Recommendation Report for Planning Permission

REF NO: **A/205/16/PL**

LOCATION: Mayfield
Ham Manor Close
Angmering

PROPOSAL: Demolition of existing dwelling & erection 1 No. replacement dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the construction of a detached two storey, 4 bedroom dwelling with an attached garage. The materials would comprise handmade clay roof tiles and stock brick elevations.
SITE AREA	1530 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging to site frontage to approximately 1.2m height. Other boundaries comprise fencing to approx. 1.8m.
SITE CHARACTERISTICS	Detached chalet style dwelling with brick elevations and plain tile roof
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

A/78/61	4 bungalows and garages	ApproveConditionally 02-08-1961
A/109/61	Change of type of dwelling and erection of double garage	ApproveConditionally 22-11-1961

REPRESENTATIONS

Representations received:
1 letter of no objection
If granted, the work would require access by large vehicles over an extended period to a site

which has poor access. This has the possibility of significant disruption for other residents in this close: parking of vehicles in the street making driveways unusable; damage to verges as large vehicles struggle to turn into the site and blocking the close completely at times. This happened during the recent but much smaller works at Merry Cottage. I suggest you make it a condition of any grant that the site is opened up for parking and easier access and that no vehicles are to be parked on the road.
We DO like the design of the house very much; it is entirely sympathetic to the immediate vicinity.

Comments on Representations received:

The proposal relates to a replacement dwelling on a private residential estate. Access to the site from the highway is existing. Any parking on the roadway or damage to verges is essentially a private matter.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Archaeology Advisor

Consultations responses received:

Drainage Engineer - The application is for fewer than two properties outside of the Lidsey WwTW catchment area. If deemed necessary, apply ENGD2A

Archaeology Officer - It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN9	Foul and Surface Water Drainage
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design SD SP2 Built-Up Area Boundary W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD3 Parking Standards

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies HD4, HD5 and HD6 of Angmering Neighbourhood Plan are considered relevant. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited 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).

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

PRINCIPLE
The application site is situated within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies.

The National Planning Policy Framework (NPPF) states under paragraph 17 that decision taking should "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value".

Therefore, with the principle of the development being found acceptable it will be necessary to make an assessment of the proposals compliance with policy GEN7 of the Arun District Local Plan and the NPPF.

DESIGN AND VISUAL AMENITY
The proposed replacement dwelling will be situated in a similar position to the existing dwelling, but it will be re-orientated so that the front elevation is parallel to the road frontage and the footprint and overall size of the dwelling would be increased. The angled dwelling is currently out of keeping with the general pattern of development in the close. The proposed position of the dwelling would be no closer to the site frontage than the adjacent dwelling to the south. The proposed dwelling will be two storey in design with brick elevations and plain tile roofing. The property will have an eaves height of 2.4m and a maximum ridge height of 7.8m. The property will feature first floor dormer windows on the eastern and western elevations and bathroom/ en-suite windows on the side elevations at first floor. The attached garage and utility room to the south will measure approximately 6m in width, 9.8m in depthwith a ridge height of 4m and an eaves of 2.4m. The garage is located in a similar position to the existing and would be located adjacent to

the neighbouring garage.

Development in Ham Manor Close consists primarily of chalet style development. The proposed dwelling by virtue of its design, scale and the materials proposed is considered in keeping with the established character of the area and is not deemed to adversely impact upon the visual amenities of the locality when viewed in the context of the form of surrounding development.

The nationally described space standards would call for an internal floor area of 97m2 - the dwelling has been measured at providing approximately 300 m2 of gross internal floor area and as such is deemed to accord with both the nationally described space standards and policy D DM2 of the Emerging Local Plan.

RESIDENTIAL AMENITY
The proposed dwelling will be located at its closest point approximately 6m from the northern boundary of the site and 15m from the eastern boundary. The garage/utility room would be located adjacent to the southern boundary in the same position as existing, but would extend for a greater length. However the neighbour's garage is located in this position and it is not therefore considered that the proposal would give rise to unacceptably adverse overbearing impacts on the residential amenity of neighbours.

The proposed dwelling does not feature any first floor windows on the northern or southern elevations other than bathroom and en-suite windows and these are conditioned to be obscure glazed to preclude any materially adverse overlooking. The property will feature first floor windows on the rear eastern elevation which will face onto adjoining rear gardens, but will not result in any materially adverse overlooking given the minimum 18m distance to the neighbouring rear boundary and mature tree screening along the boundary.

The garden of the proposed dwelling would accord with others in the locality and would have a minimum depth of 15.2m in accordance with policy D DM3 of the Emerging Arun District Local Plan.

PARKING AND HIGHWAY
The parking to the dwelling will be amended to provide an additional access point to the driveway. However sufficient off-road parking is provided at the site.

SUMMARY
The application is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL
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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation

for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

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 1067.01.b and 1067.02 b

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level in the north or south wall of the building without the prior permission of the Local Planning Authority on an application in that behalf.

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

4 The first floor windows on the north and south elevation of the building shall at all times/be glazed with obscured glass and fixed to be non opening below 1.7m above the floor of the room in which the window is installed.

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

5 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.