

Recommendation Report for Planning Permission

REF NO: A/158/18/PL

LOCATION: Land Rear Of 1 To 6
The Cottrells
Angmering
BN16 4AF

PROPOSAL: Variation of condition 1 imposed under A/8/18/PL relating to the substitution of approved plan drawings NO ADC 962 04 rev A & 13 rev B for drawings No ADC 962 20 & 21 (ground & first floor plans & roof plan). This application affects the character & appearance of the Angmering Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application amends planning permission A/8/18/PL and comprises the following changes: The kitchen at ground floor has been amended to a bedroom and the kitchen/dining room has been relocated to part of the lounge at first floor. One of the approved bedrooms is now annotated as a study.
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	33 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Walling enclosing part of frontage and side boundary to approx. 1.5m height and close boarded fencing to the rear to approximately 1.8m height on top of flint walling to rear. Small section of flint walling to 2m in height in rear corner of site.
SITE CHARACTERISTICS	The development has almost been completed and the unit is occupied.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of dwelling type and design and plot sizes. The site is located within the Conservation Area which is defined as the historic core of the village.

RELEVANT SITE HISTORY

A/8/18/PL	Variation of condition 2 imposed under A/173/16/PL to read 'the development to be carried out in accordance with the following approved plans ADC 962/04 REVA, ADC962/13 & ADC962/14 relating to slight repositioning & change in size of building, revised position of rooflights on east, north & south elevations. This application affects	ApproveConditionally 19-06-18
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the character & appearance of the Angmering Conservation Area.

A/162/17/PL	Application for Variation of Condition 2 imposed under A/173/16/PL to include 2 No. dormer windows in lieu of rooflights, a gable end to the south elevation & a juliet balcony in lieu of window to west elevation. This application affects the Character & Appearance of the Angmering Conservation Area.	Refused 15-11-17
A/64/17/DOC	Application for approval of matters reserved by conditions imposed under A/173/16/PL relating to Conditions 3 - Schedule of materials, 5 - Construction site set up, 7 - Covered parking & secure cycle spaces & 9 - Landscaping scheme.	DOC Approved 20-06-17
A/53/17/PO	Modification of Planning obligation to reflect the planning permissions A/105/16/PL & A/173/16/PL relating to parking	Refused 17-05-17
A/173/16/PL	Application for Variation of Condition 2 imposed under A/105/16/PL for removal of boundary walls to north & south & replace with planting & granite kerb stones, reconfiguration of approved bin & cycle store to provide direct garden access through separate kitchen & Ground floor WC, provision of bins & cycles within approved car port & within rear garden area, minor changes to window & door positions. This application affects the Character & Appearance of the Angmering Conservation Area.	ApproveConditionally 13-01-17
A/105/16/PL	Reconfiguration of existing car parking area for 1 No. flat with 5 No. car-barns below (resubmission following A/8/16/PL). This application affects the character & appearance of the Angmering Conservation Area.	ApproveConditionally 08-09-16
A/8/16/PL	New single 2-bedroom dwelling. This application affects the character and appearance of Angmering Conservation Area	Refused 24-03-16

Planning permission A/158/18/PL granted permission for a 2 bedroom dwelling and was subject to conditions. Condition 1 approved numbered plans and condition 3 stated

'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the layout of the building shall not be altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the intensity of use of the development in detail on this relatively small plot in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.'

This proposal has been submitted to amend the layout as required by condition 3 and is seeking approval to an alternative internal layout which would alter the plans approved under condition 1.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection - The only approval on this site relates to A/173/16 which was for a 2 bed development primarily with rooflights. An attempt to change the building was made under the application A/162/17 which was refused. In practice it appears what was refused is what has actually been built.

The original application A/173/16 for this site was unwelcomed but has happened and this site should have only those plans and internal usage as well as external materials such as windows/roof lights and car parking spaces allowed. All other changes are a clear breach of approved planning and should be removed accordingly.

It is clear from the ADC report on A/162/17/PL why this latest application must be refused and we request you consider the planning officer reports to be an integral part of this objection to save the need to document them all again. The damage to the entire area and the extreme detriment to the Conservation Area is now visible for all to see.

