

Recommendation Report for Planning Permission

REF NO: A/193/20/PL

LOCATION: Ham Manor Cottage
Ham Manor Way
Angmering
BN16 4JQ

PROPOSAL: Erection of a 1 No. 3 bedroom chalet bungalow & detached garage. This site is in CiL Zone 3 and is CiL Liable as dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to erect a 3 bedroom chalet style detached dwelling in the side garden of the existing dwelling. The new dwelling would have habitable rooms within the roof space, served by dormer windows to the front and rear elevations. The proposal includes a pitched roof garage which is located between the existing and proposed dwellings and an in and out driveway. Revised plans have been submitted which reduce the size of the proposed garage and have allowed the dwelling to be shifted slightly back from the site frontage. However the plot size and dwelling size have not altered.
SITE AREA	665 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	15 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging to approx 2m
SITE CHARACTERISTICS	The application site is triangular in shape and currently forms part of the residential curtilage of the 2 storey detached dwelling of Ham Manor Cottage which is located to the North and is positioned at an angle on the site.
CHARACTER OF LOCALITY	The character of the locality is that of low density residential in spacious verdant plots featuring large detached properties of various designs and styles.

RELEVANT SITE HISTORY

A/116/15/HH	Single storey kitchen extension
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ApproveConditionally
21-09-15

REPORT_1011(ODB)

REPRESENTATIONS

Angmering Parish Council - Objection

The majority of the footprint of the proposed dwelling would be in front of the building line of this eastern length of Ham Manor Way. This layout is not characteristic to this area and would conflict with Arun Local Plan Policy D SP1, Arun's Design Guide Section M Pages 114 and 116, Angmering Neighbourhood Plan Policy HD5 and Nationally accepted guidelines.

25 Objections (including a petition with 22 signatures)

- Garden isn't large enough being approximately two thirds of the average plot size on the Estate
- Not in keeping with other properties.
- Land outside of applicant's ownership is included within the red edge of the application site and Notice hasn't been served.
- Additional dwelling will detract from the spaciousness of the estate and is not in keeping with the character of Ham Manor.
- Not consistent with the building line of existing properties and therefore a breach policy D SP1 of the local plan.
- The plot is not large enough to accommodate an additional dwelling and so is in breach of the Neighbourhood plan 4.7 and 6.8; as a result shows that the property is being squeezed in which supports the point above.
- A tree was recently felled (end of 2020) in preparation for this planning application and so biodiversity gain ignored along with substantial amounts of additional vegetation which will need to be removed should the proposal be approved.
- Contrary to covenants.
- Neighbours were not advised of proposal prior to submission.
- The building is too close to the existing property (which itself has already had two extensions granted) and will materially alter the valued spacious appearance of both it and the Estate in general.
- There are misleading statements in the application. The Planning Application A/55/19/PL did not set a precedent, as it was part of a longstanding overall planning approval for development in Ham Manor Way, and not a new development.
- It is claimed no trees or hedges are to be removed. In fact several mature trees have already been removed, presumably in preparation for this application. Much of the existing small tree and shrubbery planting on the road verge (owned by Ham Manor Golf Club) will have to be removed which will materially alter the street scene.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments on representations are addressed in the conclusion section of this report.

The proposal would not set a precedent if approved. Every application is determined on its own merits.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways- No Objection

- The proposed garage measures circa 5.8 x 5m which would be insufficient to accommodate two vehicles considering the Manual for streets requirements of 6 x 6m for a double garage, therefore it

would not be counted towards the parking provision.

- Request imposition of parking provision condition and electric vehicle charging point.

Ecology Officer - No Objection

- In line with Policy ENV DM5 of the Arun Local Plan information on Biodiversity Net Gain needs to be provided as part of the planning application prior to determination.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The biodiversity gains referred to by the ecology officer can be conditioned.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Adjacent to Public Right of Way

Adjacent to Local Green Space

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

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

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

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

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY CLW2 Protection of Local Green Spaces

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 relevant policies of the Angmering Neighbourhood Plan have been taken into account when considering this proposal.

