

Recommendation Report for Planning Permission

**REF NO:** A/266/21/PL

**LOCATION:** Crete House  
The Beeches  
Dappers Lane  
Angmering  
BN16 4EN

**PROPOSAL:** 2 No. 2 storey extensions, replace existing bay window with bi-fold doors on the existing dwelling and the construction of 2 No. 5 bed new dwellings. This application is in CIL Zone 2 and is CIL liable as new dwellings.

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                                       |                                                                                                                                                                                                                   |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | The proposals seek to provide 2 dwellings in the garden of the existing dwelling accessed off Dappers Lane and to refurbish and extend the existing dwelling.                                                     |
| SITE AREA                             | 1356 sqm.                                                                                                                                                                                                         |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 22 dwellings per hectare                                                                                                                                                                                          |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                               |
| TREES                                 | A preserved oak is in the corner of the site.                                                                                                                                                                     |
| BOUNDARY TREATMENT                    | Site is enclosed by hedging and fencing approx. 2m high along the road frontages. 1.8m high close boarded fencing to no 6.                                                                                        |
| SITE CHARACTERISTICS                  | Crete House is a detached two storey house with brick and tile hung elevations which previously formed part of the Crete Nurseries site. It has a large side/rear garden which has been fenced from the dwelling. |
| CHARACTER OF LOCALITY                 | Predominantly residential in a rural setting. The recently completed development to the north at The Beeches comprises 2 storey dwellings with pitched slate roofs and cement board clad elevations.              |

|                              |
|------------------------------|
| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|              |                                                                                                                                                                    |                                  |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| A/104/19/RES | Approval of reserved matters following A/178/17/OUT for the demolition of existing outbuildings with retention of existing dwelling & erection of 6 No. dwellings. | ApproveConditionally<br>18-11-19 |
| A/178/17/OUT | Outline application with some matters reserved for the demolition of existing outbuildings, retention of 1 No.                                                     | ApproveConditionally<br>17-01-18 |

dwelling & the erection of 6 No. dwellings. This application is a Departure from the Development Plan.

## REPRESENTATIONS

Angmering Parish Council - Objection.

- The area of land on which the existing house, to remain, is situated is not adequate for the erection of 2 additional dwellings.
- The density would not be in keeping with the immediate surrounding area contrary to Angmering Neighbourhood Plan Policies HD5 and HD7.
- The parking area for the 3 houses is inadequate and likely to lead to on road parking and highway safety issues contrary to APC Policies HD8 and TM1.

### 22 Objections

- We do not want more houses in Dappers Lane with no more infrastructure in place.
- Will increase traffic in the lane.
- Adverse impact of construction works.
- The previous application for the new development on the site of Crete Nursery was for the erection of 6 new dwellings and the retention of the existing dwelling (Crete House). This further application now seeks approval for an extension to that "existing dwelling" and to cram 2 new dwellings into what is garden. This will further erode the rural nature of the lane, and remove a further green space area.
- Severe harm on the residential amenity of neighbouring properties through an unacceptable increase in overlooking, overbearing impact, loss daylight/outlook and an increase in noise and disturbance;
- Adverse impact on the character and appearance of the area.
- Impact on the protected oak tree and biodiversity interests at the site.
- Adverse impact on highway and pedestrian safety.
- Adverse effect on surface water and foul drainage.
- This development was not in the master plan for Angmering. It is time to stop development.
- The development is totally unsuited to the small plot of land. Retaining Crete House and trying to add 2 new 5 bed houses in the garden is a clear case of over-development.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The comments made are addressed in the conclusions section of this report.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

Conditions requested relating to construction hours and land contamination .

County Highways - No Objection.

Condition relating to access requested.

Ecology Officer - Objection.

No protected species surveys have been undertaken so we are unable to establish if protected species are present. Prior to determination we require an extended phase one habitat survey is undertaken to determine if there is potential for protected species. If there is potential for protected species then further

surveys would be required. These surveys plus any mitigation strategies required will need to be submitted as part of the application prior to determination. Mitigation and enhancements should be conditioned.

