

Recommendation Report for Planning Permission

REF NO: **AW/213/14/PL**

LOCATION: 4 Peterhouse Close
 Westmeads

PROPOSAL: 1 No. dwellinghouse and detached garage, new vehicular access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The new dwelling will sit on the side garden adjacent to no. 4. A new detached garage with driveway will be located forward and just to the west of the existing dwelling. The new dwelling will use the existing detached garage. A bike store is proposed in the rear garden. As a result of the proposal, no. 4 would have a frontage width of 14m whilst the new dwelling would have 11m.

SITE AREA

1000sqm.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

20 dph (based on 2 dwellings).

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

1.8m high fencing to the rear & side boundaries with addition of a hedge to no. 6 Peterhouse Close (but on no. 6's side). There is a lower height (approx. 1.6m) part wall/part fence to the front.

SITE CHARACTERISTICS

Existing grassed side garden to 4 Peterhouse Close. No. 4 is a single storey bungalow in brick & tile with a lean to conservatory on the east side. There is a detached brick & felt roof garage adjacent to the boundary with no. 6.

CHARACTER OF LOCALITY

Part of a residential estate comprising of detached bungalows. Frontage plot widths within the Close are as follows:

No. 2* - 15m;
No. 4 - 25m;
No. 6 - 16m;
No. 8 - 15m;
No. 11 - 16m;
No. 9 - 16m;

No. 7 - 21m;
No. 5 - 17m;
No. 3 - 13m; and
No. 1* - 13m.

(* nos. 1 and 2 are corner plots and are restricted somewhat by the open plan nature of Cambridge Drive)

It is noted that no. 2 has a double garage to its side which is forward of no. 4's building line. The proposed new garage will sit on the same building line as no. 2's garages.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council - "Members strongly objected to the proposed development, on the grounds that it would not respond 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 because it would have an unacceptable adverse impact on adjoining occupiers, land, uses or property and does not allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Therefore Members agreed that the proposed development is in direct conflict with Policy Gen. 7 (ii), (iv) and (vii) of the Arun District Local Plan 2003 and with the Aldwick Parish Design Statement development criteria (p61)."

Four letters of objection have been received from local residents. Grounds include:

- * Overdevelopment of the site;
- * Reduction in gaps to boundaries leading to terracing effect;
- * Forward projection of the new dwelling (termed as 4a);
- * New garage encroaches on to the front grassed area;
- * Minimal gaps between 4 and 4a & 4a and 6;
- * Emergency access issues;
- * Watercourse culvert beneath the site;
- * Road is not suitable for construction traffic;
- * Inadequate garden depth;
- * Inadequate internal space;
- * Impact on Streetscene; and
- * Lack of space between the two dwellings for maintenance.

Comments on Representations received:

Some of the issues raised above are not capable of being material planning considerations. These are:

- * Emergency access issues;

- * Road is not suitable for construction traffic; and
- * Lack of space between the two dwellings for maintenance.

It is also noted that the emergency access issue is concerning the lack of space between the 2 dwellings. Emergency vehicles will however be able to get right to the front of the 2 dwellings. The potential impact on the culverted watercourse will be dealt with at the building regulations stage.

The other issues raised will be analysed below within the conclusions section.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
PD Restriction;
Open Plan Condition;
Tree Preservation Order; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN9](#)
[GEN12](#)

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

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and Climate Change Mitigation
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; and Yapton. There are no plans to develop an Aldwick Neighbourhood Plan.

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 visual amenities of the locality and on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE & PROPOSAL

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual and residential amenity. The proposal is to erect a new bungalow on the existing side garden to 4 Peterhouse Close. In addition, a new detached garage will be created on land to the immediate northwest of the existing house.

CHARACTER & DESIGN

Arun Local Plan Policy GEN7 states that "Development will be permitted provided it:

(ii) 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;"

Although the plot has a large side garden which is itself uncharacteristic of other properties within the Close, it is not considered that there is sufficient space to accommodate a new dwelling here. As seen above under "Character of Locality", the widths of plots within Peterhouse Close range from between 13 and (excepting no. 4) 21m. However, the majority are around the 15-17m mark.

The proposal would result in a new dwelling with a frontage width of only 11m and this would be markedly smaller than the plots on either side. In addition, although not quantified here, the other plots within the Close all have relatively spacious gaps to their corresponding boundaries. The proposal on the other hand would be only 1m from the detached garage on the eastern side and the gap to the boundary with no. 4 would appear to be narrower.

It is also apparent that the front of the new dwelling would project slightly forward of the building line formed by no. 4. This is considered to be out of character particularly considering that the front of no. 6 is set back from the front of no. 4 by some 2.5m - and so it is expected that a new dwelling either be on the same building line as no. 4 or set back to create a slanted building line between 4 and 6.

The proposed new garage whilst forward of no. 4 is considered acceptable as it will sit on a building line formed by the two garages belonging to no. 2 and will be viewed in the same context.

RESIDENTIAL AMENITY

Arun Local Plan Policy GEN7 states that "Development will be permitted provided it:

(iv) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites"

The proposed dwelling is a bungalow and so all new windows will be at ground floor level. Furthermore, the site is bordered by 1.8m high fencing. It is not considered that the proposal will result in any overlooking of neighbouring properties and given the building heights, neither will any loss of light or overshadowing occur.

INTERNAL & EXTERNAL SPACE STANDARDS (Policies D DM2 & D DM3)

Certain policies within the emerging local plan have been approved for development management purposes. These include policies which seek to ensure that future residential occupants are provided with a satisfactory amount of indoor living and outdoor garden space. Following a thorough analysis of the proposal versus the internal and external space standards policies, it is considered that:

* The proposed dwelling complies with Policy D DM2 in that the standard for a 3bed/5person single storey dwelling is 86m² and the dwelling provides 110.7m²;

* The proposed dwelling complies with Policy D DM3 in that the standard for a 3bedroom detached dwelling is 85m² and the rear garden provides around 95m² worth of space. However, the proposal does not have the requisite 10m depth of garden and this is considered to be further evidence of the inadequacy of the plot size; and

* The existing dwelling would be left with 135m² worth of garden space with a depth of between 9.5 and 10.5m (which is as per the existing situation).

SUMMARY

It is considered that this plot is too small to accommodate a new dwelling whilst maintaining the character of this residential cul-de-sac. It is therefore recommended that permission is refused for the following reason:

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 a neutral impact has 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

Although a Section 106 legal agreement relating to an affordable housing payment of £6,123 has been submitted to and validated by the Council, under new rules published by the Government in December 2014, Council's are no longer allowed to levy an affordable housing contribution on schemes of less than 10 dwellings. Therefore, the deed has no relevance to the determination of this planning application.

RECOMMENDATION

REFUSE

- 1 The site by virtue of its size, is considered unsuitable to accommodate an additional dwelling with private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which along with the proposed forward projection would be detrimental to the character and amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and Policies D DM1 and D DM3 of the Arun Local Plan (2011 - 2031) Publication Version (October 2014).
- 2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.
- 3 INFORMATIVE: Please note that although a Section 106 legal agreement relating to an affordable housing payment of £6,123 has been submitted to and validated by the Council, under new rules published by the Government in December 2014, Council's are no longer allowed to levy an affordable housing contribution on schemes of less than 10 dwellings. Therefore, the deed has no relevance to the determination of this planning application.