

PLANNING APPLICATION REPORT

REF NO: **AW/269/11/**

LOCATION: Land to the rear of
 259A Aldwick Road with access
 from Countisbury Close Aldwick

PROPOSAL: Removal of existing detached garage & proposed single residential dwelling (re-submission of AW/110/11/).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a two storey two bedroom dwelling measuring 6.4m in width, 9.9m in depth and 5.9m (maximum) in height.
SITE AREA	Approximately 285 square metres.
RESIDENTIAL DEVELOPMENT DEN	Approximately 35 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	There is a medium sized Birch tree to the front of the site and this is to be retained.
BOUNDARY TREATMENT	Close boarded fencing approximately 1.8m in height surrounds the site.
SITE CHARACTERISTICS	The site is occupied by a detached garage served by a tarmac driveway which has access from Countisbury Close. There is a fenced off lawn area directly to the north east that is used by the residents of the residential flats at No 259 Aldwick Road.
CHARACTER OF LOCALITY	The site is located within a residential cul-de-sac which is characterised by terraced and semi-detached two storey dwellings with occasional detached dwellings that are organised in a linear arrangement, set slightly back from the road with open frontages and grass verges helping to produce an open and spacious character and appearance. No 259 Aldwick Road is a substantial two storey property which has been converted into flats which backs onto the site.

RELEVANT SITE HISTORY

AW/34/90	One detached four bedroom house and double garage to serve existing and proposed dwellings	Refused 19-03-1990 Appeal: Dismissed 31 10 1990
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AW/269/11/

AW/74/90	Detached four bedroomed house with integral garage and formation of new access to serve existing dwelling	Refused 04-07-1990 Appeal: Allowed 31 10 1990
AW/155/90	Outline Application for conversion of No. 259 Aldwick Road to 4 self contained flats and erection of 2 detached four bedroom houses with integral garages together with new access and parking.	Refused 13-12-1990 Appeal: Dismissed 15 05 1991
AW/171/90	Outline Application for construction of six 2 bed self contained flats and conversion of house to four 2 bed flats with on site parking	Refused 13-12-1990
AW/202/90	Outline Application to re-develop site by demolishing present buildings and erection of two four bedroom houses with integral garages and a 2 storey detached building divided into 6 self contained flats together with access and parking.	Refused 27-02-1991
AW/1/91	Outline Application for conversion of No 259 Aldwick Road to 4 self contained flats and erection of a detached 4 bedroom house with integral garage and parking spaces as shown and to move approved driveway further away from protected tree	Refused 01-07-1991
AW/17/91	Outline Application to convert and extend 259 Aldwick Road into 4 self contained two bedroom flats and to build into Countisbury Close, a three bedroom chalet bungalow using approved accesses - note, additional car parking	Refused 01-07-1991 Appeal: Part Allowed 10 12 1991
AW/11/95	One detached 3 bedroom chalet bungalow	Refused 27-04-1995 Appeal: Dismissed 25 10 1995
AW/40/96	Two bedroom detached bungalow	Refused 10-05-1996 Appeal: Dismissed 01 10 1997

AW/166/99/	Erection of single residential dwelling	Refused 09-11-1999 Appeal: Dismissed 01 09 2000
AW/110/11/	Removal of existing detached garage & proposed single residential dwelling	Refused 06-07-2011

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

3 Letters of Objection (2 from same address)

Plot is too small to accommodate a dwelling.

Inconvenience and repercussions stemming from the demolition and construction phases of the development.

Chalet style property would not be in keeping with the other properties in the area.

Light would be affected by the dwelling and would block out light to my side and back windows.

Narrow road and access to the site would cause major problems regarding safety, noise and disruption to the access to Countisbury Close.

Previous applications have been submitted and have been refused and the Council should also stop future applications being re-submitted and rejected wasting time and council money that could be used on other local services.

The only change is that the application has been submitted by a development company rather than an individual.

Traffic in the area would be increased as the owners may have 2, 3 or 4 vehicles.

3 Letters of Support

For years this site has been a scruffy unused plot with broken fences, uncut grass etc. and the proposed new dwelling would improve the appearance of the site.

Comments on Representations received:

Comments noted.

