single storey building with front and rear dormers providing accommodation (2 bedrooms, an en-suite shower room and an en-suite bathroom) at roof level. The existing property is brick-built, with clay tile roof and dormers, and brown uPVC windows and door frames. The property has a half-hipped roof form. To the front of the building there is an area of hardstanding which is used for parking vehicles and a single storey timber clad outbuilding. In 2018, a Certificate of Lawfulness for Existing Use was issued for the use of the 2 bedroom building/annexe as an existing single family dwellinghouse (ref. AL/72/18/CLE).
CHARACTER OF LOCALITY	The site is located within the countryside, in a rural setting. The area is characterised by large detached residential properties on individual plots, and farmland. The site is within the Aldingbourne Neighbourhood Plan Area.

RELEVANT SITE HISTORY

AL/72/18/CLE Lawful development certificate for the use of an annexe Approve
as an existing single family dwellinghouse.

In 2018, a Certificate of Lawfulness for Existing Use was issued for the use of the 2 bedroom building/annexe as an existing single family dwellinghouse (ref. AL/72/18/CLE).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council:
No comments/no objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Parks and Landscapes
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environmental Health
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Highways: No objection.

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety nor 'severe' cumulative impacts on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

Recommend conditions; car parking to be constructed in accordance with approved plan, and cycle parking details.

Council's Arboriculturist: no comments received.

Council's Parks & Landscapes: no comments received.

Council's Drainage Engineer: no objection.

Due to the size and location of the proposed development no suggested conditions. Surface water drainage must be designed and constructed in accordance with building regulations.

Council's Environmental Health: no comments/objection.

Ecology: no objection, but suggest requirement for appropriate lighting scheme, bat and bird boxes., and no works to be undertaken during wild bird breeding season

COMMENTS ON CONSULTATION RESPONSES:

Comments are noted and will be considered in further detail in the conclusion of the report.

POLICY CONTEXT

Countryside

Aldingbourne Neighbourhood Plan Area

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
QEDM3	QE DM3 Air Pollution
TSP1	T SP1 Transport and Development

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#) Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH6 Protection of trees and hedgerows

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 H8 Dwellings must have adequate private or shared amenity.

Aldingbourne Neighbourhood Plan 2016 POLICY Outdoor space
Items to consider e.g. - bin stores

H9

Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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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 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.

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.

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).

Policies H1, H3, H8, H9, EH1, EH6 and GA3 in the Aldingbourne Neighbourhood Plan is relevant to 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 established character of the surrounding area, the residential amenities of future occupants of the replacement dwelling and those of adjoining properties, highways and parking, trees and ecology. However, the proposal would conflict with countryside policy C SP1 of the Arun Local Plan and policy EH1 of the Aldingbourne Neighbourhood Plan since the site is outside the built up area boundary and meets none of the criteria for permissible development in the countryside.

OTHER MATERIAL CONSIDERATIONS

Whilst the proposal would conflict with Local Plan policy C SP1 and Neighbourhood Plan policy EH1, the fact that it would replace an existing dwelling (of a similar footprint, albeit the new building would be larger) is a material consideration in this case, which would warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT

The proposal would conflict with countryside policy C SP1 of the Arun Local Plan and policy EH1 of the Aldingbourne Neighbourhood Plan since the site is outside the built up area boundary and meets none of the criteria for permissible development in the countryside. However, the fact that it would replace an existing dwelling (of a similar footprint, albeit it marginally larger) is a material consideration in this case, which would warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The proposal for a replacement dwelling in the countryside is acceptable in this instance.

DESIGN & VISUAL AMENITY

Due to the existing front boundary treatment, which consists of tall conifer hedging, the existing dwelling is not visible in public views from Level Mare Lane. The proposed block plan indicates that the hedging to the front and side boundary would be trimmed to a height of 3.5m. Given the set back of the building from Level Mare Lane (over 30m), there would be limited views of the proposed replacement dwelling from within the street scene. Notwithstanding this, even if the hedging were to be entirely removed from the front and side boundaries of the site, the proposed replacement dwelling would have an acceptable impact on the appearance and character of the street scene as set out below.

The proposed replacement dwelling would have a similar siting and footprint to the existing building. The replacement building would have a larger footprint, being approximately 1.5m wider and 4.5m deeper than the existing building. It would be single storey, like the existing building, with living accommodation at roof level. The proposed replacement building would be around 1.7m higher than the existing building, with a total ridge height of 6.8m compared to the current ridge height of 5.1m. Given the general pattern of development in the surrounding area, which is characterised by primarily large, detached, two storey properties on spacious plots, the replacement dwelling would be of an appropriate density, footprint, height and massing and would appear proportionate in scale within the context of the site.

The proposed building would be an improvement on the existing one, which has two 'blind' dormers (i.e. with no windows) to the southern elevation, an overly wide, bulky, flat topped dormer to the northern elevation, and a mixture of fenestration sizes and proportions. The replacement dwelling would have a barn-like quality, with a tiled half-hipped roof form with gable ends on the northern elevation and three appropriately sized gabled dormer windows on the southern elevation, a timber gabled porch, and brickwork elevations with sections of timber cladding. The fenestration would have a balanced appearance in terms of its proportions and styling, and although the northern/rear elevation facing toward Level Mare Lane would have large sections of glazing in the form of sliding doors and rooflights, this more contemporary treatment would not be in itself harmful to the appearance of the street scene. The new building would have an attractive appearance, which would appear harmonious and integrate well with its rural setting. In the absence of exact information with regard to the proposed materials, it is recommended that a planning condition is added requiring details and samples of the proposed materials to be submitted to and approved by the LPA prior to commencement of development. This will ensure the building materials are of an appropriate colour and texture, sympathetic to the character of the surrounding area.

