

Recommendation Report for Planning Permission

REF NO: BE/102/18/PL

LOCATION: 312 Chichester Road
Bersted
PO21 5AU

PROPOSAL: Erection of 1 no. dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Subdivide the plot by erecting a new three bedroom chalet bungalow in rear garden with access from the existing dropped crossing onto Chichester Road and a driveway down the side of existing house. The existing house retains a 10.5m deep rear garden culminating in a new hedge. Beyond this will be a two car parking area in front of the new dwelling with a 12.9m deep rear garden beyond. Two car parking spaces are retained to the front of the existing dwelling but the existing side garage and a couple of shed buildings will be removed. The new dwelling will be 6.5m to the ridge. Materials are to consist of timber cladding and blue clay tiles.
SITE AREA	0.0397 hectares
RESIDENTIAL DEVELOPMENT DENSITY	25 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Some small trees to the side boundaries and some larger ones to the very rear but none of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing of 1.8-2m high to side and rear boundaries.
SITE CHARACTERISTICS	Two storey detached front gabled house with hardstanding parking to front and a driveway down the side leading to a garage on which there is currently a caravan. To the rear there is a 44m rear garden. This is part hardstanding and part grassed and there are a few outbuildings/sheds within the garden. At the bottom of the garden is a touring caravan and dilapidated outbuilding.
CHARACTER OF LOCALITY	Part of a residential street comprising mixed character predominantly of two storey semi-detached houses but with a two storey detached house on the north side of the dwelling and a detached dormer bungalow on the south. All properties on this side of Chichester Road have similarly deep rear gardens. Windows on neighbouring properties consist of:

- 310 Chichester Road has two side facing dormers and one

first floor rear bedroom in its roof. Its ground floor rear windows are obscured by the boundary fencing and a rear garage;

- 314 Chichester Road has two rear first floor windows with a bathroom on the side closest to the shared boundary and a bedroom on the other side. Its ground floor windows are obscured by the boundary fencing and existing outbuildings;

- 62 Whiteways (to the rear) has first floor rear principal windows currently obscured from ground levels views by virtue of existing fir trees on the rear boundary.

There are two existing bungalows on land to the rear of 300-308 Chichester Road due southeast of the site. One of these can be glimpsed from within the site. These were granted permission in 1972 and whilst technically back land development are a longstanding feature of local character and are actually accessed from a parking court off Whiteways Close and not from Chichester Road.

Pre-application advice was given in June 2018. This concluded that it would be likely to be approved provided that at least 2 parking spaces are provided for each dwelling; that a bin collection point is provided at or near the highway boundary; that landscaping is shown to the boundary between 312 & the new dwelling, that the new driveway is surfaced in such a way as to mitigate tyre noise; that supporting tree information is submitted and that a Pagham Harbour Legal Agreement is submitted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"Object for the following:-

(1) Does not comply with Policy SD SP1 of the Arun Local Plan - as a sustainable development, does not improve the connections with the road network, as the access is onto a busy A road. The development does not provide affordable housing, nor does it provide a positive impact on the social, economic or environmental aspect for a sustainable development.

(2) Does not comply with Policy ES1 of Bersted Neighbourhood Development Plan for design of new development as it does not contribute to the appearance or local character of Bersted.

(3) Does not comply with Policy HDQ2 of the Bersted Neighbourhood Development Plan for integration of new housing does not connect visually or integrate with the surrounding area."

In addition, 2 letters of objection raising the following concerns:

(1) Agree with the objections of Bersted Parish Council in respect of policies SD SP1, ES1 & HDQ2;

(2) Bersted's future housing needs will be met by new developments at North Bersted Street, The former Rising Sun PH site and the former Bartons School site;

(3) Access onto Chichester road has poor visibility and is dangerous;

(4) Not in character with existing pattern of development and represents overdevelopment;

(5) Overbearing impact to 314 Chichester Road;

(6) Overlooking of 62 Whiteways from proposed first floor windows;

(7) Overlooking of 314 Chichester Road from proposed ground and first floor windows;

(8) Loss of views from rear of 314 Chichester Road;

- (9) Proposed parking area for the new dwellings will affect amenity of 314's rear garden;
- (10) Not clear how sewage will be disposed of or whether there is spare capacity; and
- (11) Need for surface water drainage measures.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect of the Parish Council comments:

(1) Policy SD SP1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The site lies within the built up area boundary and a sustainable location for development. The construction will result in a small boost to the economy and the future occupiers will also spend money within the local area. There is no requirement within the Local Plan to provide affordable housing on a one dwelling scheme (the Councils policy is only to seek affordable housing on schemes of 11 dwellings or more). This part of Chichester Road is a B class road.

(2) & (3) Compliance with Bersted Neighbourhood Development Plan (BNDP) policies ES1 & HDQ2 will be considered within the report's conclusions.

