

Recommendation Report for Planning Permission

REF NO: A/146/19/PL

LOCATION: Land rear of 1 The Heathers
Arundel Road
Angmering
BN16 4LE

PROPOSAL: Demolition of existing storage building & erection of a 3-bedroom chalet bungalow with associated parking & landscaping. This application affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of existing storage building & erection of a 3-bedroom chalet bungalow with associated parking & landscaping. The proposed dwelling would be located at the rear of the existing development in the locality and would be the height of a typical chalet bungalow. Amended plans were received on 17th December 2019 following discussion with the Agent. These amended plans replace the originally proposed dormer window on the rear roof elevation with 2 No. roof lights. The depth of the rear elevation has now also been reduced and the rear elevation has been squared off. Part of the front elevation has also been brought slightly forward.
SITE AREA	The site has an area of 0.07Hectares or 614sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is an existing 2m high close boarded fence to the eastern boundary that will be removed as part of the proposals to accommodate for new low level planting. A new paved side path and entrance is proposed as per the proposed site plan, along with a rear garden with tree and hedgerow planting where appropriate.
SITE CHARACTERISTICS	The site is currently occupied by an existing storage building with a footprint of 37.2m ² which is proposed to be demolished. This storage building is on an elevated platform which gives the impression it is higher than it is from the perspective of neighbouring dwellings. The site sits between two garage

blocks to the south of Lloyd Goring Close, Angmering. The site can be accessed by pedestrians from the east off a public tway that joins Lansdowne Way and Lloyd Goring Close. The site is also accessible by vehicle from a driveway off Lansdowne Way that leads to a set of garages, one of which is proposed to serve the new dwelling. To the east of the site is a terrace of 4 houses approved under planning reference A/78/09. These are accessed from Lloyd Goring Close.

CHARACTER OF LOCALITY

The surrounding area is predominantly residential with the surrounding housing mostly two-storey semi-detached and terraced houses, with terraced garages surrounding the north and south site boundary. To the South of the site and to the south of Lansdowne Way there are several bungalows and chalet bungalows.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council - No comments received.

14 Letters of objections received.

- The access to the build site is not suitable and would not only be a nuisance but would result in a dangerous situation for both pedestrians and residents.
- With only 1 parking space the proposal would not meet Council's parking guidelines.
- There has already been 700+ new properties built in Bramley Green and there's a proposal for a further 300 to 400 new properties in Dappers Lane.
- The proposed would result in overlooking into nearby dwellings in Arundel Road and Claremont Close.
- The proposed is an overdevelopment of a previous rear of garden site (0.02 hectares).
- The site is not a brownfield site as indicated by the applicant.
- The proposed would be a significant increase in footprint over the existing outbuilding.
- There are no finished floor levels, eave or ridge heights shown.
- No measured topographical survey has been submitted.
- The site slopes upwards and is approx. 1.5m plus higher than the properties of No. 1-6 The Heathers which would exacerbate the overlooking concerns from the ground floor.
- The double height glazing on the east elevation will overlook habitable rooms along existing properties in Arundel Road, especially No. 70, to 1-6 The Heathers.
- More distances to nearby dwellings should be shown on the plans.
- The application form does not show the increase in floor area.
- The garden area is shown as 70sqm. Presumably this includes the surrounding paths and front garden, which shows the useable garden area is significantly less.
- The Ecology checklist suggests no known protected species on site. Bats are often seen flying across these gardens. A Phase 1 habitat survey should be undertaken
- This rear garden site is landlocked and has no private access direct from a public road.
- There is no turning space for construction vehicles.
- Approving this proposal would lead to a precedent for further infill development.
- Emergency vehicles will not be able to access the site.
- There is no surveillance required for the existing footpath.
- The existing foul drainage is already at capacity as drains are often blocked.
- The shed to be demolished has an asbestos roof.

A response from the agent to these objections was also received. The points made are:

- The site is clearly brownfield. It is independent of 1 The Heathers and has an existing building on it which will be replaced by the proposed house, clearly meeting the definition of brownfield.
- We have shown through the drawings and Design & Access Statement that the plot is suitable for the chalet proposed, with an appropriate garden providing suitable amenity space for the proposed residents, respecting all separation distances and creating no overshadowing or overbearing impact.
- The foul drainage is not at capacity. The connection will be made via Southern Water in due course and can be made either to Lloyd Goring Close or Landsdowne Way via the usual procedures dependant on Southern Water's preference.
- The development sets no precedent as it is an individual site which does not have any similarities with any of the surrounding area. As such this application can be treated individually without any risk of creating precedent.
- There is a clear and justifiable need for housing - Arun District Council cannot provide a 5 year housing land supply.
- The fact that the site opens onto a footpath is seen as a positive aspect of the application. At present the footpath is not overlooked for a large portion. This dwelling will greatly improve passive surveillance onto the footpath in accordance with Secured By Design principles. Arun District Council approved the Red Admirals bungalows in Angmering which provided a near identical relationship to a previously un-surveilled twitten.
- There will be no obstruction of the garage compound. The builder will be required to provide a Construction Plan that confirms how materials will be brought onto site without affecting existing resident parking. Noise restrictions and working hours will be presumably conditioned.
- There is no need for a contamination survey. The roof of the existing building is concrete panels and not asbestos. If asbestos is found then it will be dealt with as required under law.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of comments will be addressed in the conclusion section of the report. However, only material planning considerations will be addressed.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

WSCC Highways- No objections subject to conditions.