The changing of a room name from Bedroom to Study on the first floor where the study as shown is over 10% bigger than Bedroom 2 means that the property is intended to provide 3 bedrooms.

The site cannot accommodate a 3 bed dwelling without a serious impact on the locality and in particular the availability of car parking spaces. Already a space approved as public parking has been secured against use by the public and reserved only for the dwelling.

In fact there is still no public parking available and the local residents have endured this impact of their lives for a considerable period of time.

In addition the Parish Council fully support the letters of objection from residents at The Cottrells and all the evidence documented as to how this site has been developed contrary to planning.

11 Objections

- A new resident has moved into the property between Christmas and New Year.
- The allocated parking space for the occupier has a chain across the entrance and is not being used by them. They are instead parking two vehicles in two spaces which are not allocated to this property.
- Need to use the space allocated to them and use parking on road for additional vehicles/visitors.

The developer has built the external and internal features of this dwelling to be very similar to the rejected application A/162/17.

- Construction started prior to the submission of application A/162/17 and continued even after the application was rejected until the building was completed.
- ADC's own report detailed the reasons for rejection very clearly and comprehensively. Over 50 3, 4 and 5 bedroom houses have been built in Angmering (off Roundstone Lane) since this construction was completed so there is no local, urgent requirement for a 2 bedroom dwelling to be converted to a 3 bedroom dwelling.
- The reclassification of one of the bedrooms as a study in this application when the room is larger than the adjacent bedroom is an attempt to pull the wool over the eyes of ADC's Planning Department.
- The dwelling has been built as a 3 bedroom property presumably to raise the potential sale value and profit for the developer.
- Builders were inconsiderate at every turn and the Developer is intimidating.
- The front curb has not been dropped, without this the two parking spaces at the front are null and void as it is an offence to drive over the pavement and a curb which has not been dropped. It seems that the developer thinks this is the Council's issue and not his.
- Rooflights are lower invading privacy.
- The S106 which is relating to this property states that these car parking spaces must remain for the use of all residents of The Cottrells. Why has this property been allocated a private car parking space which has been fenced off.
- Overdevelopment and intensification of use.
- Nothing has changed in the area and therefore a third bedroom remains an unacceptable overdevelopment of the site with a negative impact on the surrounding conservation area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The development has been approved and only changes to the internal layout can be considered as part of this proposal. These layout changes represent an intensification of the residential use and serve to potentially increase the number of bedrooms available.

CONSULTATIONS

Conservation Officer
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

The proposed plans indicate that the master bedroom has been relocated to the ground floor and the kitchen relocated from the ground floor to the first floor and integrated into the living room. As such, the plans indicate that a 'study' has now been provided on the first floor. The proposed alterations still result in a dwelling consisting of four habitable rooms and as such the WSCC parking demand calculator still anticipates that one parking space is sufficient. Any overspill parking resulting from the reconfiguration of the dwelling is an amenity issue.

The original plans indicate that the application was approved on the basis of the applicant providing one allocated parking space for the proposed dwelling and 6 unallocated parking spaces for the use of neighbouring residents of The Cottrells in order to satisfy the existing S106 requirements of the site.

The proposed parking arrangements were secured via condition under A/105/16 and A/173/18. It is noted that representations have been received stating that the allocated space has been cordoned off and the occupiers of the new dwelling are unable to park in this space. The blocking of this parking space for the residents of the new dwelling may equate to an enforcement issue.

This proposal would not have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Conservation Officer - The application appears to relate to internal alterations. As a consequence, it is considered that the proposal will have a neutral impact upon the Conservation Area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary.

Within designated Conservation Area.

DEVELOPMENT PLAN POLICES

DDM1 D DM1 Aspects of form and design quality

DDM2 D DM2 Internal space standards

HERDM3 HER DM3 Conservation Areas

HERSP1 HER SP1 The Historic Environment

TSP1 T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY EH1](#) Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

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

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.

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).

Policies HD6: Housing Layout & Design, HD8: Parking for New Developments and EH1: Development in

the Conservation Area of Angmering Neighbourhood Plan are 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 result in an unacceptable intensification of use at the site, which would adversely affect the residential amenities of the occupiers of the site.

