

Recommendation Report for Planning Permission

REF NO: BE/46/21/PL

LOCATION: 1 Sunningdale Gardens
Bersted
PO22 9LE

PROPOSAL: Side and rear extension and divide into 2 No. 2 bed properties.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for an extension of the bungalow with attached garage to both sides and rear and division of the house and the rear garden to two 2 bed semi-detached dwellings. The extensions would wrap around the whole property except the front.
	A new tarmac driveway for off road parking for four cars to the front with 2 bins allocated for each dwelling.
SITE AREA	170 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	118 dwelling per hectare
TOPOGRAPHY	Predominantly flat.
TREES	There proposed development may effect the tree in the rear garden in a vicinity of southern boundary wall.
BOUNDARY TREATMENT	Panel (vertical board) fencing to the south and rear of site, open to the front, approximately 1.6m high panel (horizontal board) fencing on the boundary with neighbouring property to the north, 0.6m high on the boundary of front gardens.
SITE CHARACTERISTICS	The corner plot on the junction of Rowan Way and Sunningdale Gardens comprising a bungalow style detached dwelling with attached garage on northern side. The property has reddish/brown brickwork, tiled shallow gabled roof and white window frames. The property has a rear and front garden.
CHARACTER OF LOCALITY	Predominantly residential comprising an open plan estate of two storey dwellings and bungalows of identical design and age.

There is no relevant planning history.

REPRESENTATIONS

Bersted Parish Council: OBJECT: -
Overdevelopment and are built over the building line and is contrary to Arun Local Plan policies D DM1 and D DM4.

Concerns for Highway safety with cars accessing and egressing this extension on the junction with Rowan Way.

2 objections:

- The closeness and height of the extension will obscure the light from side elevation window of No 3
- Overdevelopment of the site.
- Danger to cars driving in from Rowan Way.
- Noise and lack of privacy should building works commence.
- No approach with regards of a party wall.
- Footings could encroach the neighbourhood land and damage the trees.
- Traffic access and egress will be inhibited at the junction of Sunningdale Gardens/Rowan Way and has the potential to be a dangerous risk to vehicles and pedestrians.
- Plans do not show a street lighting column located on the boundary in the middle of the parking area which could create a risk and possible damage to the electrical services under the surface.
- This development may have an impact on the current flood relief measures adjacent to this property.
- Reference Section 21 the construction will involve the use of hazardous substances

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be discussed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND: No objection, subject to appropriate financial contribution an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Pagham Harbour Access Management Zone B;
Class C Road.

DEVELOPMENT PLAN POLICIES

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

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)
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
QESP1	QE SP1 Quality of the Environment

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new 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

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 Bersted Neighbourhood Development Plan have been taken into account in determining this application: ES1 Design of new development, ES2 Surface water management, HDQ6 Outdoor Space, HDQ7 Attention to detail and HDQ8 Car parking.

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 affect adversely visual and residential amenities of nearby properties contrary to Policies D SP1, D DM1 and QE SP1 of the Arun Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

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

PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built up area, such development should comply with the policies in the development plan. The key policies are D SP1, D DM1, D DM2, T SP1, W DM1 and EEC DM1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM1, Policy ECC SP2 expects all new development to be energy efficient.

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.

Paragraph 124(d) NPPF states 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).

Paragraph 157 NPPF signifies in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

The Council acknowledges it cannot demonstrate a five-year supply of deliverable housing sites. The proposal would deliver 1 new dwelling in a sustainable location, nevertheless, which would make only a minimal contribution to the shortfall in housing supply.

The proposal results in significant harm to the area and residential amenities of immediately adjoining property in terms of creation of sense of enclosure and loss of outlook and day light. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The failure of the proposal to do this would be 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.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) continues insisting that new development should ensure that height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character. Policy D DM1 (7) expects that all development will incorporate existing and new tree planting as and integral part of the proposal.

Policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan require new development to be of a high quality and to reflect the character of the location.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part M.O1 deals with extensions and requires extensions respond to and complement the existing character and appearance of the building and wider townscape. The scale, massing and positioning of extensions should be visually subservient to the existing property in order to ensure that the latter remains the dominant form, with extensions of over 50% of existing floorspace unlikely to be considered acceptable.

Paragraph 130 of NPPF emphasises that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and do not undermine the quality of life or community cohesion and resilience.

The National Design Guide comprises a material planning consideration for the purposes of decision taking. Criterion C1 requires developments to understand and relate well to the site, its local and wider context; including the existing built development, layout, form and scale. Criterion I1 requires development to respond to existing local character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criterion B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

The host bungalow would be extended to all sides except of the front and the garage would be converted to a habitable use. The south east elevation would be extended by 2m abutting the boundary facing Rowan Way, would be 13.4m deep merging with 4.4m rear extension. The front part of this side extension would have the same roof as host building with the same ridge line, the rest would be characterized by 2.7m high flat roof. The north-west elevation would be extended behind the existing garage by 2.6m, abutting the shared boundary with 3 Sunningdale Gardens and would merge with rear extension resulting in a 9 m deep and 2.7m high wall on the shared boundary within a distance of approximately 2.5m from the southern elevation of neighbouring property with a habitable window. The extension would be 100% of the existing floorspace resulting in an overdevelopment of the site. The proposal fails to reflect the pattern of development of local area. With regards to the arrangement of front garden, it is understandable that the prospective occupiers of dwellings should be provided with parking spaces, however the measures to mitigate impact of proposal on the street scene and enhancing the biodiversity of the site is required.

The development detracts from the local area's character, as explained above, the relationship of development with surrounding development would be overbearing and result in a loss of amenity. The proposal conflicts with those aspects of Policies D DM1 and D SP1 of the Arun Local Plan, policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan, relevant paragraphs of NPPF, the Arun Design Guide (SPD) and the National Design Guide.

NOISE & RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that 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."

Policy 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."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required." It also emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

None of the Bersted NDP policies refer to residential amenity issues. One of the 'core planning principles' of the NPPF is to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130 f).

It is not considered a residential use would be a noise generating form of development especially in an area of mixed use development. The residential use would have similar characteristics to other residential properties in the locality.

The north western extension abutting the shared boundary with 3 Sunningdale Gardens would be 9 m deep and 2.7m high and would be a distance of 2.5m from a habitable window room on the south elevation of No 3. Given the proximity and its depth it would create an unacceptable sense of enclosure when seen from neighbouring property and garden, loss of outlook and sunlight resulting in an adverse impact on living conditions of residents of this property.

With regards to the future occupiers of plot 2, owing to the depth of the plan (9.7m) kitchen and preparation area would be reliant on artificial lighting.

Local Plan policy QE DM1 emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

The dwelling on plot 1 would have a bedroom window on the south eastern elevation in close proximity of Rowan Way, which is a busy road as such prospective occupiers of this dwelling would be affected by noise produced by the traffic. However this is not sufficient to result in a refusal.

The development would have an adverse impact to users and occupiers of nearby property resulting in harm on their neighbouring amenity by way of creation of sense of enclosure, limiting their outlook and sunlight. Therefore, it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and para 130 of the NPPF.

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan Policy T SP1 seeks to ensure 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.

Regard should be had to paragraph 111 of the NPPF 2021 which states 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 Bersted Neighbourhood Development Plan Policy GA3 states traffic calming and shared space proposals for development which would enable or assist with traffic calming or provision of shared space features will be supported. Policy HDQ8 of the BNDP requires proposals for development to have a minimum rate of two spaces per dwelling.

Arun District Council adopted a Parking Standards SPD (Jan 2020). ADC Parking Standards for a 2-3 bed property in Parking Behaviour Zone 4 requires a minimum of 2 car parking spaces on site.

The site plan shows 4 parking spaces that satisfy the requirement of the standard. It is not clear from the plans if the new access would be created or the existing would be shared.

