Recommendation Report for Planning Permission

REF NO: **A/67/14/PL**

LOCATION: Merrivale
Station Road
Angmering

PROPOSAL: Demolition of existing dwelling & erection of two four bedroom detached houses with garages.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of 2 identical, 2 storey, 4 bedroom dwellings. Each dwelling has a footprint of 8m by 11m an eaves height of 4.4m and a ridge height of 6.2m. A garage would be provided forward of each dwelling which includes provision for cycle storage.
SITE AREA	0.11 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fence to road frontage and east boundary. Hedging to west and fencing and hedging to rear to approx 2m height
SITE CHARACTERISTICS	Detached bungalow with mainly painted brick elevations and plain tiled roof. Detached garage to rear with a low pitched roof. Dwelling is set back on plot with a large front garden area. The site is bounded to the south by a wide open verge at the wentrance to Greenwood Drive and the school, with trees running along the site boundary perimeter.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying height, size and design generally set back from the site frontage.

RELEVANT SITE HISTORY

A/27/53	Bungalow	Approve

		09-06-1953
A/77/59	New garage access	ApproveConditionally 22-09-1959
A/135/71	Conservatory	ApproveConditionally 19-11-1971
A/153/81	Extension to sitting room at front of property	ApproveConditionally 11-11-1981

REPRESENTATIONS

Representations received:

Angmering Parish Council

One petition with 3 signatures - Will cause serious overshadowing to the properties to the rear and an invasion of privacy to the east. Development is out of keeping with the scale, style and appearance of houses in Station Road and will have a detrimental effect on this area of Angmering village. There is no justification for this type of housing in the parish. There are already enough large houses in the parish. This development does not meet the criteria of affordable accommodation.

Comments on Representations received:

Given the minimum distance to the rear boundary from the proposed dwellings of 12m it is not considered that materially adverse overshadowing or overlooking would result from the development to the properties to the north. It is agreed that the development is out of keeping with the scale, style and appearance of houses in Station Road. The proposal makes provision for contributions towards affordable housing in Arun by way of a legal agreement to secure a commuted sum in this respect.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)
WSCC Strategic Planning

Consultations responses received:

County Highways - No Objection. The proposal is tight within the site and the access will have a more intensive use, although not to the detriment of highway users. Subject to the visibility conditions being unaltered there are no anticipated highway safety concerns with the proposal. Conditions relating to cycle storage and provision of parking and turning facilities.
Engineers - No Objection. Standard condition requested.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Class A road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM2 Internal Space Standards D DM3 External Space Standards D SP1 Design W DM1 Water Supply & Quality

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local

Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 the visual amenities of the locality and 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

The application involves demolition of the existing dwelling and its replacement with 2 properties. The site is located within the built up area where the principle of redevelopment and provision of an additional unit of accommodation is acceptable subject to compliance with development control criteria with regard to residential and visual amenity.

The site lies on the east side of Station Road in an area characterised by detached dwellings of varying height, design and size. They are mostly set back from the road in a haphazard pattern and there is no set distance from the road frontage. In contrast the proposal involves development of 2 identical dwellings of uniform height, design and footprint set back a similar distance from the road frontage. This results in development that is discordant in the street scene. In addition, the dwellings are located close to both site boundaries and this combined with their 2 storey height and limited plot width would result in a cramped form of development that is out of character with the surrounding development. The dwellings have significant footprints and their tall and elongated shape combined with their 2 storey height would not replicate any of the design traits of adjoining properties. The plot widths are narrower than others fronting Station Road. The proposal would therefore adversely affect the visual amenities of the locality. The different elevational treatments are noted but this is not considered to adequately address the similarity issues of the development.

With regard to residential amenity it is considered that given the distances to boundaries and the position of the dwellings on the plot and the provision of obscure glazed windows at first floor level in the south elevation that there would be no materially adverse impact on residential amenity of adjoining properties by reason of overbearing or overlooking impacts.

The proposal includes the provision of a garage to each dwelling with parking and turning accessed via the existing established point of access. The garages would be located in a similar position to other garages in the locality and would be similar in appearance they are therefore

visually acceptable. County Highways have no objection to the proposal on highway grounds.

The proposal accords with the external and internal space standards in the Emerging Local Plan policies DDM2 and DDM3.

The application is therefore recommended for refusal for the following reason:

HUMAN RIGHTS ACT

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 (the right to respect for 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 neutral 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).

SECTION 106 DETAILS

This application is subject to a legal agreement in respect of contributions towards affordable housing totalling £12,171.

RECOMMENDATION

REFUSE

1 Given the width of the plot, the size and identical design of the proposed units and their proximity to side boundaries the development would appear cramped and out of keeping in the street scene and would be detrimental to the character and visual amenities of the locality in conflict with policy GEN7 of Aun District Local Plan and policies DSP1 and DDM1 of the Emerging Local Plan.

2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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 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 provide pre-application advice in respect of any future application for a revised development.