

**Recommendation Report for Planning Permission**

**REF NO:** A/10/15/PL

**LOCATION:** Land at West Drive  
Ham Manor Estate  
Angmering

**PROPOSAL:** 2 No. detached houses with garages. This is a Departure from the Development Plan.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

The proposal is for 2 detached 4 bedroom dwellings. They would be 2 storeys high with heights of 8.82m and 8.92m, widths of 11m and 10.8m and depths of 9.4m. they would have clay roof tiles and a mix of tile hung, brick and rendered elevations. The dwellings would each have a triple garage located within the front garden area which would be constructed of plain clay tiles and brick elevations.

**SITE AREA**

0.25 hectares

**RESIDENTIAL DEVELOPMENT DENSITY (NET)** 8 dwellings per hectare

**TOPOGRAPHY**

Slightly uneven. Land rises from West Drive.

**TREES**

Many mature trees on southern and western boundaries.

**BOUNDARY TREATMENT**

Open to north and east. Mature trees south and west

**SITE CHARACTERISTICS**

Open area of land. Clearance work has previously taken place.

**CHARACTER OF LOCALITY**

Private residential estate, located Outside the Built up Area Boundary. The surrounding dwellings are mixed in character. Predominantly two storey detached, semi-detached and terraced properties

**RELEVANT SITE HISTORY**

|           |                                                                                                                               |                                    |
|-----------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| A/110/06/ | Outline application for erection of 2 No.detached dwellings and detached double garages (Departure from the Development Plan) | ApproveConditionally<br>29-09-2006 |
| A/190/06/ | Approval of reserved matters following outline                                                                                | ApproveConditionally               |

|           |                                                                                                                                                                                        |                       |                                                            |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------|
|           | planning permission A/110/06 for erection of two detached dwellings & detached double garages                                                                                          | 22-02-2007            |                                                            |
| A/117/07/ | Construction of 4 no detached houses with associated access and parking.                                                                                                               | Refused<br>10-10-2007 |                                                            |
| A/14/08/  | Construction of two pairs of semi detached houses with two single garages and one double garage.                                                                                       | Refused<br>20-03-2008 | <i>Appealed</i><br><b>Appeal: Withdrawn<br/>09 06 2008</b> |
| A/56/12/  | Erection of a terrace of 4 no. dwellings & 1 no. single detached dwelling with additional landscaping & off-street parking (this application is a Departure from the Development Plan) | Refused<br>17-01-2013 | <i>Appealed</i><br><b>Appeal: Dismissed<br/>27 06 2013</b> |

## REPRESENTATIONS

### Representations received:

Angmering Parish Council

Objection - The proposed structures are not compliant with Neighbourhood Plan policy HD5, as the heights of their projected roof lines are not in keeping with roof heights in the surrounding area. The proposed structure is also likely to be overbearing on neighbouring properties and will overlook the property immediately to the north. A proper archaeological investigation of the site would be required prior to any development.

3 letters of objection - New development does not reflect the character the character of the setting and local surroundings. The plot itself is markedly raised in comparison to neighbouring properties and the construction of a pair of 2 and a half storey properties on it would mean rooflines are not comparable to typical heights of existing buildings in the immediate surrounding area, contrary to Angmering Neighbourhood Plan policy HD5 and policy GEN7 of Arun District Local Plan. The new buildings would dominate the area and be overbearing, particularly to the properties to the north and east side of West Drive and with windows overlooking them, will severely intrude on privacy of these residents. Application reference is incorrect which may prevent people from commenting.

High rooflines and windows will encourage use of the roof area as a living area. The site is already on raised ground.

Roof profile is greater and more prominent than buildings previously approved. Will over power other properties.

### Comments on Representations received:

Comments in relation to the appearance and height of the dwellings being overly large and out of keeping are agreed. The length of the rear gardens are adequate to preclude any adverse overbearing or overlooking impacts to adjoining residential properties.

## CONSULTATIONS

Southern Water Planning  
Engineering Services Manager

Engineers (Fluvial Flooding)  
WSCC Strategic Planning  
Arboriculturist

**Consultations responses received:**

Southern Water - No Objection. Request informatives are included in any decision.