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

PLANNING HISTORY

The proposal follows an earlier approval A/173/16/PL for a detached 2 bedroom dwelling which incorporated car parking at ground floor. The amenity area was limited and the property fitted tightly into the site with little space around. The dwelling had the appearance of flat style accommodation over parking and looked like a large ancillary building. Given the size of the dwelling and its close proximity to adjoining dwellings the proposal represented the maximum extent of accommodation that was likely to be acceptable on the site in terms of impact on residential amenity and the character and appearance of the Conservation Area. The application was approved with a condition restricting extensions and alterations in the interests of visual and residential amenity.

Planning permission A/8/18/PL granted permission for amendments to the roof light numbers and positions in the roof. The other alterations related to an increase in length of the rear elevation of the building by 0.1m and a revised internal layout to provide a larger lounge area and delete an en-suite bathroom at first floor. The ground floor kitchen/dining area was altered to a kitchen and the stairs were slightly re-positioned. This application was granted approval with a condition imposed restricting alterations to the internal layout which in turn controlled the intensity of use of the property.

VISUAL AMENITY AND IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

There are no external changes to the building proposed, but the impact of any displaced car parking on the visual amenities and character of the area can be considered as part of this application. The requirement for a 3 bed property is 1 space which is being proposed so there will be no materially adverse impact on the appearance of the area from on street car parking. The area is already dominated by car parking and restricted access.

RESIDENTIAL AMENITY

The 2 storey dwelling is located at the end of gardens fronting The Cottrells and High Street. It has an eaves height of 3m and a ridge height of 6.7m. The roof pitches away from the site boundaries and

given the design, siting and height of the structure it was not considered to result in materially adverse overbearing impacts. The structure has been approved.

At this stage the proposed changes include a first floor plan proposing the introduction of a study. Whilst the applicant asserts that it is not being used as a bedroom its size lends itself to it being used as such which would adversely impact on the residential amenities of prospective occupiers.

The rear garden size of approximately 28sqm to serve the property was previously permitted for a 2 bedroom unit. However a 3 bedroom property is fit for family use and would therefore require the provision of a safe and private outside area for children to use. The rear garden area now measures approximately 20sqm. There is a failure to provide adequate amenity space due to the amount of external space within the site being taken up by the proposed building and the car parking provision. The remaining space to the rear is extremely limited and does not constitute a usable amenity area.

Further, the site is not located in close proximity to a park or greenspace which could supplement the limited amenity space available. The space is not comparable to other developments within the locality. The area in front of the premises is not suitable and could not reasonably be used since it is a car parking area for residents.

The Local Planning Authority has recently been supported at appeal with the dismissal of a replacement dwelling at 5A Tuscan Avenue, Middleton where the Council, like in this instance, identified the insufficient provision of an outside amenity area.

In conclusion, the proposal would not provide adequate living conditions for future occupiers, having regard to the provision of usable outdoor space. It would therefore conflict with Policy D DM1 of the Local Plan and the Framework, particularly paragraph 127, which requires development to provide a high standard of amenity for existing and future users.

HIGHWAY SAFETY AND PARKING

As a 3 bedroom family property the demand for parking may increase from that required by a 2 bedroom property. A 3 bedroom property is more adaptable for family occupation increasing activity levels at the site and potentially add to the demand for on street car parking in an area that is already full to capacity with on street parking. Further on street parking is limited in extent given the cul-de-sac nature of the adjoining road. However, the amount of parking required by the West Sussex Demand Calculator is one space, which has been provided on site and County Highways have no objection to the amount of parking provided in terms of highway safety.

PLANNING OBLIGATION

The site is the subject of a planning obligation to provide the land for car parking by residents of some of the properties in The Cottrells and for no other purpose. No application has been approved to remove/discharge this obligation prior to submission of this application. The proposal retains some car parking for these properties in accordance with the Agreement as agreed by the Council's planning solicitor.

CONCLUSION

The application is therefore recommended for refusal 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 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.

RECOMMENDATION

REFUSE

- 1 Having regard to the location and limited area of outside amenity space the proposal would give rise to an unacceptable form of residential development which would be prejudicial to the residential amenities of future occupiers in conflict with policy DDM1 of the Arun Local Plan and the National Planning Policy Framework.
- 2 **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 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.