

Recommendation Report for Outline Consent

REF NO: A/253/21/OUT

LOCATION: Land between 32 Downs Way
and 2 Ambersham Crescent
Angmering
BN16 1AB

PROPOSAL: Outline planning application with all matters reserved for the erection of 1 No bungalow dwelling with off street parking and private amenity space.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission with all matters reserved for 1No. detached single storey dwelling with parking and amenity space.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site features hedging that runs along the western boundary. The site fronts the road to the north and east elevation with a public bench facing north.
SITE CHARACTERISTICS	The site forms vacant open space with a footpath that runs along the north and eastern side. There is also a path running directly through the site.
CHARACTER OF LOCALITY	The area is predominately residential featuring similar style dwellings which have grassed front gardens with limited boundary treatment which meet with the highway.

RELEVANT SITE HISTORY

PAA/12/21/	Erect a 2 bedroom bungalow on plot.	Refuse Pre App 21-04-21
A/151/20/OUT	Outline application for all matters reserved for the erection of 1 No. detached dwelling with associated landscaping and parking.	Refused 11-11-20 Appeal: Allowed+Conditions 24-09-21

A pre app was refused in 2021. Following this, the proposal has altered the siting of the dwelling.

A/151/20/OUT was refused in September 2021 and is relevant site history being of a similar proposal located within a close proximity to the site. This was subsequently approved on appeal although differs from the proposal. The open space appears larger and allows the dwelling more comfortable siting and to be set in from the street scene. It also does not extend forward of the development line which extends north to the rear of the site and retains sufficient amenity space.

REPRESENTATIONS

Angmering Parish Council provided an objection:

- No notices were posted when a visit was made.
- Building on any of the green spaces would be detrimental to the general appearance of the area and give rise to a look of cramped buildings.
- The limited parking provision could lead to parking on the highway.
- Overall the proposal would have an adverse impact on the surrounding area and have an overlooking/overbearing effect.
- Contrary to ANP Policy HD5 and ADC Design Policy D SP1.

East Preston Parish Council, which is not far from the boundary, support the objection of Angmering Parish Council:

- The loss of green space should be avoided where possible.
- The plot is small and it is difficult to see how this would sustain a property.
- It would also have a negative impact on traffic management in the area.

32 letters of objection:

- The design is out of keeping with the surrounding area.
- It would remove the cross section of footpath and bench.
- It would limit visibility on the junction.
- Green areas should be kept.
- It will have a detrimental impact on neighbouring amenity which would be overshadowed.
- Concerned about work vehicles during construction.
- There are a lot of hedgehogs in the area and the proposal would impact wildlife.
- It would also involve the removal of well established hedges.
- Overdevelopment of a very small plot.
- There are two floors to the building.
- There appears to be only a small private garden space allowed at the rear of the property.
- This could completely change the look of the area.
- This will reduce light to other properties.
- What will happen to the right of way footpath.
- Fail to see how a development of this size can fit on such a small plot.
- Loss of privacy.
- The development would enhance the dangers at the junction.
- Removal of the bench and pathway would affect the elderly.
- Disruption from construction.
- Access to driveway removed.
- Additional dwelling to existing fragile sewage network.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

A site notice was posted on the 6/1/22 and the date for comments extended to ensure the notice was up for 21 days.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

No objection. An informative is required given that a Stopping Up Order would be required to implement the scheme if granted.

ADC DRAINAGE

Due to the scale and location, no conditions are requested.

ADC GREENSPACE

This appears to be an over development of this green plot and details of the proposals in line with Arun's Design Guide 2021 should be considered. Details have not been provided for consideration with this application re the existing trees and hedging which may be effected by the proposals and no landscape scheme has been submitted for landscape mitigation following loss of this green space.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up area boundary

CIL Charging Zone

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
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY HD5](#) Built Form

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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.