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 a cramped form of development out of keeping with the character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site is outside of the built up area of Angmering (as defined by the Local Plan and Neighbourhood Plan) in a location that is not allocated for housing. However, the site is within an established residential curtilage where the principle of development is accepted provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Policies C SP1 of the Arun Local Plan and HD1 of the Angmering Neighbourhood Plan establish the Built Up Area Boundary of Angmering and seek to prevent development outside of the BUAB. The site does not encroach on the adjacent Local Green Space identified in the Arun Local Plan and adopted Neighbourhood Plan.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). The site is located within a defined residential curtilage and residential dwellings are located to the north and west of the application site. The impact of the development on the character and visual amenities of the area, given the proximity to residential dwellings, will therefore be the main policy considerations in respect of assessment of the location of the proposal. The principle of the development is acceptable given that it falls within a residential curtilage within an area established for residential use. The development would not adversely impact on the intrinsic character and beauty of the countryside and if found acceptable in terms of residential amenity and character would accord with other policies in the Plan as required by part (f) of policy C SP1. The

objective of policy HD1 of Angmering Neighbourhood Plan is to retain the rural character of Angmering and allow it to grow in a way that minimises its impact on the village. The proposal would not impact on the rural character of the village and would not conflict with this objective.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan (ALP) requires that the Council have regard to certain aspects including (1) Character - seeking that development reflects or improves upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

(2) Appearance/attractiveness - requiring development to demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area;

(13) Density - This should make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness.

(14) Scale - This requires the scale of development to keep within the general confines of the overall character of a locality

Furthermore, policy D SP1 "Design" requires development to seek to make efficient use of land and reflect the characteristics of the site and local area in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policies HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design and HD7 Housing Density of Angmering Neighbourhood Plan are relevant. Policy HD6 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, policy 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 6 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The proposed development is considered unacceptable by reason of conflict with the above policies by virtue of the plot size and shape which would have an adverse impact upon the character of the locality. Most properties along Ham Manor Way have a similar width and depth and there is a regular development pattern with dwellings fronting the roadway. Whilst the application site is larger it lacks the depth of width of other plots and the triangular shape allows the existing dwelling which is angled on the plot to accord with the spacious character of the area by utilising a tapering side garden area to provide compensatory space around the dwelling thus retaining the overriding character. The proposal seeks to develop this side garden area in a plot size which is significantly smaller than the established plot sizes in Ham Manor Way and its shape and lack of depth result in the garage and dwelling straddling the site with little space to boundaries. The existing garage and dwelling and proposed dwelling and garage would also extend across their reduced plot site width and the whole development would be viewed as continual built form across the site with no perceptible visual break. The extent of development coverage within the site would be out of keeping with the surrounding development and leave little opportunity for landscaping to establish along parts of the boundary.

The tapering of the site also results in the provision of a dwelling much closer to the site frontage than is characteristic and established by the built form in the locality. A depth of 3.2m is retained between the closet corner of the dwelling and the site frontage. Most dwellings to the north have a gap of approximately 5m. Given its forward and obtrusive siting the proposed 2 storey dwelling would be overly dominant and out of keeping in the street scene and would not accord with the prevailing pattern of

development in the locality. In addition given the limited space to site boundaries the dwelling would appear uncharacteristically cramped and the proposed dwelling would fail to appear integrated with the existing larger neighbouring properties and plot widths.

The Arun Design Guide part P requires infill development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality infill development which enhances amenity for surrounding and new residents. The guidance states that in most cases, new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as windows, doors and walls. The proposal is clearly contrary to this guidance.

The Guide recognises that infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, but this should not lead to overdevelopment and over-intensification of building plots - for example by building in the gardens or curtilage of existing dwellings. Development must also avoid adverse impacts on the privacy, noise pollution and overshadowing of existing or proposed dwellings. Infill development should provide sufficient access to new dwellings and incorporate appropriate car and cycle parking as per the Arun District Parking Standards including space standards and inclusive design. These issues are discussed below.

As discussed above this proposal does not retain sufficient space around the building in keeping with the character and does not complement the appearance of the development as a whole. It does not respect the scale of existing buildings or contribute to a sense of cohesion and unity. Therefore, the proposed dwelling is considered to conflict with policy D SP1, D DM1 of the Arun Local Plan and policies HD6 and HD7 of the Angmering Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. 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).

The proposal makes limited and unacceptable provision for private amenity space given its limited width and triangular tapered shape. Arun Design Guide (part H) suggests that outdoor residential amenity space should fulfil a variety of functions and accommodate a range of activities and should be of an appropriate size and shape and integrated with surrounding uses. It should ensure that amenity is not compromised by proximity to parking or refuse areas.

