

Recommendation Report for Planning Permission

REF NO: AW/163/18/PL

LOCATION: 1 Regents Way
Aldwick
PO21 5QN

PROPOSAL: Erection of 1 No. 2 bed attached bungalow as alternative to side extension permitted under AW/57/18/HH.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The new bungalow will be attached to the eastern side of the existing dwelling and will take the same form (footprint, design & height) as the side extension approved by AW/58/18/HH. Fenestration will be largely the same with the only changes being one less window/one new door on the front and one additional window on the north side facing West Meads Drive. It is also proposed to remove half of the existing single storey extension on the rear of 163 and then to put in a new 1.8m high timber dividing fence. Parking will be to the front within the existing hard surfaced area with crossover access shared with the existing dwelling and there will be northern side pedestrian access to the rear 78.5 square metre garden which will include a bin store. Materials will match the existing dwelling.
SITE AREA	590 square metres (0.059 hectares)
RESIDENTIAL DEVELOPMENT DENSITY (NET)	17 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The property has an open frontage with hardstanding behind a planted bed. To the rear and side there is a timber fence approximately 1.8m which slowly reduces in height to the front of the dwelling. There is a wall between the side elevation of the house and the side boundary (at right angles to both).
SITE CHARACTERISTICS	The application site comprises existing side garden to 163 Regents Way. This is a rectangular single storey property constructed of brick beneath a tile roof with a rear conservatory extension. The property is set on a corner plot at the junction of Regents Way and West Meads Drive. There is existing hardstanding between the front of the house and the planted bed boundary plus a garage to the opposite side.
CHARACTER OF LOCALITY	Residential comprising similar size and scale properties.

RELEVANT SITE HISTORY

AW/57/18/HH	Single storey side extension	ApproveConditionally 23-04-18
AW/90/98/	Conservatory extension.	ApproveConditionally 05-08-98
BE/12/65	Boundary Wall	Refused 09-12-65

Application AW/57/18/HH granted permission for a single storey side extension to comprise of two double, en-suite bedrooms and a separate study. It was to measure 5.7m wide, 12m long and 5.8m high to the ridge.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response from Aldwick Parish Council.

Three letters of objection for the following reasons:

- (1) No objections to the extension but a house is different as no privacy, overbearing and overdevelopment;
- (2) Out of character with this well-spaced estate;
- (3) Overspill of parked cars onto road creating traffic hazard; and
- (4) Will create a precedent for further bungalows in side gardens.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objections are noted and points (1) to (3) will be considered within the report's conclusions. Although precedent is capable of being a material consideration in the determination of planning applications, in practice planning applications are determined having regards to the facts and merits of the particular case. Whilst a planning permission for this proposal could result in an increase of similar applications, it will not automatically result in an increase in planning permissions for such similar developments.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Natural England

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection subject to mitigation being secured in respect of the Pagham Harbour Special Protection Area.

ADC DRAINAGE ENGINEER - Make no comments.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
PD Restriction;
Open Plan Condition;
Class C Road; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HSP1	HSP1 Housing allocation the housing requirement
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD10	Aldwick Parish Design Statement
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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.

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.

- 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).

Aldwick have not developed a Neighbourhood Development Plan but have published a Design Guide.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

It is considered that the previous planning permission for a side extension is an important material consideration in this determination as the proposed dwelling will be the same design and size as the extension which was previously considered to be acceptable in design and amenity terms.

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as heritage assets, design & character, car parking, impact on trees, residential amenity, space standards and the impact of the proposal on the Pagham

Harbour Special Protection Area (SPA).

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable urban location within reasonable walking and cycling distance of shops, facilities & services. Whilst the private car would inevitably be required for some trips, future residents would have a realistic choice of transport options.

It is also noted that the National Planning Policy Framework (NPPF) advocates the effective use of land. Paragraph 118 (d) states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

DESIGN & CHARACTER:

It is noted that there are local resident objections to the proposal on the grounds of overdevelopment and harm to the appearance of this well-spaced estate.

