

Recommendation Report for Planning Permission

REF NO: BN/12/19/PL

LOCATION: The Cottage Piggeries
Church Lane
Barnham
PO22 0DB

PROPOSAL: Application for variation of condition imposed on planning reference BN/19/18/PL relating to condition 2 - amended floor & elevation plans

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to vary the existing approved permission by adding two new bedrooms and a shared bathroom within the roof space. This necessitates a change to the height of the roof with the top of the roof to now be 9.25m high compared to 10.17m as per the approved scheme. There is no change to the eaves height. The proposal also includes front facing velux windows and rear dormer windows.
SITE AREA	0.1623 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	6 dwellings per hectare.
TOPOGRAPHY	The site starts flat close to the boundary with Sandon but then begins to slope away in a north westerly direction. The slope is not significant close to the neighbouring property Birchwood House but gradually gets steeper. The total drop-off is considered to be in the region of 2m.
TREES	There were three Pine trees within the curtilage of Birchwood House to the southwest which could have been affected by the development. However, these were not considered to be worthy of long term protection and the neighbour has removed the trees.
BOUNDARY TREATMENT	- 1.2m high post & wire fence to the driveway with a 1.6m high timber fence beyond to Tars Farm; - 1.9m high timber fence to Birchwood and Sandon; and - 2m hedge to the rear.
SITE CHARACTERISTICS	Former grassed enclosed parcel of land used for domestic purposes in connection with the mobile home to the north west. However, the construction of planning permission BN/19/18/PL has commenced on the site.
CHARACTER OF LOCALITY	Rural location with open fields beyond the Cottage Piggeries mobile home to the west. Church Lane has a mixture of detached properties of various styles and designs, some of which are quite grand in appearance.

There are four existing adjoining residential properties to consider. Firstly, Tars Farmhouse to the north east which has two storeys and some upstairs windows overlooking the site at a distance of 30-35m. Secondly, Sandon to immediate south east which is a bungalow. It two bedroom windows on the elevation facing the site but no windows on the gable end closest to the shared boundary. Birchwood House lies to the immediate south west. It is set away from the boundary by the width of a flat roofed garage and has one first floor flank bathroom window above which overlooks the site. A rear first floor bedroom bay window also offers oblique angle views of the site. Finally, the Cottage Piggeries mobile home to the north west which is owned by the applicant but will remain albeit occupied by new persons.

RELEVANT SITE HISTORY

BN/18/19/DOC	Approval of details reserved by condition imposed under ref BN/19/18/PL relating to Condition No 4 schedule of materials and finishes.	DOC Approved 17-04-19
BN/17/19/NMA	Non-material amendment following the grant of planning permission reference BN19/18/PL for amendment to rear elevation - addition of pitched roof detail and addition of chimney.	Approve 17-04-19
BN/6/19/DOC	Approval of details reserved by condition imposed under ref BN/19/18/PL relating to Condition Nos 4 materials & finishes,5 new screen planting, 7 site set up during construction and 11 level survey.	
BN/14/19/DOC	Approval of details reserved by condition imposed under ref BN/19/18/PL relating to Condition No 3 surface water drainage.	DOC Approved 10-04-19
BN/13/19/NMA	Non material amendment following BN/19/18/PL to increase depth of house.	Approve 01-04-19
BN/19/18/PL	Erection of 1 No. dwelling & separate single storey double garage. This application is a Departure from the Development Plan.	ApproveConditionally 08-08-18

It is noted that there have been minor changes to the originally approved scheme by way of BN/13/19/NMA and BN/17/19/NMA. The applicants agent has commented that although the drawing revision number are out of sync with those listed in the last NMA, no changes are required to the drawings because initially all of the amendments were covered by BN/12/19/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

The Barnham and Eastergate Parish Clerk has stated that: "I have consulted the Council in respect of BN/12/19 and they have no issue with that application as the rooms are basically going in the roof".

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Southern Water Planning

Engineers (Drainage)

Engineering Services Manager

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - "Southern Water has no objections to the above variation of condition 2. The comments in our response dated on 14/06/2018 remain unchanged and valid".

WSCC HIGHWAYS - "The proposal seeks the variation of condition imposed on planning reference BN/19/18/PL relating to condition 2 in order to amend floor and elevation plans. After review, no highway concerns would be raised to the latest iteration of the plans".

ADC DRAINAGE - "We have no further comments or concerns regarding the revised plans".

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;

Flood Zone 1;

No Public Sewer;

Area of Special Advert Control; and

Grade 2-3 Agricultural Land.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES1

Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES6

Contribution to local character

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES8

Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES10

Trees and hedgerows

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES11

Energy efficiency of new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA1

Connection to sustainable transport

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA4

Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H2

Windfall sites

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H4

Integration of new housing into surroundings

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H5

Outdoor space

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.