Drainage Engineer - Objection.

No flood risk assessment (FRA) or drainage design has been provided. Much of the site is at risk of surface water flooding. The introduction of two new dwellings in an area which was formerly a garden will introduce a more vulnerable use and will be in an area subject to other sources of flooding.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted

### POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Tree Preservation Order

### DEVELOPMENT PLAN POLICIES

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

|        |                                                         |
|--------|---------------------------------------------------------|
| SDSP1  | SD SP1 Sustainable Development                          |
| LANDM1 | LAN DM1 Protection of landscape character               |
| DSP1   | D SP1 Design                                            |
| HDM1   | H DM1 Housing mix                                       |
| DDM1   | D DM1 Aspects of form and design quality                |
| DDM2   | D DM2 Internal space standards                          |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| ECCSP2 | ECC SP2 Energy and climate change mitigation            |
| TDM1   | T DM1 Sustainable Travel and Public Rights of Way       |
| TSP1   | T SP1 Transport and Development                         |
| ENVDM4 | ENV DM4 Protection of trees                             |
| ENVDM5 | ENV DM5 Development and biodiversity                    |
| ENVSP1 | ENV SP1 Natural Environment                             |
| WDM2   | W DM2 Flood Risk                                        |
| WDM3   | W DM3 Sustainable Urban Drainage Systems                |
| WMDM1  | WM DM1 Waste Management                                 |
| WSP1   | W SP1 Water                                             |
| QEDM1  | QE DM1 Noise Pollution                                  |
| QEDM2  | QE DM2 Light pollution                                  |
| QESP1  | QE SP1 Quality of the Environment                       |

[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

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

**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.

The relevant policies of the Angmering Neighbourhood Development Plan have been considered in the determination of this application.

**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 it would have a materially adverse effect on residential and visual amenity and may impact negatively on biodiversity, trees and drainage.

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 there are other material considerations to be weighed in the balance with the Development Plan. This is in the form of the Council's current lack of a 5 year housing land supply which means the NPPF's presumption in favour of sustainable development Paragraph 11d (in particular ii) applies to applications for the provision of housing. For the reasons set out below the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably

outweigh the benefits if four specific criteria apply. The Neighbourhood Plan is more than 2 years old and the current Arun Local Plan Housing Land Supply position is 2.4 years so paragraph 14 does not apply since all four criteria are not met.

## CONCLUSIONS

### KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity and highways/traffic.

### PRINCIPLE

The site is in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the Development Plan. This covers such issues as visual amenity/character, residential amenity, highway safety and parking.

Angmering has a made Neighbourhood Plan with policies HD1, HD4, HD5, HD6, HD7, HD8 being the most relevant. Policies HD4, HD5 and HD6 support development proposals provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Policy HD7 requires appropriate densities in keeping with the immediate surrounding area.

The Council has an adopted Design Guide which provides up to date advice on matters such as new development and the need for it to successfully integrate with the prevailing character of an area.

NPPF paragraph 119 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 120 (d) of the NPPF states that 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 where land supply is constrained and available sites could be used more effectively)".

In paragraph 124 (d) NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

The site is in a sustainable location in walking distance of a range of shops, facilities and services within centre of Angmering with frequent bus services providing access to Littlehampton, Bognor Regis, Chichester, and Brighton, this includes Angmering Railway station.

Whilst the Framework seeks to significantly boost the supply of housing, it emphasises that the planning and development process should achieve the creation of high-quality buildings and places. In this context, the development would make a contribution towards housing supply and choice, and would to some extent support the local economy, notably as part of the construction of the development. The support given in the Framework to delivering housing is not at the expense of ensuring that residential development is appropriately located. The proposal results in significant harm to the character of the area, its pattern of development and residential amenities of immediately adjoining properties. The failure of the proposal to do this is in direct contradiction of paragraph 124 of the NPPF and consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

## EXTENSION OF DWELLING

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Arun recently adopted a Design Guide which provides detailed guidance that will help raise design standards across the District. Developments should respond to the distinctiveness and characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance.