The parking allocation would comply with T SP1 of the Arun Local Plan and the requirement of the BNDP policy HDQ8 and ADC Parking Standard.

INTERNAL & EXTERNAL 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 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 single storey, 2 bed dwelling with a Gross Internal Area (GIA) of approximately 75sqm (plot 1) satisfies the minimal internal space standards in the Technical Housing Standards Nationally Described Space Standards (2015) which is 74sqm for a single storey 2 bed 4 persons home. The single storey, 2 bed dwelling with a Gross Internal Area (GIA) of approximately 80sqm (plot 2) exceeds the minimal internal space standards in the Technical Housing Standards Nationally Described Space Standards (2015) which is 74sqm for a single-storey 2 bedroom 4 persons home.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy 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; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m.

Bersted Neighbourhood Development Plan policy HDQ6 states that a private outdoor garden amenity space of appropriate quality must be provided for all new dwellings.

Regard should be had to para 130 of the NPPF 2021 which requires development has a high standard of amenity for existing and future users.

In respect of external standards, plans show the provision of sufficient rear garden space for each dwelling (plot would have garden up to 10m deep) which would satisfy the requirement of Arun Design Guide and comply with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 130).

BIODIVERSITY:

Policy ENV DM5 of the Local Plan requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

The documents do not show any indicative landscaping, this would need to be detailed to provide a scheme which will soften the development and add to biodiversity net gain. The impact of the proposals could be lessened in this location and blended into the surrounding residential setting with further thought given to the landscape offer and greening to enhance this.

The proposal fails to provide details of biodiversity net gain in biodiversity and protect the habitats on site therefore not in accordance with the ALP policy ENV DM5. However this does not result in a reason for refusal as biodiversity net gain can be conditioned.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP Policy ENV DM2 requires 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.

NPPF, paragraph 174 a) stresses that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status).

The site lies in designated Zone B and this application results in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

According to Natural England's advice, an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), PART 6, Chapter 2 should be carried out. It should be considered whether the development, notwithstanding financial measures, is likely to have a significant effect on the Pagham Harbour Special Protection Area.

The application for the extension and division of the dwelling results in recreational disturbance only to Pagham Harbour. Having considered mitigation and avoidance measures to be provided in-perpetuity through the contribution to the Joint Pagham mitigation scheme, Arun District Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site(s).

The Appropriate Assessment has been sent to Natural England and they state that all mitigation measures are appropriately secured in any planning permission given.

On the basis of a net gain of 1 unit, the applicant has agreed to the £871 contribution and this is secured by the agreed Section 106 agreement. There is no conflict with policy ENV DM2 of the Arun Local Plan.

SUMMARY

The development fails to respect the surrounding character and appearance of the area, would detract from the existing pattern of development and would result in a significant harm to residential amenities of nearby property therefore the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole. The development is considered to conflict with the development plan, particularly policies D SP1, D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and relevant paragraphs of NPPF and consequently

is 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.

SECTION 106 DETAILS

The decision would be granted with a S106 legal agreement relating to a contribution of £871 towards the cost of delivering measures to avoid or mitigate to an acceptable level, the harm caused to Pagham Harbour by the Development.

CIL DETAILS

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

RECOMMENDATION

REFUSE

- 1 Having regard to the proximity and relationship of the extension to neighbouring residential property to the north west, the proposal creates unacceptable living conditions for the occupants of 3 Sunningdale Gardens through creating sense of enclosure, limiting their outlook and overshadowing, in conflict with policies D DM1, and QE SP1 of the Arun Local Plan, Arun Design Guide and relevant paragraphs of the National Planning Policy Framework
- 2 The development fails to respect the character and pattern of the area and results in a cramped, overdevelopment of the site out of character with and detrimental to the character and amenities of the surrounding residential area, contrary to policies D SP1, D DM1 of the Arun Local Plan and relevant paragraphs of the NPPF.

- 3 **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.