The following comments are offered in response to the local resident objections:

- (1) As above;
- (2) Noted however these sites do not form part of any adopted Local or Neighbourhood Plan;
- (3) Highway safety will be considered within the report's conclusions;
- (4) Character and overdevelopment will be considered within the report's conclusions;
- (5) - (7) Residential amenity issues will be considered within the report's conclusions;
- (8) There is no right in planning law to a view and therefore this is not a material planning consideration; Loss of views from rear of 314 Chichester Road;
- (9) This is considered within the report's conclusions with regard to residential amenity;
- (10) It is accepted that the applicants have not indicated how sewage will be dealt with however, as the site lies in an urban area, there is no evidence to suggest that it would not be possible, through separate agreement with Southern Water, to connect to the existing system. It is noted that there is a public sewer situated on Chichester Road; and
- (11) Council drainage engineers have assessed the proposal but do not consider it necessary to impose a drainage condition and that surface water drainage can instead be considered through the separate building regulations process.

CONSULTATIONS

Natural England
Engineering Services Manager
Engineers (Drainage)
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND: No objection subject to financial contribution towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

ADC DRAINAGE: No objection: "We hold no historic records of watercourses within the site as a result of this and given the scale of the development, we have no conditions to request. Surface water drainage

should be designed and constructed to meet the requirements of building regulations."

ADC TREE OFFICER: No response received. Did comment at the pre-application stage and raised no objections but stated that was not able at that time to access the rear of the site and there was no supporting tree information to consider.

COMMENTS ON CONSULTATION RESPONSES:

As the Councils Tree Officer has not responded, it would be relevant to impose a condition to ensure that the development proceeds in accordance with the submitted tree protection details.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Pagham Harbour Zone B; and
B Class Road (B2259).

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HSP1	HSP1 Housing allocation the housing requirement
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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.

The relevant Bersted Neighbourhood Development Plan policies have been considered within this report.

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 the Arun Local Plan in that it would not cause demonstrable harm to the character of the area, result in a severe impact on the local highway and that it makes the appropriate provision for the protection of Pagham Harbour. However, the proposal conflicts with the Local Plan in that the expansion and intensification of the driveway access would result in harm to residential amenity.

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:**

Policy SD SP1 of the ALP states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)." The site is in a sustainable location within walking and cycling distance of a range of shops, facilities and services including bus stops, a food store, schools, medical services and a railway station. It is considered the construction of the dwelling and its future occupation will bring benefits to the local economy.

Para 118(d) of the NPPF states: "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".

The proposal is considered to accord with policies SD SP1 and SD SP2 of the Arun Local Plan.

CHARACTER, DENSITY AND DESIGN:

D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of the land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. Para 127 of the NPPF requires developments to be visually attractive and sympathetic to local character and history.

Bersted Neighbourhood Plan (BNDP) policies ES1, ES5, HDQ2, HDQ5 and HDQ7 are relevant. ES1 states: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location". ES5 requires that building design contribute positively to the historic character of Bersted.

HDQ2 states "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." HDQ5 requires new housing is of a high quality and is designed to reflect the local character. HDQ7 requires certain building features including bin stores are integrated into the design at an early stage:

This proposal seeks permission for a single dwelling in the rear garden and represents "backland development". Such development is generally perceived negatively and considered to be out of character with existing development. However, backland development is not in principle inappropriate and in this there are mitigating circumstances which prevent there from being harm to character and appearance of the area.

The proposed dwelling will be set back from Chichester Road by 43m and will have very limited visibility in the streetscene (seen through a narrow gap). It is to be served by an existing access point currently in use as a driveway leading to a garage which is level with the house. Its impact on the streetscene is therefore negligible. The plans show a bin storage area for the new dwelling at the front of the site however two sets of bins on the frontage does not in result in harm to the streetscene. Neither would house identification signage.

It is not considered that the subdivision of the plot results in overdevelopment as the existing garden is deep and the layout allows for sufficient privacy distances and useable garden spaces for both the existing and proposed dwellings.

Whilst, visually, the proposed building will have limited impact on the character of the area, the creation of the vehicular access will be a form of development that is not characteristic of the area. Its exceptionally cramped proportions - squeezed between two dwellings - to create vehicular access to the rear of existing dwellings will result in a form of development out of character with the area.

HIGHWAYS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access to the highway network; and promotes sustainable transport, including the use of low emission fuels. In respect of highway safety, it states: "The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

BNDP policy HDQ8 requires a minimum of two spaces per dwelling. It states developments which removes off road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which 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."

Local residents consider the access onto Chichester Road to be dangerous. WSCC Highways have not been consulted but it is noted that there is an existing dropped/low kerb along the length of the frontage and that the site sits on the inside of a bend in the road allowing for excellent visibility to the northwest and southeast. The existing telegraph pole and any cars parked on this side of Chichester Road would affect visibility but these are existing constraints and it is not considered that the intensification of the access would result in an unacceptable impact on highway safety.