Policy HD4 of the Angmering Neighbourhood Development Plan seeks to ensure that development requiring permission which, by virtue of their materials, are inharmonious with the area, are refused.

Policy HD5 of the Angmering Neighbourhood Development Plan seeks to ensure new development is sympathetic to its surroundings including matching the character of its locality.

The host dwelling is a detached with a single storey side projection on the east. This proposal seeks to upgrade and alter the overall appearance from a single pitched roof 2 storey dwelling of traditional design and extend it to create a dual pitched roof, alter the materials of the dwelling to cladding and slate and extend it in 2 storey form to the north and east. The height of the ridge and eaves would remain unaltered. The eastern extension would replace a single storey extension with a 2 storey extension that projects approx. 5.6m to the side of the property, closer to no 6 The Beeches, retaining approx. 1.1m to the side elevation. The extension to the north would be is approx. 6m in width and 3m in depth. Section M of the Arun Design Guide sets forth the utilising matching roof pitches to those found on and around the site as a good design principle. The proposal includes a pitched roof design with a matching pitch to that of the existing roof . The scale of the proposal is moderate and is well integrated in terms of siting/visual design, incorporating matching materials. The proposal is subservient and sympathetic to the dwelling in its new form and the resultant dwelling would be similar in appearance in terms of design/materials to neighbouring dwellings, The Beeches.

The plot size of the dwelling is being significantly reduced and the increased footprint and proportions of the dwelling would appear cramped in relation to the site boundaries. In this respect the proposal would be out of keeping with the existing spatial characteristics of the area. The enlarged property has a reduced garden to serve it. It has no rear garden area of any useful depth and the retained side garden is dominated by a large tree which would provide shade for most of the year. As a result the extended and enlarged property would appear out of keeping with the surrounding development and overly dominant in relation to its site boundaries adversely affecting the visual amenities of the locality in conflict with policies D DM1 and D DM4 of Arun Local Plan and policy HD5 of Angmering Neighbourhood Plan.

The proposed extension includes rear facing openings that look out to the rear garden. The existing rear bedrooms have a similar viewpoint. However these overlooked the main rear garden area prior to fencing being erected across part of the garden. They will now afford overlooking across gardens of the new plots and result in direct overlooking of Plot 1 given that they are only 3m from the boundary. The proposal would be overbearing on the garden area as the dwelling would run along the length of the side garden boundary of Plot 1 at 2 storey height. The neighbouring dwelling no 6 to the east is 5m from the side elevation and the extension is 1m from the shared boundary. The extension would have no side facing windows affording direct overlooking and given the forward position of the dwelling the extension

would not result in materially adverse overbearing impacts. The proposal does not obstruct neighbouring 45 degree sunlight access lines. Due to the single storey nature of the extension there are no significant adverse impacts by way of overbearing or overshadowing on the neighbouring dwelling to the east.

It is considered the extension and alterations to the dwelling and plot size would adversely impact the proposed dwelling in conflict with policies D DM1(3), D DM4(c), QE SP1 of the Arun Local Plan and Section M of the Arun Design Guide.

## VISUAL AMENITY AND CHARACTER

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

The Arun Design Guide was adopted in January 2021 and is a material consideration in the determination of this application. Section J refers to new building design and states new development must ensure the character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. The development does not comply with the guidance.

Para 130 of the NPPF 2021 states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The National Design Guide was published in October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The site occupies a prominent corner at the junction of Dappers Lane and The Beeches and the existing dwelling sits back from the Dappers Lane road frontage and slightly forward of 6 The Beeches. It is of 2 storey height, traditional design and occupies approx. half of the width of the frontage to The Beeches. The rest is occupied by a mature oak.