The proposed application site is of an acceptable size to accommodate a dwelling.

Inconvenience or other problems caused by building works in the course of construction is not a material planning consideration.

The chalet style property is not considered to be out of keeping with the surrounding area being lower in height than neighbouring properties.

The dwelling would be set in line with the neighbouring property No 5 and sited approximately 2.1m away so it is not considered that this would create any harmful overshadowing or loss of light.

The Council cannot stop the submission of a planning application on a particular site even though there have been previous applications and have no control who submits the application.

Parking has been provided to the front of the site but the Council has no control over the number of vehicles that may be owned within the property.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	DEV17	Affordable Housing

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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

CONCLUSIONS

The site is within the defined built up area boundary where the development is acceptable, subject to compliance with relevant development plan policies. On June 9th 2010 the Government

announced a revision of PPS3 Housing and while the changes to PPS3 amend the approach in respect of development on residential garden land, they do not state that such development is necessarily unacceptable.

The site lies within a residential cul-de-sac characterised by terraced and semi-detached two storey and detached dwellings. The application site has been the subject of several applications for a single dwelling since 1990, many of which have been dismissed on appeal. The most recent application AW/110/11 for a single dwelling was refused on the 6th July 2011 on the basis that the dwelling would result in a cramped form of development and would affect the setting of 259 Aldwick Road and also that the affordable housing provision had not been formulated.

The previous application AW/110/11 was for a two storey three bedroom dwelling. This application has overcome the previous issues raised by the introduction of a smaller dwelling which has a hipped roof and is approximately 2.1m lower than the previous dwelling. The chalet style property has two bedrooms with a dormer window on the northern side and a new bay window has been added to the front elevation. The bay window, rendered finish and timber cladding is in keeping with the elevations of the neighbouring property No 259 Aldwick Road.

The neighbouring property No 5 Countisbury Close is sited approximately 2.1m away and this property has an obscure glazed window on the ground floor facing the application site. With its hipped roof, lower height and the absence of windows at first floor level on the north side flank wall of the dwelling it is not considered that the residential amenities of the occupiers of this property would be detrimentally harmed by way of overbearing affect, harmful overshadowing, overlooking and loss of privacy. With the removal of the garage it would leave a substantial gap between No 259A Aldwick Road and with a distance of approximately 10m between its north facing flank wall and the rear elevation of flats at 259 Aldwick Road it would retain a visual break when viewed from Countisbury Close and No 259 would still appear as a prominent feature in the street scene which addresses the issue raised by the Inspector in relation to the proposed dwelling and its affect on the setting of No 259.

There are no proposed changes to the existing access onto Countisbury Close and the property has parking provision within the site. The Birch tree to the front of the site is to be retained with refuse and recycle bin storage being provided to the rear of the site.

The dwelling being set in line with the neighbouring property No 5 Countisbury Close and its open frontage it is not considered that this would appear out of character with the surrounding residential area.

An interim Affordable Housing Policy was approved by Full Council on the 18th August 2010. The policy states that the interim policy is in accordance with PPS3 Housing and for developments of 1-14 units an affordable housing provision of 15% will be sought district wide. A legal agreement for £9.128.00 has been signed for this application.

It is therefore recommended that the application be approved, subject to the following conditions.

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: Site 1:1250 received on 24th October 2011, Site Layout 1:200 Drg No 002, Sight Lines 1:100 Drg No 003 & 004, Floor, North & South Side Elevations 1:100 Drg No 001 received on 15th December 2011.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed dwelling have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in the south side elevation of the dwelling hereby permitted which adjoins the side boundary with No 5 Countisbury Close without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 The dormer window on the north side elevation of the dwelling shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no roof extensions or dormer windows shall be constructed on the dwelling unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 The dwelling shall not be occupied until the parking space shown on the submitted plan has been provided and constructed. The area of land so provided shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such screen walls or fences have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 9 INFORMATIVE: If the area of ground covered by the hard surface exceeds 5 square metres then the hard surface should be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable area or surface within the curtilage of the dwellinghouse.

- 10 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN5, GEN7, GEN12, DEV17

NATIONAL POLICIES: PPS1, PPS3, PPG13

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.