The proposed garden space would not accord with policy QE SP1 in that it would not have a negative impact on the residential amenity of future occupiers. The rear garden does not provide sufficient amenity space and it is difficult to see how any private rear garden area could be achieved with such a limited rear garden depth to the golf course. The Arun Design Guide Part H refers to residential amenity and outdoor space and policy D DM1 refers to the need for compliance with the Arun Design Guide. The Guide states amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres. The garden depth proposed does not accord with the generally expected 10.5m garden length referred to in the guidance. At its widest point the depth is 3.35m which narrows to 1.2m. This is way below the standard. The agent refers to the close proximity of the golf course and other opportunities for recreation, but the garden area itself would be used for sitting out, drying clothes entertaining and relaxing and it is too small and exposed for this purpose especially since a 3 bedroom dwelling is capable of family occupation. The side garden would not have the privacy usually associated with rear garden areas.

The re-siting of the dwelling closer to the host property has now resulted in a small section of the garden of the host dwelling being overlooked by a rear bedroom window in the new dwelling which is 3m from the shared boundary. This would be in conflict with policy D DM1(3) of Arun Local Plan.

Policy D DM2 of the ALP requires internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs in accordance with the Governments Technical Housing Standards (Nationally Described Space Standard). The 'National Space Standards' states that a 3 no. bed six person two storey dwelling should provide an internal floor area of 102m². The proposed floor area of approximately 150 sqm exceeds this and therefore the dwelling is in accordance with the standards.

PARKING & HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

In respect of parking, it is supportive of development which incorporates appropriate levels of parking in line with Arun Parking Standards and which considers the impact of development upon on-street parking.

Policy TM1 of the ANDP requires that new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during development and on completion demand. Policy TM2 of the ANDP gives support to proposals which improve or extend existing footpaths, footways or cycleways. Policy HD8 encourages all developments to meet West Sussex County Council parking standards

Regard should also be had to paragraph 109 of the NPPF which refers to refusal on highways grounds only if there would be an unacceptable impact on highway safety.

The proposed garage measures circa 4.8m x 2.75m internally which would be insufficient to accommodate a vehicle considering Arun's Parking Standard requirements of 6 x 3m for a single garage, therefore it would not be counted towards the parking provision, but would provide the required cycle parking spaces. The proposal, with a maximum of two off street car parking spaces, is considered acceptable in terms of access and parking and accords with Arun's parking standards. The advice of County Highways is agreed with where it states that it does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. It is not therefore considered that in highway and PROW regards there is any conflict with the adopted development plan policies or with the NPPF.

An electric vehicle charging point is required, but this could be addressed with the imposition of a condition.

DRAINAGE AND FLOODING

Arun Local Plan policy W DM2 seeks to limit development in areas at risk of flooding and W DM 3 discusses the need for sustainable urban drainage systems. Policy EH3 of Angmering Neighbourhood Plan requires new development to ensure that it does not increase the flooding impact on surrounding properties.

There is no statutory requirement for the submission of a Flood Risk Assessment for this proposal and therefore there is no Environment Agency involvement in the application.

Arun District Council Drainage Engineers do not raise any objection to the scheme and instead recommend that conditions will be appropriate and ensure that the site is satisfactorily drained. On this

basis, the application is considered to comply with the relevant development plan policies.

BIODIVERSITY

Policy ENV DM5 (Development and biodiversity) of Arun Local Plan requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. The Council's ecologist has been consulted and requested enhancements could be conditioned to ensure compliance with policy ENV DM5.

SUMMARY

The site by virtue of its width and size would result in development which is an unduly cramped and out of character with its surroundings. It would also have a limited and unacceptable amenity area to serve future occupiers of the 3 bedroom dwelling. It is therefore recommended that permission be refused for the following reasons.

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.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The site, by virtue of its size and shape, is considered unsuitable and insufficiently large to accommodate a dwelling and private amenity space satisfactorily without significant damage to the character of this established residential area. The proposal would result in an unduly cramped form of development which would be detrimental to the character and amenities of

the surrounding residential area, contrary to policies D DM1 and DSP1 of the Arun Local Plan, policies HD6 and HD7 of Angmering Neighbourhood Plan and Part P of Arun Design Guide.

- 2 The proposal is contrived in design and the limited and awkwardly shaped site area and amenity space would result in a form of development which would be detrimental to the residential amenities of existing and future occupiers contrary to policies DDM1 (3), (15) and QE SP1 of the Arun Local Plan and Part H of the Arun Design Guide.
- 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.