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects when considering development proposals including:

(1) 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.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) 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"; and

(14) 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."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Policy D DM4 relates to applications to extend existing buildings and states that:

"When considering applications for extensions and alterations to existing buildings, the Council will

require that:

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- e. the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition."

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The Aldwick Parish Design Statement identifies Regents Way as part of Character Area 15 "West Meads". There is no specific description for Regents Close but West Meads is described as a garden estate and is open plan with wide pavements, grass verges and trees. Houses are well-spaced, of an appropriate scale and have predominantly low pitched roofs. The listed development criteria relevant to this proposal are as follows:

- New or replacement buildings or extensions should be visually subservient and relate to the existing building and not vary significantly in height or bulk from those nearby.
- When any development is undertaken, existing separation of dwellings should be preserved to prevent unneighbourly cramped or visually intrusive closure of gaps or establishment of ill-conceived linkages between buildings.
- Materials matching the existing building should be used where appropriate.
- Front boundaries should contribute to overall street scene.
- Boundary treatment should not compromise open character of the area.

The first thing to note here is that the design, shape and size of the dwelling is exactly the same as that approved by AW/58/18/HH. Indeed, the only differences between the two are a couple of window changes, new front door and the floorplan. Therefore in scale, design and form there can be no objection to this dwellinghouse.

The density of the plot will increase and is obvious on plan form that the plot will be subdivided to create a new dwelling however these alone are not reasons to justify an argument of overdevelopment or harm to local character. It is accepted that a new front door could suggest to passers-by that there is a dwelling here not an extension, however, the front boundary screening/side fencing restricts views of the front so this will not be particularly noticeable. Furthermore, there is already hardstanding to the front which is available for car parking. The single storey nature of the existing & proposed dwellings also means that residential activity by the new occupier will not be particularly noticeable within the two street scenes.

The extension was previously considered (AW/57/18/HH) to be acceptable having regard to policy on extensions as it would be built approximately 1m in from the West Meads Drive boundary, would be level with the front elevation of the main house and would have a ridge height the same as the main house. It was considered to be a subservient addition and materials were proposed to match the existing property.

It is not considered that the proposal is in conflict with any of the relevant development plan policies,

planning guidance or with the Aldwick Design Statement.

CAR PARKING:

There are local resident objections to the proposal on the grounds that the proposal will result in an overspill of parked cars onto the road creating a traffic hazard..

Arun Local Plan policy T SP1 states in respect of parking that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

The Council uses the West Sussex Demand Calculator to assess the likely parking demand of residential developments. The calculation is based on the size of the dwelling/s and the proposed parking provision. The calculator has been used in this instance to assess the demand of both of the houses together and indicates a total demand of 5 spaces. It is acknowledged that the plans only show 4 actual spaces. However, there is clearly room within the front parking area for additional cars if necessary. Furthermore, it is not considered that an additional car parked on the road would result in an adverse impact on highway safety. It is also noted that there is unrestricted on-street parking on Regents Way and that other cars also park on the road from time to time.

The proposal is considered to provide sufficient parking and therefore complies with Arun Local Plan policy T SP1.

RESIDENTIAL AMENITY:

There is a local resident objection to the proposal on the grounds that a new dwelling will result in different privacy concerns than the extension did and also be overbearing.

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "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." Regard should also be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is accepted that a dwelling versus an extension has different characteristics in terms of future occupiers. For example, people are more likely to look out of windows in a living space than bedrooms. However, as per the previous extension, all new windows are at ground floor and thus screened by existing boundary treatments. There can also be no overbearing impact given that size & shape of the extension is the same as the previous permission. The previous report considered stated that considering the position of the extension, it would not be harmful to the residential amenity of adjoining occupiers. There is no valid reason to take a different view.

Notwithstanding the above, there is potential for the new dwelling to have an adverse impact on the existing adjoining dwelling. However, the applicants have considered this and have proposed to remove half of the existing extension on the rear in order to increase the amount of sunlight reaching the rear windows on the new dwelling. This can be enforced through a planning condition.