There is space within the new plot for cars to turn thus ensuring that new occupiers will not need to reverse onto Chichester Road. A bin storage area is shown at the front of the site enabling refuse collection from the roadside. Deliveries could also be made from the roadside also reflecting the existing situation (there are no yellow lines on this side of Chichester Road).

The proposal provides 2 off-street parking spaces for both existing and new dwellings and this is in accordance with both the WSCC parking demand calculator and with BNDP policy HDQ8. It is not considered that occasional visitor parking on nearby roads would adversely affect safety of the highway.

The proposal accords with policy T SP1 of the ALP and with policy HDQ8 of the BNDP.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise

and disturbance."

QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District." There are no policies in the BNDP which refer to residential amenity issues.

The layout achieves the following distances between proposed and existing dwellings:

- 34m between the rear of the proposed house and the rear of 62 Whiteways (with small fir tree screening in between);
- 24m between the front of the proposed house and the rear first floor windows of 314 Chichester Road. The distance would be closer to their ground floor windows but these will be obscured by boundary fencing;
- 21m between the front of the proposed house and the rear of 312's existing conservatory (with a greater distance to their upstairs windows); and
- 25m between the front of the proposed house and the rear first floor bedroom window on 310.

Until the Arun Design Guide is published, the Council does not have any specific standards in respect of privacy interface distances. Prior to the adoption of the Local Plan (and the corresponding deletion of policy D DM2 on garden standards), the Council had been working to a standard of at least 20m for front to back or back to back arrangements. It is clear from the above assessment, that all of the distances are in excess of 20m. It is considered there is unlikely to be any overlooking from ground floor windows as these will be screened by the boundaries and the presence of outbuildings/sheds within neighbouring gardens. It is noted that the closest window on the rear of 314 is an obscure glazed bathroom window.

These interface distances in combination with the relatively low height of the proposed dwelling ensure there will be no loss of light or overbearing impact on the existing nearby dwellings. There may be some loss of light to the gardens of those houses to the west of the proposed dwelling but this will only be during the morning when the sun is generally lower in the sky - and will also not affect the part of the neighbouring gardens closest to the associated dwelling.

It is also necessary to consider whether the intensification and extension of the access driveway would be harmful to the amenities of the two houses either side (nos. 310 and 312) or in respect of the parking area, to the amenities of 314. It is accepted that there is already access down part of the side of 312 to the garage and that 310 also has a driveway and garage on their side. However, the proposal will extend the driveway past the two existing houses and result in new vehicle movements to and from the new house including by delivery vehicles. The driveway is proposed to be only around 2.7m wide where it passes between 312 and the fence to 310.

Bearing in mind, the width of a standard parking space (2.4m), this does not give much room for any amenity planting or new acoustic fencing to either side of the driveway which could help to alleviate any disturbance issues. It also means that conflict may occur if a vehicle is entering whilst another (or a pedestrian) is exiting the site. Such a situation could result in vehicles having to wait with engines running only a few feet from the adjacent houses. It is considered that the extension of the driveway into the site, its narrow width and its intensification will all result in harm to the two neighbouring properties by reason of noise and general disturbance. This will be in conflict with policies D DM1 and QE SP1 of the Arun Local Plan and the guidance on good design (paragraph 127) within the National Planning Policy Framework.

Additionally, the proposal will introduce a new parking area within the rear garden which could affect the

enjoyment of 314's rear garden. This will be around 15m from the rear of 314's house and will be screened by the existing timber boundary fence and situated adjacent to an existing small tree. Notwithstanding the conclusions above on the use of the driveway, given the distance from 314's house, it is not considered that the parking of cars in this area will result in adverse harm to the living conditions of the neighbours. There would be no conflict with the development plan in respect of this aspect.

SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The requirement for a 2 storey, 3 bedroom, 6 person dwelling is 102m² but the dwelling has a floor area of 105m² and therefore complies with the guidance.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users. In addition, policy HDQ6 of the BNDP states that "A private outdoor garden amenity space, or a shared amenity area must be provided for all new dwellings. The site layout ensures that both the existing and new dwellings are afforded decent useable garden space

The proposal is therefore considered to comply with BNDP policy HDQ6 and with ALP policies D DM1 & D DM2.

PAGHAM HARBOUR:

Policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The site is in designated Zone B and it was necessary to apply this requirement. The net increase in 1 dwelling results in a contribution of £871 and it is this that is secured by the signed legal agreement.

SUMMARY:

The development represents an efficient use of residential garden space which is not fully utilised by the land owners. However, the proposed extension and intensification of the access driveway is considered to result in harm to the amenities of the two adjacent properties and this is in conflict with the relevant development plan policies. The application is therefore recommended for refusal.

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 proposed extension and intensification of the driveway into the rear of the plot will give rise to harm to the character and appearance of the streetscene and in respect of noise and disturbance to the living conditions and amenities of the occupiers of both 310 and 312 Chichester Road in conflict with policies D DM1, D SP1 and QE SP1 of the Arun Local Plan and the guidance on good design within the National Planning Policy Framework.
- 2 **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.