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 not considered to comply with relevant Development Plan policies in that the development of the site will result in the loss of a useable and valuable piece of informal open space and would serve to detrimentally alter the character and appearance of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. The other material consideration is the Council's current lack of a 5 year housing land supply, which means in the case of applications for housing provision, where development is sustainable, the National Planning Policy Framework's 'presumption in favour of sustainable development' is engaged. The impact of the proposals and any adverse impacts must therefore be assessed against the 'presumption in favour' in the tilted balance.

CONCLUSIONS

KEY ISSUES:

The key issues in the determination of this application are as follows;

- Principle of development.
- Visual and residential amenity.
- Site access and highways impact.

PRINCIPLE

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and 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 HD5 and HD6 of the Angmering Neighbourhood Development Plan state that development proposals will be supported providing that their scale, density, massing, height, landscape design, layout and materials reflect and enhance the established character of the area.

Additionally advice in the Arun Design Guide and the National Planning Policy Framework (NPPF) need to be considered.

Because of the nature of the proposals and the Council's current housing land supply position, paragraph 11d of the NPPF is engaged. However, the proposal by virtue of its harmful effect on the character of the area and its lack of an acceptable level external amenity space is contrary to the relevant Development Plan Policy and sufficiently so to demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole as set out by para 11 d) of the NPPF.

DESIGN AND VISUAL AMENITY

The site is located to a corner at the junction between Downs Way and Ambersham Crescent and currently occupies vacant green space with a public footpath running along the north and eastern boundary and directly through the site.

The estate is mainly characterised by similar pairs of semi detached pitched roofed bungalows set well back from the roads in a spacious network of grass verged roads. The overall uniformity in the character and appearance is noted.

Being located to a corner site the dwelling would be situated in a highly prominent location. Being located forward of the established building line to the north, the dwelling would appear unduly dominant upon the street scene and would detract from the rhythm of the existing pattern of development and appear visually intrusive. To introduce an additional dwelling onto the site would be out of keeping with this established layout of built development.

The deletion of this section of open space would affect the openness of the area and harm visual amenity in the area. The area fronting Downs Way is characterised by properties set back from the highway. Building and erasing this area of open space and bringing development hard up against the highway would substantially and harmfully alter the character of the area.

Illustrative plans have been submitted which demonstrate the property would include design features which are not currently present in the vicinity. There would be a dormer to the northern elevation and flat roof extensions to the front and side. There are no examples of dormers or front extensions in the vicinity and its architectural design is significantly at odds with prevailing pattern of development in the area.

The Arun Design Guide states that infill development needs 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 does not comply with this guidance in respect of its building pattern, style and rhythm given the position forward of the building line contrary to the area.

As a result of the design and positioning of the development, in a highly visible area of open space it is out of keeping with the area and the proposal does not integrate well with the character of the locality and does not result in a positive addition to the street scene conflicting with Angmering Neighbourhood Plan.

Therefore the proposal would be harmful to the character and appearance to the area and that would conflict with policies D SP1 and D DM1 of the Arun Local Plan, Policy HD6 of the Angmering Neighbouring Plan and the Design Guide.

RESIDENTIAL AMENITY

Policy D DM1 of the ALP states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity.

Para 130 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

From the indicative plans provided, the dwelling would sit forward of the neighbouring dwelling to the west. It retains sufficient space to the boundary so that it would not result in adverse harm upon the occupiers to this elevation.

The proposal would give rise to some overbearing upon No.2 Ambersham Crescent owing to the short separation distance between north facing habitable windows of No.2 and rear of the proposed dwelling in conflict with policy D DM1 of the Arun Local Plan and the Arun Design Guide.

SPACE STANDARDS

In respect of external standards, given that this layout plan is illustrative only, the layout has not been checked in detail. However, as the dwelling has been set back to retain some of the green space, it has resulted in a poor provision for private amenity area. It retains only 1.3m to the rear boundary and a maximum of 4.1m to the western boundary. This is also not very private with some hedging demonstrated to screen the view. Whilst some grassed area is retained to the north and eastern side, with the road running along the boundary this is highly visible from surrounding areas and does not provide private external amenity space.