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 policy C SP1 of the Arun Local Plan on the grounds that the site lies outside of the built up area/in the countryside where new residential development is inappropriate. Furthermore, there is conflict with policy SO DM1 of the Arun Local Plan on the basis that the land is considered to represent best and most versatile agricultural land.

However, it will comply with policy H2 of the Barnham & Eastergate Neighbourhood Development Plan which allows for small scale infill development within the countryside. The proposal is considered to comply with all other relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality, on the residential amenities of the adjoining properties, on the safety and convenience of the road network or on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

The site already benefits from a valid planning permission for a new dwelling which has been implemented.

CONCLUSIONS**PRINCIPLE:**

The site benefits from an extant planning permission for a 5 bedroom, two storey detached dwelling with

separate garage. This permission has been implemented and is in the process of being constructed. As such, it is not necessary to reassess the principle of residential development on this countryside site and not therefore relevant to re-visit the countryside and agricultural land policies within the development plan.

DESIGN:

Policy D DM1 of the Arun Local Plan (ALP) requires the Council seek to make the best possible use of 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. D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintains 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. ALP policy D SP1 "Design" is also relevant and sets out a requirement to make an efficient use of land and also reflect local character.

Barnham and Eastergate Neighbourhood Development Plan (BENDP) policies ES5 (Quality of design), ES6 (Contribution to local character), ES8 (Buildings should be designed to reflect the three-dimensional qualities of traditional buildings), H4 (Integration of new housing into surroundings) and H6 (Attention to detail) are all considered to be relevant. These set out requirements for high quality design, the early integration of building features & details and development that reflects the design & character of surroundings.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The majority of the proposed dwelling already benefits from planning permission. The only changes between the approved scheme and this concern the lowering of the ridge height and new roof level windows which include two relatively small rear dormers and two front velux windows. It is therefore only appropriate to assess the scheme in terms of these design changes. None of these changes are considered to compromise the aesthetic qualities of the dwelling design as has already been approved. The dwelling retains a sense of grandeur which is in character with other dwellings along Church Lane.

It is therefore considered that the proposal as amended still complies with policies D DM1 & D SP1 of the ALP and policies ES5, ES6, ES8, H4 & H6 of the BENDP.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. 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". Regard should be had to para 127 of the NPPF which states that development should provide a high standard of residential amenity for existing and future users.

The proposed rear dormer windows are not considered to result in any adverse overlooking of the mobile home to the northwest given that there will be a distance of 68m between the dwelling and this mobile

home. The mobile home is also currently in the ownership of the applicant so either he will retain control or if sold on, then the new occupier will be aware of the situation. It is also not considered that the rear garden of Birchwood will be affected due to the existing tree screening along this boundary.

The proposed front velux windows on the other hand will face over the rear windows and garden of Sandon to the southwest and these windows will be higher than the existing approved first floor windows below which had been considered to be acceptable. The distance from the edge of the roof of the dwelling and the edge of Sandon's rear garden is 12m whilst the distance to their rear windows is 26m. It is considered that the new velux windows could result in both actual and perceived overlooking of the neighbouring property. However, as these windows are to serve only walk-in wardrobes (with the bedrooms taking light and air principally from the dormer windows), it is acceptable to impose a condition requiring that these are obscure glazed and fixed shut.

On this basis, it is considered that the proposal complies with policies D DM1 and QE SP1 of the ALP.

PARKING & HIGHWAY SAFETY:

ALP 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, policy T SP1 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".

Policy GA4 of the BENDP states that "Development proposals will be supported only if they include the maximum level of off-street parking consistent with the current standards under the Local Plan. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity."

Regard should also be had to paragraph 109 of the NPPF 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."

West Sussex County Council are the Highways Authority. They did not object to the previous application on the basis that historically, the access could have been used by a greater amount of vehicles than now proposed. They also commented that despite there being issues with the visibility of the junction onto Church Lane, there have been no accidents at this location in the last 10 years. They have considered this application afresh and raise no new concerns despite the increase in the number of bedrooms.

According to the West Sussex Parking Demand calculator, the parking demand for a 7 bedroom dwelling in this location would be 3 spaces. This can easily be met with the proposed double garage and additional hardstanding to the front of the house. It is therefore considered that the proposal complies with policy T SP1 of the ALP and policy GA4 of the BENDP.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be an appropriate size (having regard to the exceptions that may apply as referred to in paragraph 13.3.4) to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance."

The required internal space standard for a house of this number of bedrooms is 138m² but the proposal far exceeds this. Although the new 2nd floor accommodation has not been calculated, the previous application was found to offer 310m² of floor space over the approved two floors. The addition of the roof space will only serve to increase this amount further. There is not considered to be any conflict with policy D DM2.

ALP 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 ALP 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 H5 of the BENDP states that "Proposals for new housing development should include good quality outdoor amenity space - either private gardens or a shared amenity area."

The proposal includes a large rear garden which is considered to be a private space (subject to the usual tolerances caused by neighbouring windows having oblique angle views). The proposal therefore complies with this policy.