The splitting of the garden to create 2 plots and reduce the plot to the serve the existing dwelling would have a considerable effect on the appearance of Dappers Lane frontage due to the impact of the height, footprint, scale and position of the dwellings and their jarring and dominant appearance in the context of the surrounding more spacious development. The site would appear cramped and over developed. There would be little space between dwellings when viewed from Dappers Lane and against the end elevation of the remodelled dwelling. Built form would extend across the whole of the width of the site with little perceivable space between the dwellings which is not reflective of the form of other detached dwellings along Dappers Lane which have a noticeable gap between them. The dwelling at Plot 1 would be uncharacteristically close to the road frontage of Dappers Lane increasing the prominence of this 2 storey dwelling. It would sit forward of 1 The Beeches which has a gap of 10m to the frontage. In contrast this proposal has a gap of only 5.7m.

The road frontage to Dappers Lane would be dominated by car parking with no opportunity to replace the landscaped area and hedging on the site frontage which would increase the impression of development across the entire site. The only space for a meaningful garden to the existing dwelling would be in the limited space to the side which is dominated by a preserved tree. The ability to use landscaping to soften and integrate the development in the streetscene would be very limited. The area previously was enclosed by hedging and formed garden area to the dwelling and comprised a verdant stretch of road frontage characterised by large grassed front gardens with driveways to Broadmark Lane and the proposal would be dominated by an uncharacteristic excessive and overly dominant car parking area which would adversely affect visual amenity.

Policies HD5, HD6 and HD7 of Angmering Neighbourhood Plan seeks to support development proposals that reflect the scale, density, massing, height, landscape design, layout and materials of the surrounding area. The proposal does not accord with these policies. The development would appear as a cramped and overly dominant form of development. It would contrast strongly with existing spacing between dwellings and would not make a positive contribution to the character of the area or compliment the appearance of the street scene.

The proposal conflicts with the Arun Design Guide Part J.02 which seeks to ensure the scale and massing of development responds to the townscape and landscape in terms of function and positioning and J.04 which requires design to respond to site frontages in their immediate surroundings.

The proposal conflicts with policies D SP1, D DM1 of Arun Local Plan, Policies HD5 and HD6 of Angmering Neighbourhood Plan and Arun Design Guide.

## RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development to contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.

One of the 'core planning principles' of the NPPF is to create places with a high standard of amenity for existing and future occupiers (paragraph 130 f).

The existing building has a large rear garden with first floor rear windows facing over it. The subdivision of the garden provides a gap of approximately 3m to the rear boundary of the existing dwelling providing an unacceptable private amenity area and an adverse impact on the residential amenity of occupiers of plot 1 from harmful adverse overbearing and overlooking effects. The rear garden depth does not meet the 10.5m rear garden depth set out in Part G of the Arun Design Guide. The side garden would not be private and would be dominated by a tree. The footprint of the dwelling is increasing and the size of the plot and private amenity area to serve the dwelling is decreasing.

The proposal would therefore conflict with policies D DM1 and QE SP1 of Arun Local Plan.

## INTERNAL SPACE STANDARDS

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set

out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. All the apartments meet the nationally described minimum space standards, in accordance with Policy D DM2 of the Arun Local Plan.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable.

Regard should be had to paragraph 130(f) of the NPPF(2021) which requires that new development has a high standard of amenity for existing and future users.

The proposed and existing gross internal floor areas are more than 160sqm and exceed the standards for 4b 8p house of 124sqm. The proposal accords with this guidance and policy D DM1.

## TREES AND BIODIVERSITY

Policy ENV DM5 Development and Biodiversity seeks to achieve a net gain in biodiversity and protect existing habitats on site. Where there is evidence of a protected species a detailed survey and measures to avoid loss of species should be incorporated into the development scheme. A Preliminary Ecological Appraisal has been submitted too late in the day to allow for consultation and response. From the information provided the proposal will lead to an adverse impact on protected species and result in a net loss of biodiversity.

Policy ENV DM4 of Arun Local Plan states development will be permitted where it can be demonstrated that trees protected by a Tree Protection Order (TPO) will not be damaged. The development includes extension to the dwelling and car port parking in the root protection of an oak which is the subject of a TPO that is it to be retained. The application is supported by an Arboricultural assessment & method statement. The development and the encroachment into this area is likely to adversely affect the long term health of the tree.