The ADC Design Guide advises that new dwellings should have a front garden of 2m to provide a buffer strip of defensible space and a rear garden with a depth of at least 10.5m. The rear garden space does not comply with this guidance.

The proposal therefore conflicts with policy D DM1 of the ALP and Arun's Design Guide.

HIGHWAY

Para 110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the ALP requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. The ADC Design SPD (Sections I.01, I.02 and I.03) includes guidance on the provision and design of car parking, electric vehicle bays and charging points, and cycle parking.

This application proposes outline permission only with all matters reserved. However it is still necessary to consider if parking provision could be accommodated on site. Due to the location of the property ADC standards generate a requirement for 2 parking spaces for a 2 bed dwelling. The indicative plan demonstrates a space for 1 car and whilst short is likely acceptable with space available on street for additional cars.

Despite concerns by objectors regarding safety at the junction these are not shared by the Local Highway Authority WSCC Highways. They have raised the issue that if this application were to be approved a Stopping Order would be required.

The development therefore accords with Policy T SP1 of the Arun Local Plan.

HEALTH AND WELLBEING

In line with the Health and Wellbeing policy HWB SP1 of the Arun Local Plan development should maximise the impact it can make to promoting healthy communities and reducing health inequalities.

Whilst the space is not formally allocated as open space, the proposal would nonetheless remove an accessible and well used area of green amenity space. However, there are sufficient areas of open space nearby meaning that policy HWB SP1 of the Arun Local Plan which promotes development which lends itself to physical exercise and health is not conflicted in this case.

SUMMARY

In this case where the policies which are most important for determining the application are out-of-date another material consideration in the determination of this application is the Council's current lack of a 5 year housing land supply (HLS). Arun' HLS currently stands at 2.4 years which means the Development Plan's policies relevant to the provision of housing are considered out of date as per footnote 8.

Consequently paragraph 11d) (ii) of the Framework is relevant and advises that permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In situations where the presumption set out by paragraph 11d) applies, paragraph 14 of the Framework adds that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to a number of criteria being cumulatively met. One of which is that the housing supply is at least 3 years - which is no longer the case and therefore not all criteria are met in this case.

Whilst the Framework seeks to significantly boost the supply of housing, it also emphasises that the planning and development process should achieve the creation of high-quality buildings and places.

In this context, the proposed development would make some contribution towards housing supply and choice, and would to some extent support the local economy, notably as part of the construction of the development. However the support given within the Framework to delivering housing is not at the expense of ensuring that residential development is appropriately located.

The proposals, as set out in the preceding sections of this report, would have a harmful impact on the visual amenity and character of the area, the residential amenity of some neighbouring occupants and would provide poor quality accommodation for future occupants in respect of external space. The proposals would therefore conflict with policies D SP1, D DM1, QE SP1 and D DM2 of the Arun Local Plan, policies HD5 and HD6 of the Angmering Neighbourhood Plan, the ADC Design Guide SPD and the NPPF .

The application is therefore recommended for refusal, 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.

RECOMMENDATION

REFUSE

- 1 The development would result in a significant reduction in an area of open space which is one of a number of similar areas which are integral to the character and appearance of the locality. By reason of its location, height, roof form, scale, mass and bulk, the proposed dwelling would appear out of scale and character with surrounding development. The new building would be highly visible, overly dominant and visually prominent to the detriment to the street scene and residential amenities of neighbouring residents contrary policies D SP1 and D DM1 of the Arun Local Plan, Policies HD5 and HD6 of the Angmering Neighbourhood Plan and the Arun Design Council Design Guide SPD and the National Planning Policy Framework.
- 2 The proposed dwelling would fail to comply with the minimum garden sizes in the Arun District Council Design Guide SPD and thus provide sub-standard external amenity space to serve these occupants. As such, the proposals would not provide adequate quality living accommodation, contrary to policy D DM1 Arun Local Plan, the Arun District Council Design Guide SPD and the NPPF.
- 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 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.