PLANNING APPLICATION REPORT

REF NO: **BE/113/11/**

LOCATION: Rear of Blackberry House
Berry Lane
off North Bersted Street Bognor Regis

PROPOSAL: Proposed dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to erect a 3 bedroom house with a garage and 2 stables attached to the rear of a recently constructed dwelling and adjacent to paddock land. The site is adjacent to a Conservation Area.
SITE AREA	0.30 hectares
RESIDENTIAL DEVELOPMENT DEN	3 dwellings per hectare
TOPOGRAPHY	Predominantly flat. Slightly rising ground from the road level.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedgerow and metal fencing.
SITE CHARACTERISTICS	Land to the rear of a newly constructed house and on the land are 3 wooden stables, 2 metal storage containers and a caravan which is being used for overnight accommodation. 3 paddocks with 2 horses. Adjacent to footpath.
CHARACTER OF LOCALITY	Semi rural location, adjacent to the Site 6 construction site.

RELEVANT SITE HISTORY

BE/101/07/	Erection of 1 no four bedroom dwelling	Refused 25-09-2007
BE/135/07/	Erection of 1 no 4 bedroomed dwelling (Resubmission of BE/101/07)	Approve Cond 16-01-2008
BE/29/10/	Proposed House - Amendments to Planning Permission BE/135/07	Approve Cond 29-06-2010

BE/46/11/NMA	Applicaiton for a non-material amendment following a grant of planning permission BE/29/10/ to change door on south return elevation to a window	Approve 09-05-2011
BE/44/11/DOC	Application for the approval of details reserved by conditions 3, 4, 5, 7 and 11 following a granting of planning permission BE/29/10/	Approved 16-06-2011

REPRESENTATIONS

Representations received:

Bersted Parish Council

Objection, the site lies outside the built up area boundary at the edge of a Conservation Area and is unrelated to the needs of agricultural and forestry. The development would constitute an intrusion in the countryside that would be detrimental to the rural character and appearance of the area. The site is in the strategic gap. The site is a backland location with a further paddock behind and the dwelling would divorce the site from the street scene failing to harmonise with the surrounding building.

North Bersted Action Group

Objection, it is damaging to the character and setting of the North Bersted Conservation Area and access to the site involves vehicles crossing a public footpath. This was supported by the Inspector regarding Site 6 who stated I consider retaining an undeveloped road frontage to the west of the Conservation Area is vital. The Council s Conservation Officer at the time stated that backland proposals were subject to countryside policies. Berkeley Homes have adhered to this view and created a village green open space along Berry Lane. It is important that the paddocks are maintained.

Bognor Regis District Chamber

Objection, this is clearly damaging to the setting of the Conservation Area. It would increase the access to Berry Lane.

West Sussex Wildlife Protection

Land needs checking for possible wildlife.

2 Letters of Objection

With the existing new house, this represents an overdevelopment. Berry Lane is currently a footpath which is not intended for access to Site 6. This will set a precedent. It is damaging to the character and setting of the Conservation Area. The rear gardens and paddock are important to the setting of the Conservation Area, as confirmed by English Heritage during the Site 6 appeal. The character of the Conservation Area is its country village character.

Comments on Representations received:

Noted. The site is within the built up area boundary. The site is outside, but adjacent to the Conservation Area. The proposal includes 2 stables.

CONSULTATIONS

Conservation Area Advisory Com

WSCC Local Development Divis.

Parks and Landscapes

Consultations responses received:

County Highways: No objections. Similar to BE/29/10 at an adjacent location.

Conservation Officer: The development is considered to have a negative impact on the setting of the Conservation Area.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary
Abuts a Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	AREA2	Conservation Areas
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPG13	Transport

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.

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 proposal is out of character with the rural lane of Berry Lane which is predominantly open in character. It represents an intensification of the built form into the countryside.

