

Recommendation Report for Planning Permission

REF NO: BE/107/18/PL

LOCATION: 42 Westfield
Bersted
PO22 9HF

PROPOSAL: 1 No. attached dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.01 ha.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Officers note the tree to the rear of the site that can be seen from within the street scene.
BOUNDARY TREATMENT	The rear of the site is partially enclosed by a 1.8 high brick wall along the boundary abutting Westfield and the rear of the site. There is a close boarded fence along the common boundary of the application site and the adjoining dwelling number 40. Additionally there is a low-level fence to the front of the application site and the side, in front of the aforementioned brick wall.
SITE CHARACTERISTICS	The application site comprises a corner plot currently forming part of the application site relating to dwelling number 42. This area is currently used for off-road parking and rear amenity space (garden).
CHARACTER OF LOCALITY	The site is part of a residential estate comprising a uniform character of short rows of terraced dwellings but mixed in that some front onto pedestrian footpaths around small green spaces and some onto roads. The estate also has a number of garage parking courts. All dwellings are two storeys, of a similar design and have front & rear gardens. There is on-street parking in the area.

Planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council: Object to this application. Their comments are summarised as follows:

Does not comply with Policy D DM1 of the Arun Local Plan.

Does not comply with Policy HDQ6 of the Bersted Neighbourhood Development Plan with respect to outdoor space.

Does not comply with Policy HDQ8 of the Bersted Neighbourhood Development Plan with respect to car parking.

Does not meet WSCC's Manual for Streets calculation for parking spaces for the existing and proposed dwelling.

No neighbour representations have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer: Does not object. Their comments are summarised as follows:

Do not recommend the imposition of any conditions.

Surface water drainage should be designed and constructed to comply with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary.
Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICES

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

SDSP2	SD SP2 Built-up Area Boundary
ENVDM2	ENV DM2 Pagham Harbour
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design

QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
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 policies of the made Bersted Neighbourhood Plan will be considered in 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 considered to conflict with relevant Development Plan policies in that the proposed development by reason of its scale would represent overdevelopment of the site being contrary to the character of the area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The 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 2011-2031 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.

CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The proposal is for the erection of an end of terrace property on a corner plot adjoining 42 Westfield. Officers note that when viewed from directly opposite the front elevation the proposed new dwelling would appear to have a similar size, scale and massing to that of the other properties within the terrace.

The application site is a corner plot and that the proposed dwelling would bring the built form, side elevation of the terrace right up to the highway. As the site is a corner plot, consideration not only has to be given to the building line of the row of terraced properties it would adjoin but also the building line of the row of terraced properties to the rear. From an assessment of the plans and the Officer's site visit it was noted that the new dwelling would project significantly forward of the aforementioned building line of the row of terraced properties to the rear. Additionally, in order to accommodate 1 off-road parking space the proposed dwelling would be set back from the front elevation of adjoining property 42 Westfield, bringing the mass and bulk of the dwelling closer to the terrace of properties to the rear of the site. Therefore, it is considered that the proposal the proposal would appear as a prominent built form which would appear overbearing within the streetscene.

The proposed development by reason of its size, scale, massing and siting would have a detrimental impact on the streetscene and wider area and would represent overdevelopment of the site.

As such, the proposed dwelling is considered to conflict with policy D SP1 , D DM1 of the Arun Local Plan and Policies ES1 and HDQ2 of the Bersted Neighbourhood Development Plan.

RESIDENTIAL AMENITY:

Arun Local Plan 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.

Officers note that the proposal would project past the rear elevation of adjoining property number 42 Westfield by 2.45 metres at 2 stories. It is considered that the proposal would have an impact on the amenity of the occupiers of adjoining property number 42 but it is not considered that the impact, with regard to overbearing effect, loss of light/sunlight, overshadowing and overlooking would be such that would warrant refusal.

The proposed new dwelling not have a significantly negative impact upon residential amenity of the Occupiers adjoining and neighbouring dwellings.

As such, it is considered that the proposal would comply with Policies D DM1 and QE SP1 of the Arun Local Plan, with regard to residential amenity.

SPACE STANDARDS:

Policy D DM2 of the ALP states that: "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 the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling house is suitable for residential use.

However, Policy D DM2 of the Arun Local Plan notes the Nationally Described Space standards to be guidance. Therefore, it is considered that the proposed dwelling would broadly comply with the National Internal Space Standards and Policy D DM2 of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY:

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"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"

In respect of highway safety, it states that:

"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."

Policy HDQ8 Car parking of the Bersted Neighbourhood Development Plan states that:

Proposals for new development will have adequate onsite parking to meet current and future needs at a minimum rate of two spaces per dwelling unless alternative and accessible car parking arrangements can be made which do not add to on-street congestion. Developments which remove off road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

As such Officers note that the level of Off-road parking would not comply with Policy HDQ8 Car parking of the Bersted Neighbourhood Development Plan above.

From an assesment of the WSCC Parking Calculator a there is a total demand of 2 spaces for the new dwelling.

Currently, from an assesment of the submitted plans and the Officer's site visit it is considered that there is currently off-road parking provision for the parking of 2 vehicles on the hardstanding area to the side of the dwelling. From an assesment of the submitted plans and the application form proposed parking arrangement would provide 1 parking space for the new dwelling only. No parking is shown for the existing dwelling currently known as, 42 Westfield, Bersted.

From an assesment of the plans it is not considered that the proposed parking arrangement would not have an impact on highway safety or the amenity of the area. While there would be a shortfall of 1 parking space, Officers note that there appear to be no parking restrictions along Westfield and that while not ideal parking could be accommodated elsewhere.

As such Officers consider the parking to be acceptable.

DRAINAGE:

Drainage Engineer has been consulted and does not object. They do not recommend the imposition of any conditions but note that surface water drainage should be designed and constructed to comply with building regulations.

As such, it is considered that the proposal would comply with W DM3 of the Arun Local Plan.

PAGHAM HARBOUR ACCESS MAGEMENT ZONE:

The property falls within the Pagham Harbour Access Management Zone B.

The application is accompanied by a signed legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Arun Local Plan 2011-2031 Policy ENV DM2 states that all 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.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase of one dwelling resulted in a contribution of £871 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

The proposed development by reason of its scale would represent overdevelopment of the site being contrary to the character of the area in conflict with Policies D DM1 & D SP1 of the Arun Local Plan, Policies ES1 and HDQ2 of the Bersted Neighbourhood Development Plan and paragraphs 122 & 127 of the National Planning Policy Framework (2018).

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 (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.

SECTION 106 DETAILS

Enter Summary of Details of the Section 106

RECOMMENDATION

REFUSE

- 1 The dwelling by reason of its position and scale would represent overdevelopment of the site causing harm to the character of the area in conflict with policies D DM1 & D SP1 of the Arun Local Plan, policies ES1 and HDQ2 of the Bersted Neighbourhood Development Plan and paragraphs 122 & 127 of the National Planning Policy Framework (2018).
- 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 provide pre-application advice in respect of any future application for a revised development.