SUMMARY:

The proposed additional; floorspace and new front/rear roof windows are not considered to result in any additional harm to the visual amenity of the locality or the safety of the local highway. There is a concern regarding overlooking from the proposed front velux windows but this can be satisfactorily mitigated through an obscure glazing condition. It is therefore recommended that planning permission be granted for this variation application and in accordance with the following conditions.

It should be noted that these conditions reflect those attached to BN/19/18/PL and have been updated to reflect the results of BN/6/19/DOC and BN/18/19/DOC which had discharged the pre-commencement and pre-damp proof course level conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the 8th August 2018 (being the date that planning permission was granted for BN/19/18/PL).

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

C0117-P001 Rev A "Location Plan";
 C0117-P002 Rev B "Site Layout Plan";
 C0117-P101 Rev C "Proposed Ground Floor Plan";
 C0117-P102 Rev E "Proposed First Floor Plan";
 C0117-P205 Rev C "Garage - Proposed South East Elevation";
 C0117-P204 Rev D "Proposed South West Elevation";
 C0117-P201 Rev C "Proposed South East Elevation";
 C0117-P202 Rev D "Proposed North East Elevation";
 C0117-P203 Rev C "Proposed North West Elevation";
 C0117-P217 "Proposed Section A";
 C0117-P103 Rev D "Proposed Roof (Second Floor Accommodation) Plan"; and
 C0117-P104 "Proposed Roof Plan".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1 and T SP1 of the Arun Local Plan.

- 3 The development shall be implemented in accordance with the surface water drainage scheme which was approved by the Local Planning Authority on the 10th April 2019 (ref BN/14/19/DOC) and which consisted of the "Surface Water Drainage" drawing ref 2014/SK2, the "Surface Water Drainage Construction Details" drawing ref 2014/SK5 and the Micro Drainage Test results dated 23/03/19. The approved drainage scheme shall be fully implemented prior to occupation of either of the dwellings and shall be permanently retained in good working order thereafter.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM2 and WDM3 of the Arun Local Plan.

- 4 The development shall be implemented in accordance with the materials as approved by the Local Planning Authority on the 17th April 2019 (ref BN/18/19/DOC) and which consisted of the following items

- (1) Welsh Slate Ltd. Natural Roof Tiles (colour: Genuine Dark Blue Grey);
- (2) Red soft mud creased multi brick by Weinerberger (Terca Olde Essex Red Multi);
- (3) Forticrete Portland (through coloured) cast stone quoins & window cills; and
- (4) White uPVC doors, windows, gutters and downpipes.

And which were detailed on the drawing C0117-P401 Rev A "Materials and Finishes Schedule".

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of this semi-rural area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 The development shall be implemented in accordance with the landscaping scheme as approved by the Local Planning Authority on the 17th April 2019 (ref BN/6/19/DOC) and which was detailed on drawing ref C0117-P005 Rev A "Site Layout Plan - Sandon Boundary Planting Information". The approved landscaping shall be carried out in the first planting and seeding season, following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity specifically maintaining the privacy of the neighbouring residential property in accordance with policy D DM1 of the Arun Local Plan.

- 6 The development shall be implemented in accordance with the ground levels and finished floor levels as shown on drawing C0117-P002 Rev C "Site Layout Plan - Indicating Proposed Ground Levels" which was approved by the local planning authority on the 10th April 2019 under ref BN/6/19/DOC. Thereafter, there shall be no changes to the site levels other than without the written consent of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan.

- 7 The construction of the dwelling, the garage and the other built development shall only be carried out in accordance with the "Site Setup During Construction" plan ref C0117-P004 Rev A as approved by the Local Planning Authority on the 10th April 2019 (ref BN/6/19/DOC)

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with the NPPF and policy T SP1 of the Arun Local Plan.

- 8 The garage building shall be used only as private domestic garages for the parking of vehicles and cycles incidental to the use of the properties as a dwelling and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety and to provide alternative travel options to the use of the car in accordance with the NPPF and policy T SP1 of the Arun Local Plan.

- 9 No external lighting shall be installed on the site or to the building until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies QE DM2, QE SP1 and ENV DM5 of the Arun Local Plan.

- 10 Should any sewer be found during construction works then all development activities within

5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to an existing foul sewer in accordance with policy W DM1 of the Arun Local Plan.

- 11 The first floor bathroom window on the south west elevation of the building shall at all times be glazed with obscured glass and fixed shut to a height of 1.7m above floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 12 The two new roof level velux windows in the front south east elevation of the building shall at all times be glazed with obscured glass and permanently fixed shut.

Reason: To protect the amenities and privacy of the adjoining property, Sandon, in accordance with policy D DM1 of the Arun Local Plan.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking or re-enacting that Order) the roof of the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers particularly Sandon to the south east in accordance with policy D DM1 of the Arun Local Plan.

- 14 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 15 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.