

Recommendation Report for Planning Permission

REF NO: BE/65/19/PL

LOCATION: Land adjacent to
12 Plover Close
Bognor Regis
PO22 9HD

PROPOSAL: 1 No dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Three bedroom bungalow style detached dwelling is proposed on the land adjacent to semidetached dwelling No12 Plover Close. The proposed dwelling would have a gabled roof with a ridge slightly lower than that of No 12, would be 6.4m wide, with a gabled front projection 2.4m deep close to No 12. Materials would match with surrounding properties. It would have two off-street parking spaces on the frontage. The main entrance would be from the pass alley between Plover Close and the dwellings on Osprey Gardens to the east. Bin and cycle storage are along the eastern boundary, southern from the entrance.
SITE AREA	0.02ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	48.4 dwellings per hectar
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mature hedgerow to the east and front have been removed, timber panel fence approximately 1.8m to the front, west and to the rear.
SITE CHARACTERISTICS	The site is situated to the end of Plover Close and comprises single storey well set back semi-detached dwelling with an entrance from the side and two outbuildings to the east from the main building and the garden area to the rear. The front garden was converted to parking for two cars.
CHARACTER OF LOCALITY	The area is residential and comprises a range of two storey semi-detached, terraced houses and bungalows all of a similar style and materials within rather open layout of cul de sac with a pocket park in the centre.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

No objection.

2 letters of objection have been received as follow:

- There are concerns that there will be restriction of light, disruption of a building site and attempt to cram another house into a small quite area.
- The building will block the light coming in to our house through the front door and the bathroom.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues of a possible impact of the proposed dwelling on the surrounding properties are discussed within conclusion of this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environmental Health

CONSULTATION RESPONSES RECEIVED:

Engineers Comments Regarding Surface Water Drainage - Due to the scale and location of development we have no conditions to request. Surface water drainage must be designed and constructed in accordance with building regulations.

WSCC, Highways Authority comments - There are no transport grounds to resist the proposal, subject to conditions.

Environmental Health comments - No objections subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted; no objections from statutory consultees subject to conditions.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area
Pagham Harbour Access Management Zone B

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
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
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 HDQ8	Car parking
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ5	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space

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 policy ES1, HDQ2, HDQ5, HDQ6 and HDQ8 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 conflicts with the Local Plan in that it does not make any provision for the protection of Pagham Harbour, it would affect adversely the residential amenities of nearby properties, it would result in a cramped development and subsequently would have a materially adverse effect upon the established character of the surrounding area therefore contrary to Policies D SP1, D DM1 and ENV DM2 of the Arun Local Plan and Policies ES1, HDQ2 and HDQ5 of the Bersted Neighbourhood Development Plan.

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 Arun Local Plan 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.

The Arun Local Plan 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, HDQ2 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".

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.

The proposal is for a new single storey dwelling in the grounds of No 12 Plover Close. It would be located in a close vicinity to the existing dwelling, within a distance of 1.7m from its side elevation with the main entrance, would be set back from the building line by 2.5m and would not have a proper

relationship with the street (the end of cul de sac) appearing cramped in the street scene.

Having regard to the design and the existing character of the area it is considered that the proposal would represent an overdevelopment of the site, would not be in keeping with the area and its established pattern of mix of semi-detached and terraced dwellings with substantial gaps in the between and thus in conflict with Arun Local Plan (2011-2031) policies D DM1 and S SP1 which require development of good design, to make efficient use of land, but the same way respond to the character of the area. These policies reflect advice under paragraphs 122 and 127 of the National Planning Policy Framework (the Framework). Additionally, the proposal would not respond to the locality and would fail to integrate visually as per Bersted Neighbourhood Plan (2014-29) policies ES1, HDQ2 and HDQ5.

HIGHWAYS & PARKING:

The Arun Local Plan's 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."

The Highways Authority does not consider that this proposal would have an unacceptable impact on highwaysafety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

The proposal provides 2 off-street parking spaces for 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:

The Arun Local Plan's 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.

As mentioned above the proposed dwelling would be sited within a separation distance of 1.7m only, protruding from the rear elevation of No12 Plover Close by 5.7m resulting in the loss of sunlight and an outlook of the occupiers at No 12. In addition, the window of bedroom of a new development would be facing to the existing timber panel fence within a distance of approximately 0.6m and the main entrance of No 12 exposing the future occupants to noise and disturbance and offering a poor outlook. It is considered that due to a close proximity of the proposed dwelling to No 12 Plover Close resulting in a loss of light and an overbearing impact on the existing nearby dwelling notwithstanding the relatively low height of the proposed dwelling. Therefore the proposed development would conflict with policies D DM1 and QE SP1 of the Arun Local Plan.

SPACE STANDARDS:

Policy D DM1 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 single storey, 3 bedroom, 5 person dwelling is 86m² but the dwelling has a floor area of approximately 61.4m², far below the requirement of Nationally Described Space Standards. In addition, the minimal requirement for the size of bedroom is 7.5m² whilst two of three proposed bedrooms would have a floor space of approximately 5.5m². Therefore it is considered that the proposed development would provide the internal spaces of an inappropriate size and would fail to meet the requirements of the future occupants.

The Arun Local Plan's 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 shows that there would be insufficient garden space provided for a new dwelling are afforded decent useable

The proposal is therefore considered to conflict 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 should be secured by the signed legal agreement, however the applicant has failed to apply this requirement.

SUMMARY:

The proposed development would represent an overdevelopment of the site, resulting in a cramped development, would not be in keeping with the area and its established pattern, would fail to integrate visually and would result in harm to the amenities of the two adjacent property and this is in conflict with the relevant development plan policies. In addition the applicant failed to secure the contribution towards the agreed strategic approach to access management at Pagham Harbour. 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 site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policies D SP1, D DM1 and QE SP1 of the Arun Local Plan and policies ES1, HDQ2 and HDQ5 of the Bersted Neighbourhood Development Plan.
- 2 Having regard to the limited area of the site and its relationship to existing residential properties the proposal would give rise to an unneighbourly form of development and would provide an unacceptable living conditions for the future occupants and be prejudicial to the

amenities and environment of the locality in conflict with policies D DM1, D DM2 and QE SP1 of the Arun Local Plan and HDQ6 of the Bersted Neighbourhood Development Plan

- 3 The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in accordance with policy ENV DM2 of the Arun Local Plan.
- 4 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.
- 5 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.