PLANNING APPLICATION REPORT

REF NO: BE/84/08/

LOCATION: Land adj to
17 Frandor Road
Bersted

PROPOSAL: New dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Semi-detached single storey addition onto side of No. 17 Frandor Road, to serve as independent dwelling to measure (at maximum) approximately; 5.2m in height, 9m in length, and 4.4m in width
SITE AREA	Approximately 0.025 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	40 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mix of close boarded fencing, reinforced by shrubs. Open to road frontages with young conifer specimens
SITE CHARACTERISTICS	Parcel of side garden land serving No. 17 Frandor Road which is brick walls and pitched/tiled roof. UPVc windows and doors. Concrete vehicle access and hardstanding. Corner of junction of 2 residential roads. Northern flank of no. 17 approximately aligns with frontages of terraced dwellings on south side of Holland Close. This positioning allows a clear view into Holland Close when approaching from Frandor Road frrom the south and views out of Holland Close towards Frandor Road.
CHARACTER OF LOCALITY	Semi-detached or short terraced bungalows and terraces of 2-storey dwellings. Within the Frandor Road, Holland Close, and Stroud Green Drive area, gardens to the front and side of properties are generally spacious and landscaped with lawns and shrubs. Although high fencing or hedging up to the pavement encloses a few plots adjacent to the road, the prevailing character of the estate is open.

RELEVANT SITE HISTORY

BE/132/07/	Single detached bungalow dwelling with	Refused

	associated parking together with new parking to the front of 17 Frandor Road (Resubmission following BE/89/07)	04-12-2007 **Appeal:** Dismissed 02-MAY-2008
BE/89/07/	Single bungalow dwelling with associated parking and landscaping together with new parking to the front of 17 Frandor Road	Refused 30-08-2007 **Appeal:** Dismissed 06-MAY-2008

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council: Awaited

West Sussex Wildlife Protection: Objection
Land needs checking for wildlife

9 individual letters of objection received:
Tiny, cramped building with small rooms.
Creates terrace which is out of keeping
Properties devalued. Contrary to deeds
New build would remove light source to bathroom and kitchen of existing property. Not permitted to have these rooms without natural light
Disrupts building line
Site is too small
Works already started
Sets precedent
Exacerbates existing on street parking congestion
Presents highway hazard
No means of escape during fire
Untidy site used to store builders goods - change of use?
Similar proposals in estate refused permission
Conflicts with relevant development plan policies
Exacerbates existing pressure of sewerage. Fence will cross manhole covers
Front garden would be used for parking. Detriment to character and appearance.
Inaccurate details on planning application forms
Impinges on No. 17's right to light
Construction will cause disturbance and highway disruption
Detrimental to outlook

Comments on Representations received:

Noted. No species protected or of merit are known to be recorded on the site, which is garden.

The new building is small, but this is not necessary detrimental. The plots for both proposed and existing are of an adequate size as to accommodate the new and retained properties and their garden land, without detriment to the amenities of the occupiers. The Inspector, in dismissing BE/132/07, notes terraces are present within the wider residential estate.

Property devaluation, private outlook, functional deficiency of the sewerage system, deeds, fire regulation, "right to light", and disturbance and disruption from construction works, are

not material planning considerations. The details on the planning forms are sufficient to make the application valid, so the local planning authority is duty bound to determine it.

Each application is determined on its own individual merits; therefore approval does not set precedent. Retrospective applications are not prohibited.

Site condition is not of such material weight as to outweigh consideration of impact upon amenities. The proposal is not considered to detrimentally impact upon residential amenities of the locality, including the amenities of the adjoining property No. 17 Frandor Road. This is because sufficient distance is retained between the new build and neighbouring properties (other than the adjoining property, No. 17), to avoid adverse overbearing and overshadowing, overlooking, and loss of privacy onto the amenities of the occupiers of those properties. It is recognised that if the building is constructed then the bathroom and kitchen to No. 17 would lose external light sources. However it is maintained that, in planning terms, that property, and indeed the new dwelling also, would provide a satisfactory standard of single/dual person accommodation comprising reasonably regular-shaped rooms of a reasonable layout. It must be emphasised that the requirements for internal room light and ventilation and internal layout overall is not a planning consideration in the strictest sense, as it is a matter dealt with by other legislation.

The proposal is, however, considered to adversely impact upon the visual amenities of the locality and also its character, and it is recommended that the planning application be refused for those reasons alone. The reasoning for this are detailed in the conclusions section of this report.