The proposal is therefore considered to comply with Arun Local Plan policy D DM1.

SPACE STANDARDS:

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed replacement dwelling is suitable for residential use. The requirement for a single storey, 2 bedroom, 3 person dwelling is 61m² and the proposed dwelling has a floor area of just over the requirement (61.5m²). This is a further indicator that the proposal does not overdevelop the plot.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes.

However, paragraph 127 of the NPPF does state that: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The proposed house will have a private rear garden which although smaller than other private gardens in the area is considered to have a useable area and would therefore provide a good standard of amenity. The same would be true of the resulting garden for the existing dwelling.

It is therefore considered that the proposal complies with Arun Local Plan policies D DM1 & D DM2 and the guidance on amenity within the NPPF.

PAGHAM HARBOUR:

Arun Local Plan policy ENV DM2 requires that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

Paragraph 014 (Reference ID 23b-014-20160519) of the Planning Practice Guidance describes tariff style contributions. It clearly states that these consist of contributions to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. The Council accepts that the Pagham Harbour contribution is based on a tariff. However, the contribution is required to fund strategic access management and monitoring measures (SAMMs) which are necessary to meet the requirements of European law (transposed into English law through the Conservation of Habitats and Species Regulations 2010). Essentially this requires the Council to maintain, if not improve, the existing condition of the site.

As these SAMMs do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning that the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply.

Therefore, it is considered that the Council is able to seek these contributions despite the guidance in PPG Paragraph 031 (Reference ID: 23b-031-20160519009) that tariff style planning obligations should not be sought from small scale developments. This has also been tested at appeal on several occasions. For example, APP/C3810/W/16/3146804 which concerned a single dwelling in nearby Aldwick.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase in 1 dwelling results in a contribution of £871 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

The proposed development is considered to represent an efficient use of urban brownfield site and there is no objection in principle to the development. The concerns of the local residents are noted however the above assessment concludes that the proposal is acceptable in all respects and complies with all of the relevant development plan policies. It is therefore considered that this application should be approved subject to the conditions set out below and the signed S.106 legal agreement covering a financial contribution in respect of Pagham Harbour.

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.

SECTION 106 DETAILS

This decision will be granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the Pagham Harbour Access Management Mitigation Measures.

RECOMMENDATION

- 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:

Drawing 1 "Location Plan";
Drawing 2A "Block Plan";
Drawing 3 "Proposed Site Plan";
ADC/2/18-14 "Proposed Floor Plan"; and
ADC/2/18- "Proposed Elevations".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan.
- 3 The materials/finishes of the external walls/roofs of the new dwelling hereby permitted shall match in colour/texture with those of the existing building, 1 Regents Way.

Reason: In the interests of amenity in accordance with D DM1 and D SP1 of the Arun Local Plan.
- 4 The new dwelling shall not be first occupied unless and until the part of the rear extension to 1 Regents Way has been demolished and the new 1.8m high close boarded dividing boundary fencing has been erected all as shown on the approved Drawing 3 "Proposed Site Plan".

Reason: In the interests of the amenity of the future occupiers in accordance with D DM1 of the Arun Local Plan.
- 5 The new dwelling shall not be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable 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.

- 6 No part of the development shall be first occupied until the car parking has been constructed and provided in accordance with the approved site plan (Drawing 3 "Proposed Site Plan"). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the occupiers of the two dwellings and in accordance with policy T SP1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces for the new dwelling have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces shall thereafter be permanently retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 8 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches but not dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the existing layout in respect of garden space in accordance with policy D DM1 of the Arun Local Plan.

- 9 The bathroom window on the northern flank elevation of the new dwelling building shall be glazed with obscured glass and permanently retained as such.

Reason: To protect the amenities and privacy of the future occupiers in accordance with policy D DM1 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.

- 11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.