The Council's Drainage Engineers- No objections and no conditions.

Parks & Landscape Officer- No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Consultee comments will be addressed by conditions

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant policies of the Angmering Neighbourhood Plan (ANP) have been taken into account.

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 represent an overdevelopment of the site resulting in a cramped development, would not provide a satisfactory living environment for future occupiers or be in keeping with the established pattern of development in the area and would fail to integrate visually with its surroundings harming the character of the street scene.

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 site lies within the built up area boundary where residential development is acceptable in principle. In this case the key policies are deemed to be D DDM1 and D SP1 of the Local Plan.

Policy SD SP1 of the Arun Local Plan states: "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 (NPPF)."

Policy SD SP2 of the Arun Local Plan states that development should be focused within the BUAB and will be permitted, subject to consideration against other policies of this Local Plan.

Paragraph 118(d) of the NPPF states: "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 AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

Angmering Neighbourhood Plan (ANDP) policies HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design and HD7 Housing Density are relevant. HD6 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, HD7 states that if the density of new development is higher than the immediate surrounding area it will be refused.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

In terms of density, D DM1 requires that housing makes 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. The policy requires the scale of development to keep within the general confines of the overall character of a locality.

The position of the site and its size would result in development that is not in keeping with the general pattern and scale of development in the locality. The dwelling would be positioned close to the eastern boundary of the site. Following the submission of an amended plan on 17th December the level of amenity space has been increased. There is a row of garages (10 garages on the northern side and 7

garages on the southern side) 1m and 0.7m from its Northern and Southern boundaries respectively which although keeps space to allow for bin and bike storage at the rear hems in the proposed dwelling and looks visually at odds with the garages on both sides resulting in a constrained development out of keeping with its near surrounds.

Having regard to the existing character and layout of the area, it is considered that the proposal would have a constrained and cramped appearance not in keeping with the established layout and pattern of development failing to integrate with its surroundings and thereby harming the character of the street scene. The proposals would therefore conflict with policies D DM1 and D SP1 of the Arun Local Plan and policy HD5 of the Angmering Neighbourhood Plan which requires development of good design, to make efficient use of land, but in the same way respond to the character of the area.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires the LPA to 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."

None of the ANDP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127).

QE SP1 of the Arun District Local Plan states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

The front facing dormer window in the proposed dwelling would face onto the side elevation of No. 4 Claremount Cottages approx. 7m away where privacy would not be significantly affected due to there only being one side facing 1st floor bathroom window which is obscure glazed. In terms of any other overlooking the proposal would be between 20m and 23m from its nearest neighbour to the rear No. 1 'The Heathers'.

Following a reduction in size of the proposed dwelling the rear elevation would now be squared off and there would be a distance of approx. 23m kept between the proposed rear elevation and the nearest neighbour at the rear. A tree and hedgerow boundary is proposed for this western boundary and the rear facing dormer has been replaced with 2 No. rooflights. This rear garden would now be 8.5m in depth and 10m in width which complies with Policy D DM3 which seeks to provide 85sqm of private amenity space. The removal of the dormer would maintain privacy levels and reduce potential overlooking to an acceptable level in this built up area.

Due to the distances and angles involved it is not felt any other neighbour would be significantly affected by the proposal.

In Section 12 of the NPPF 2019 'Achieving well-designed places' the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 (f) states that planning policies and decisions should ensure that developments: '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'.

The site and this proposal would provide an inadequate living environment for future occupiers. While providing adequate amenity space in the rear garden the dwelling would be hemmed in by 10 garages on

its northern side and 7 garages on its southern side. Due to their height and number these rows of garages would provide a very enclosed amenity space and provide a poor overall environment in which to live. Vehicle comings and goings would add to this unsuitable living environment.

Accordingly the proposal is not considered to comply with QE SP1 of the Arun District Local Plan & Section 12 of the NPPF 2019 'Achieving well-designed places'.

HIGHWAYS & PARKING

One parking space is proposed. WSCC have commented and have no objections to the proposal. The existing garage is not large enough for a car but there is another car parking space at the front of this garage. Whilst this represents an under provision the sustainable nature of this location makes the level of off street parking provided acceptable.

CONCLUSION

The site is a brownfield site and satisfies the principle of development but due to the constricted nature of the site, hemmed in on both side by long rows of garages it is felt the proposal would fail to provide adequate living environment for future occupiers and be out of keeping with the character of the area.

The application is therefore recommended for refusal for the reason given overleaf.

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 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

Enter Summary of Details of the Section 106

RECOMMENDATION

REFUSE

- 1 The proposal would have the appearance of an unduly cramped form of development which would have an unacceptable impact on the established pattern of development in the locality in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policy HD5 and HD6 of the Angmering Parish Neighbourhood Plan .
- 2 The site, by virtue of its surrounds is considered unsuitable to accommodate a dwelling that provides a suitable living environment for future occupiers in conflict with policies D DM1 and QE SP1 of the Arun Local Plan.
- 3 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons 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.