Due to the cramped form of development the proposal will result in future pressure for trees to be felled due to the proximity of the tree to the existing dwelling and the reduced amenity space to serve it and the provision of car ports under its canopy. The absence of a sufficient level of private amenity space for the host property will in the long term add pressure for the tree to be felled, as it will restrict the level of daylight entering internal and external areas of the host property and the adjacent new dwelling. The proposal therefore conflicts with policy ENV DM4 of Arun Local Plan.

## PARKING AND ACCESS

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. The access and car parking layout are acceptable in terms of highway safety.

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.

Policy HD8 of Angmering Neighbourhood Plan supports car parking which meets adopted standards.

The proposal indicates 3 car parking spaces for each new dwelling and a car charging point and bike store, but does not indicate the parking available to serve the existing dwelling within its reduced curtilage.

According to the requirements of the Arun Parking Standards 2 parking spaces are required for 4 bed houses in Parking Behaviour Zone 4 with visitor parking provision calculated at 20% of main provision. The amount of parking exceeds the standard and EV provision accords with the standard of one per dwelling in Arun Parking Standards.

Secure and covered cycle storage for 5 bikes is proposed in a store for each dwelling. The standard requires 2 covered spaces per dwelling so this level of provision would accord. The proposal would satisfy policy T SP1(d) of the Arun Local Plan and policy HD8 of Angmering Neighbourhood Plan since it accords with adopted Arun Parking Standards.

The NPPF highlights that 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. The site is accessed from Dappers Lane and the alterations to the access proposed are acceptable to County Highways.

## SUSTAINABLE CONSTRUCTION

ALP policy ECC SP2 requires that all new residential/commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems and ECC SP1 which requires that new development be designed to adapt to impacts arising from climate change. The proposal includes solar panels to the new dwellings and any approval could be conditioned to ensure the development accords with these requirements.

## DRAINAGE

ALP policy W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process and policy WDM2 seeks to ensure that all development in areas at risk from flooding will only be permitted where all of the following criteria have been satisfied. The application is not supported by a Flood Risk Assessment or Drainage Strategy. Whilst the site is in Flood Zone 1 (low risk of flooding) paragraph 167 of the National Planning Policy Framework states that Local Planning Authorities should ensure that flood risk is not increased as a result of a proposed development. Footnote 55 states that in "flood zone 1 an assessment should accompany all proposals involving land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use." The introduction of two new dwellings in an area which was formerly a garden will introduce a more vulnerable use and will be in an area subject to other sources of flooding (surface water). No drainage assessment has been made in this case.

Arun's Drainage Engineers have been consulted and have made a holding objection pending receipt of further information. As the application currently stands it has not been satisfactorily demonstrated that the development is compliant with policies W DM2 and W DM3 of Arun Local Plan.

## SUMMARY

This proposal represents inappropriate redevelopment of the site which results in significant and demonstrable adverse impacts that significantly outweigh the presumption in favour of sustainable development afforded by para 11d of the NPPF. The proposal would be out of character with surrounding development and would have an unacceptable impact on the residential amenity of future occupiers, drainage and biodiversity. It 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.

## **CIL DETAILS**

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

## **RECOMMENDATION**

### **REFUSE**

- 1 Given the position, site coverage, height and number of units proposed and the relationship of existing and proposed dwellings to their plot sizes the proposal results in an overly dominant, obtrusive and cramped form of development out of keeping with its surroundings. There will be unacceptable overbearing and overlooking to proposed occupiers in conflict with policies D DM1, D SP1 and QE SP1 of the Arun Local Plan, the Arun Design Guide and Policies HD5, HD6 and HD7 of the Angmering Neighbourhood Plan.
- 2 Based on the information submitted it has not been adequately demonstrated that protected species will not be adversely affected and that the long term impact of the development on the protected tree resulting from the cramped nature of the development is acceptable. The proposal fails to address the impact and potential loss of protected species and the protected tree in conflict with policies ENV DM4 and ENV DM5 of Arun Local Plan.

- 3 The proposal does not adequately demonstrate that the risk from surface water flooding is acceptable in conflict with policies W DM2 and W DM3 of Arun Local Plan.
- 4 **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.