Engineers - No Objection. Standard conditions requested

Arboricultural Officer - No Objection

County Highways - No Objection. Request conditions relating to cycle parking and vehicle parking are imposed. Response did not include County Archaeologist comments, but previous comments on A/56/12 stated 'No objection. Taking into account the very small size of the development footprint, and its distance from known archaeological sites, no archaeological mitigation measures were considered necessary'.

**Comments on Consultation responses:**

Comments noted

**POLICY CONTEXT**

Designation applicable to site:  
Outside built-up area boundary  
Tree Preservation Order A/1/06

**DEVELOPMENT PLAN POLICIES**

[Arun District Local Plan 2003:](#)    GEN12  
                                                 GEN16  
                                                 GEN2  
                                                 GEN3  
                                                 GEN7

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

Parking in New Development  
Public Rights of Way  
Built-up Area Boundary  
Protection of the Countryside  
The Form of New Development  
SD SP2 Built-Up Area Boundary  
C SP1 Countryside  
D DM1 Aspects of Form and Design Quality  
D DM2 Internal Space Standards  
D DM3 External Space Standards  
D SP1 Design  
Built Form

[Angmering Neighbourhood Plan 2014 POLICY HD5](#)

**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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Policy HD5 of Angmering Neighbourhood Plan - Built Form is considered relevant.

#### **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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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**

**PRINCIPLE:**

The application site is located Outside the Built Up Area Boundary, where the principle of new development will usually be resisted other than in exceptional circumstances. It is noted however that exceptions within the immediately surrounding area, with residential properties being located to the north, east and west sides of the application site. Further, planning permission for 2 no. detached houses (ref: A/110/06, A/190/07 and A/56/12) on the application site have been granted and the principle of residential development on the site has therefore been accepted.

**VISUAL AMENITY AND CHARACTER OF THE AREA:**

The proposal maintains the number of units previously approved on the site under A/56/12, but seeks agreement to a different style and height of the dwellings. The plot sizes are comparable with others in the locality and the footprints are largely as previously approved, but the height has increased slightly to allow for accommodation in the roof and the roof shape and size has increased on both plots. Whilst the dwellings would be set back from the West Drive site frontage, in a similar position to the existing dwellings to the north and would therefore retain a perception of space around the development in keeping with the character of the area the height and bulk of the roof areas have increased to an extent that results in development which is prominent and obtrusive in the street scene. The presence of the buildings and the roof area is further heightened by the slightly sloping and elevated nature of the site.

The increased roof heights on their own have not directly resulted in an adverse effect on visual amenity. It is the height combined with the change in roof shape and bulk which has contributed to the prominence of the development. The roof heights when compared with planning permission A/190/06 have increased by 0.26m for plot 1 and 0.53m for plot 2 and the ridge line has increased in length on plot 1 by 3.5m and on plot 2 by 5m. The roof area of the dwellings is readily visible and no longer tapers above the eaves, but extends upwards. This has resulted in dwellings which appear wider in relation to their plot widths and top heavy. The surrounding properties are 2 storey, not 2 and a half storeys and dormers are not a design feature in the locality. The proposed dwellings would therefore appear prominent and out of keeping in this area.

**RESIDENTIAL AMENITY:**

The site is located within existing residential development, but given the location of the dwellings, their layout and the presence of existing trees and vegetation it is not considered any adverse overbearing or overlooking effects would result to existing residential properties. The dwellings would be 43m from the rear boundary. These distances are considered adequate to preclude adverse overbearing and overlooking effects.

The Emerging Local Plan contains policies relating to external and internal space standards for new development. The proposal meets the external space requirements and complies with the Essential Gross Internal Floor Area standards, but bedroom 4 on each plot is below the 8 square metre standard for single bedrooms.

**HIGHWAYS:**

County Highways have no objection to the proposal in terms of access, parking or highway safety. Three parking spaces are provided per unit.

**TREES AND LANDSCAPING:**

The proposals seek to retain the TPO trees on the site and the existing tree belts which would be enhanced by new tree planting to replace trees previously felled. This additional planting would

reinforce the boundary screening and visually soften the appearance of the development.

**CONCLUSION:**

The application is therefore recommended for refusal for the following reason.

**HUMAN RIGHTS ACT**

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 (the right to respect for 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 neutral 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).

**RECOMMENDATION**

**REFUSE**

- 1 Given the width, height and design of the dwellings the proposal would represent a prominent form of development which would be out of keeping with the present character of the area and detrimental to the visual amenities of the locality in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 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.