CONSULTATIONS

Head of Highways and Transport

Consultations responses received:

County Highways: Consulted previously on highway matters under BE/89/07 to which no objection raised and BE/132/07 to which modification requested

Proposal is for new dwelling with access onto Holland Close via existing garage access. New access created for existing property, 17 Frandor Road, onto Frandor Road. No apparent visibility issue at existing point of access onto Holland Close. Garage access is existing and not expected to be intensification of use of this access as result of proposal, therefore no concerns raised over visibility. No apparent visibility issue at proposed point of access, to be provided for the existing dwelling, onto Frandor Road. To safeguard visibility of pedestrians, applicant should provide 2m by 2m pedestrian visibility splays either side of both existing and proposed point of access onto Holland Close and Frandor Road respectively. These visibility splays should be kept free of obstructions over 0.6 metres in height. Most recently available verified accidents records reveal no personal injury accidents in vicinity of existing point of access, indicating low risk of highway safety issues with proposal

Provision of one car parking space per property would be within WSCC maximum Parking Standards and no highway safety concerns raised. Noted high levels of on-street parking, both on Frandor Road and Holland Close

Turning not achievable on-site, but neighbouring properties appear to have similar access arrangements without reported incident and, therefore, no significant highway safety concerns raised

In terms of transport, property situated in sustainable location. Property within walking distance of range of services and public transport, hence there reduced reliance on use of

private car. Nearest bus stop is approximately 207 metres away in Stroud Green Lane. Therefore in compliance with PPG13 and policy DEV4 of West Sussex Structure Plan 2001-2016 in encouraging use of sustainable transport

Cycle parking should be included, if not already available. Must be secure, covered and capable of storing at least one cycle per bedroom. Actual details of cycle parking facilities should be submitted to and approved by Local Planning Authority

From archaeological perspective, evidence of prehistoric, Roman and medieval occupation on Chalcraft Lane to west of site so potential for any ground disturbance to find further evidence. However, given site of footprint not considered condition requiring applicant to make provision for archaeological monitoring and recording appropriate. Subject to notification 14 days in advance of groundworks Local Development prepared to conduct site inspection and establish whether there is evidence of archaeological material. The requirement to provide notification may be a matter for a planning condition

Public Rights of Way had no comments

Comments on Consultation responses:

Comments noted. There is space within site to provide adequate cycle storage, so the condition is unnecessary. The suggested visibility condition will be attached to the decision notice in event of approval.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Open Plan estate

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1	Locational Strategy
	DEV5	Parking Provision
	CH1	Character
	DEV1	High Quality Development
	ERA1	Making the best use of land
	NE1	Level of Residential and Employment Development
Arun District Local Plan:	GEN12	Parking in New Development
	GEN9	Foul and Surface Water Drainage
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN2	Built-up Area Boundary

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
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, or its character, highway safety and capacity, and parking provision.

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 it would have a materially adverse effect on the visual amenities of the established open and spacious character of the surrounding area and would represent a cramped form of development.

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

In determining the current application, previous appeal decisions are a material planning consideration. On this site, two applications for a single bungalow have been refused and dismissed at appeal (BE/89/07 and BE/132/07). Although this proposal is too for a single bungalow, it differs in comparison with that previously applied for.

In those appeal decisions, the Inspector did not object to the principle of a new dwelling on the site (it is within built up area boundary and a reasonably sustainable location, being within walking distance of a range of services and public transport). Neither did he consider the proposal to materially adversely exacerbate either on-street parking congestion or on-site parking provision, nor present highway hazard. The Inspector did, however, have issue with the design and layout particulars of the schemes.

With regard to these, in BE/132/07 the Inspector stated although the development of the side of no. 17, even to a high quality, would "constitute a significantly obtrusive and discordant feature in the street scene and detract from the open character of the area as a whole". He further stated the smallness of its plot and of the residual plot of no. 17 would emphasise the cramping effect of the development. Finally, he argued the adverse impact of the proposal would be accentuated by the site being not far from one of the entrances to the estate, where the distinctive symmetry of a series of pairs of bungalows would be disrupted.

Although, in the current proposal the new build, in terms of its scale, size and bulk, has been much reduced so it resembles a side extension, these changes do not overcome the fact that the building remains a significant built form projection into the side garden. This, together with creation of a formalised garden with fence and hard standing, would still appear as an obtrusive and discordant element in the street scene that would detract from the open and spacious character of the estate,

Therefore the reasons for the dismissal of the previous appeals remain unresolved, and it is recommended the planning application be refused for that reason alone.

RECOMMENDATION

REFUSE

1 The introduction of built form and associated fencing, hard standing, and formalised

garden to the rear of the new dwelling, into the existing side garden would form an obtrusive and discordant feature in the street scene and detract from the open character and appearance of the estate as a whole. The development would therefore be in conflict with policies DEV1, CH1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.