The proposed replacement dwelling, by reason of its siting, scale, design, architectural details and materials would respect and reflect the established character of the locality and would accord with policies D SP1 and D DM1 in the Arun Local Plan and policies H1 and H3 of the Aldingbourne

Neighbourhood Plan.

RESIDENTIAL AMENITY

The site has tall conifer hedging to the front and sides which would enclose the new building. Due to this boundary treatment the new building would have limited impact on the residential amenity of neighbouring properties. Notwithstanding this, even if the hedging were to be removed at some stage in the future, the proposed dwelling would still be sited over 20m from the nearest property to the east, 'Evergreens', and over 70m from the nearest property to the north, 'Meadows' on Denmans Lane. To the western side of the site there is farmland and stabling for horses, and to the south there is a plant nursery site. Given the separation distances to the nearest residential properties, the proposed replacement dwelling would not have a significant adverse impact on outlook, sunlight and privacy to neighbouring occupants and would accord with policy D DM1 of the Arun Local Plan.

It is identified in the submitted documentation (and excluding the area under the eaves which would have a headroom of less than 1.5m) that the proposed dwelling will have a gross internal floor area of approximately 230sqm. This would exceed the minimum internal space standards set out in the 'Technical Housing Standards - Nationally Described Space Standard' which identifies that for a 3 bedroom, 6 person, 2 storey dwelling a minimum internal floor area of 102sqm is required. The provision of downstairs hanging in the hallway and a cupboard in the dressing area of bedroom 1 would ensure there would be at least 2.5m of built-in storage, as required by the standards. The proposals would also accord with the required minimum bedroom spaces and floor to ceiling heights. The proposals accord with the Nationally Described Space Standards and as such accord with policy D DM2 of the Arun Local Plan. The scheme includes a front driveway and rear garden area (approximately 25m long x 10-15m wide). The Council currently does not have any adopted external space standards, however, this size of garden is considered to provide adequate external private space for a 3 bedroom property. It would accord with policy H8 of the Aldingbourne Neighbourhood Plan which requires that all new dwellings must provide outdoor amenity space of adequate size and quality.

REFUSE/RECYCLING PROVISION

The proposed block plan indicates that there would be a recycling and waste bin storage area within the front driveway area. As such, bin stores and recycling facilities have been integrated into the overall scheme, would be screened from public view, would be easily accessible to occupants, and would be sited in a suitable location.

HIGHWAYS SAFETY & PARKING PROVISION

The proposal includes on-site parking provision for 3 vehicles, which would accord with WSCC Car Parking Demand calculator for a 3 bedroom property, and the parking spaces would accord with the minimum dimensions set out in Manual for Streets. The existing 4 cycle parking spaces within the ancillary storage building are to be retained providing secure and covered cycle storage.

The existing access from Level Mare Lane would be utilised, and WSCC Highways have confirmed that there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. There would be sufficient space for cars to turn on site allowing vehicles to exit onto Level Mare Lane in forward gear. The Local Highway Authority (LHA) have been consulted and have confirmed that the proposal would not have an unacceptable impact on highway safety nor 'severe' cumulative impacts on the operation of the highway network, therefore it is not

contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

The proposals would accord with policy T SP1 in the Arun Local Plan and policy GA3 of the Aldingbourne Neighbourhood Plan. WSCC Highways have recommended planning conditions requiring the car parking to be constructed in accordance with the approved plan and for cycle parking details prior to commencement of development.

TREES & ECOLOGY

The site is surrounded by tall conifer hedging to the front and sides of the site. There are no trees or vegetation of significance (subject to Tree Protection Orders or special amenity value) which would be affected by the proposed development. The proposals therefore accord with policy ENV DM4 of the Arun Local Plan.

Since the proposals involve the demolition of an existing building, the Council's Ecology Officer has been consulted on the proposals. They have not raised an objection to the proposals, confirming that it is unlikely, given the existing roof design and type of tiles, to be suitable for bats. Planning conditions are recommended to ensure that an appropriate lighting scheme should be used to minimise any impact on local bats, that bat and bird boxes are provided, and any vegetative clearance should be undertaken outside of the wild bird nesting season.

Subject to these conditions, the proposals would protect ecology and enhance biodiversity, in accordance with policies ENV SP1 and DM5 in the Arun Local Plan and policy EH6 of the Aldingbourne Neighbourhood Plan.

SUMMARY

The replacement dwelling would be of an appropriate design, would respect the character of the locality, protect residential amenity of neighbouring occupants, provide an appropriate size and quality of living accommodation for future occupants, have adequate waste and parking provision, and subject to conditions would protect ecology and enhance biodiversity. The proposals therefore accord with all relevant national and local planning policies in the NPPF, Arun Local Plan and Aldingbourne Neighbourhood Plan.

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; block plan (PL/CN/03R1), floor plans (PL/CN/02) and elevations (PL/CN/01R1).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM2, T SP1, ENV DM4, ENV SP1 and ENV DM5 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes (including a colour schedule) of such materials and finishes to be used for external walls (and roofs) and window and door frames of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity by endeavouring to achieve a building of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved block plan (PL/CN/03R1). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use of the occupants of the dwelling, in accordance with policy T SP1 of the Arun Local Plan and paragraphs 108-110 of the National Planning Policy Framework.

- 5 No development above damp proof course (DPC) level shall take place until details indicating how suitable provision will be made for bats and birds habitats (through the inclusion of a bat box on the buildings facing south/south westerly positioned 3-5m above ground level and a bird box installed on the building and/or the tree in the garden) have been submitted to and approved by the Local Planning Authority and such habitats shall be secured/provided before development commences and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, enhance biodiversity, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with ENV DM5 of the Arun Local Plan.

- 6 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 7 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st September inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 8 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge point/s shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 9 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the new house will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 10 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.