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 is within the built up area boundary and abuts a Conservation Area. Therefore development is acceptable in principle, subject to normal development control criteria and sensitive to the surrounding character.

PSS3 Housing and Character
While the proposed dwellings would be located within the built up area where the principle of development is accepted, garden land has now been reclassified in Annexe B of PPS3 (June 2010) and is no longer classified as Brownfield/previously developed land. This re-classification is an attempt to stem the flow of loss of garden land and prevent the much publicised garden grabbing. While each application is judged on its own merit such development may have a possible impact upon the character of the area, the acceptability of which must be considered.

It should be noted that, whilst a presumption in favour of garden land development is no longer pursued, PPS3 does not advocate taking a negative stance towards garden land development. The intention is for a neutral view to be adopted and applications for development in garden land should be looked at on a case-by-case basis and judged on their overall merits. The core aim of PPS3 is to achieve development that is better integrated with its surroundings and does not produce excessive density and development of garden land that satisfies this aim would be viewed more favourably.

Furthermore the revisions to PPS3 make it clear that the need for development to be in character is no longer modified by either the need for a minimum density or the need to make efficient use of residential garden land. The assessment of whether a scheme is in character with the surroundings is therefore considered against a differing criteria compared to that before the change to PPS3.

In this case, recent permission has been granted for a dwelling to the front of this site, which is similar in design (BE/29/10). However, this dwelling is protruding further outside of the existing lines of back gardens and is considered to be out of character and contrary to PPS3.

Design and Visual Amenity
The site is currently a paddock with stabling. It is proposed to construct a two storey house with an attached garage and 2 stables. The design is that of a barn style as a transitional point between the residential properties along the street scene and the open countryside to the rear. It is a large construction as it incorporates the proposed stables. Visually it would appear dominant in the landscape. On the opposite side of Berry Lane, which is part of the Site 6 development, it has been approved for the Public Open Space for the development in recognition of the rural nature of Berry Lane. Therefore the proposed new dwelling would represent a visual intrusion within this rural location.

PPS5 Planning for the Historic Environment
Paragraph 118 to 124 is the policy considerations with regard to the setting of Conservation Areas. In particular, paragraph 121 states that the design of a development affecting the setting of a heritage asset may play an important part in determining its impact. Further paragraph 122 states that the impact on a setting is an important consideration to which a proposal enhances or detracts from the ability to appreciate the conservation area. In this case it is considered that the proposal would detract from the setting of the conservation area for the reasons given below.

Policy AREA 2 Conservation Areas
This policy states that planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting. As shown below, the proposal neither enhances nor preserves the setting of the Conservation Area.

Effects on the Setting of the Conservation Area
The site is adjacent to the North Bersted Conservation Area. The conservation area is built around the surrounding farm land which is recognised as its historic connection worthy of preservation. This site is on the edge of the farmland and Berry Lane by it's very rural nature is part of this historic context. The proposed development would represent an intensification of the built form that would be out of character and does not preserve or enhance the setting of the conservation area.

Affordable Housing
An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The policy states that the Interim policy is in accordance with PPS3 Housing and for developments of 1-14 units an affordable housing provision of 15% will be sought district wide. Therefore as the proposal is for a residential unit, off site contributions will be required via a s106 Agreement. This agreement has not been signed.

Summary
The proposed dwelling is part of an existing garden area used as a paddock. The intensification of the built form is considered to be out of character with the area which along Berry Lane is predominantly rural. It does not preserve or enhance the setting of the Conservation Area. It is therefore recommended that the application is refused for the reason set out below.

RECOMMENDATION

REFUSE

1 The proposal is unacceptable in that it does not relate sympathetically in design, form and scale with the existing built and natural environment of the locality and it neither preserves nor enhances the setting of the Conservation Area.

It therefore conflicts with policies GEN7, AREA2 of the Arun District Local Plan.

2 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of PPS3 and the Council's interim affordable housing policy adopted on 18th August 2010.