

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: BN/66/26/HH

LOCATION: Kingarth
Lake Lane
Barnham
PO22 0JA

PROPOSAL: Installation of PVCU conservatory to north eastern elevation of property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

BN/53/24/HH	Single storey front extension.	ApproveConditionally 19-06-24
BN/53/20/CLP	Lawful development certificate for a single storey side extension.	PP Not Required 09-07-20

REPRESENTATIONS

Barnham and Eastergate Parish Council - No objection.

No representations received from nearby occupiers.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Network Rail - No objection.

Drainage Engineers - Objection.

Runoff destination

1.1.No information has been provided regarding the proposed point of discharge for surface water runoff, as required by Standard 1 of the NSfS. The submitted Flood Risk Assessment states that surface water will be discharged to the existing surface water drainage network; however, no details have been provided regarding the nature, location, condition, ownership, or available capacity of this system.

1.2.As insufficient evidence has been submitted to demonstrate how the applicant intends to drain surface water, we are unable to assess whether the proposed development would increase flood risk. It is the responsibility of the applicant or their drainage designer to provide this evidence. For this reason, we object to the proposal, as the submission of such evidence may affect the scale and layout of the development.

1.3.To support an infiltration-based design, winter groundwater monitoring must be undertaken to confirm that a minimum of one metre of unsaturated ground can be maintained between the base of the soakaway or infiltration structure and the peak groundwater level. Ground conditions and infiltration potential in Barnham are highly variable. While infiltration may be feasible in some areas, others experience high groundwater levels or poor infiltration rates that render it unviable. This must be robustly demonstrated by the applicant.

1.4.If infiltration is not viable, then alternative sustainable means of draining the site are summarised as follows:

- 1.Water reuse - not proposed but will not provide a full design solution and can be secured via condition.
- 2.Infiltration - not investigated.
- 2.To a watercourse - Barnham Rife, a culverted main river runs approx. 100m to the west and crosses Barnham Road.
- 3.To a surface water sewer - none available.
- 4.To a highway drainage system - a highway drain can be found in Lake Lane outside the property.
- 5.To a combined sewer - none available.

1.5.It is essential that each discharge destination is considered in strict priority order, with higher priority options fully explored and demonstrably exhausted before progressing to lower priority alternatives. Robust evidence must be provided to discount a higher priority destination.

1.6.In this case, ADC has identified a potential alternative (if infiltration proves unviable); a Barnham Rife (main river) crossing Barnham Lane. It is the designer's responsibility to fully investigate this option, where necessary, and provide clear evidence of permission from the Environment Agency to discharge into the system and ensure that a gravity lead solution was feasible as the use of pumps is highly discouraged.

1.7.There is also a highway drain in Lake Lane. This are controlled by West Sussex County Council and permission to connect would be required from them (but permission often resisted). No evidence or permission has been provided to confirm whether discharge to these highway drainage systems would be permitted, or whether the drains have sufficient hydraulic capacity and the applicant has not provided any further information on how they may drain the site if infiltration is later found to be unviable or whether the connection to the highway drainage system can be achieved.

1.8.Surface water must not be discharged into the foul sewer. The foul sewer is not a recognised disposal location in the Standard 1 of the NSfS. It is important to recognise that combined sewers are intentionally designed to take both foul and surface water runoff. Even if the foul sewer has the capacity to accommodate additional flows or has an element of surface water already in it, it is not considered combined.

1.9.The application site is in the Lidsey Wastewater Treatment Catchment Area. This catchment is the subject of a surface water management plan due in part to the recognised history of foul sewer flooding. The site is within a local flood risk zone identified within the surface water management plan . The plan states that flood risk from fluvial flooding and public sewers is high. It states that flood risk of the rife occurs in the 1% event which is especially felt upstream of the railway line.

Extreme rainfall and flooding

3.1.The site is partially located in the current day Flood Zone 2, it is in Flood Zone 3a in the future indicating that it is at high risk.

3.2.The submitted Flood Risk Assessment (FRA) has not provided robust or accurate hydraulic modelling to demonstrate the site's flood risk during these events. It is not supported by product 4 data

for the site which can be requested from the Environment Agency. It is important that this information is submitted as it will demonstrate accurately the flood risk on the site and its source. SuDS features should not be located in fluvial flood zones. (Please see our guidance relating to this at www.arun.gov.uk/surfacewater). Without an accurate understanding of the flood risk on the site, we cannot assess if the proposed drainage strategy is compliant. Therefore, I object to the application.

POLICY CONTEXT

Flood Zone 2.

Lidsey Drainage Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions and alter to exist builds (res and non-res)
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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CONCLUSIONS

DESIGN AND VISUAL AMENITY

The site includes a detached, single storey dwelling with an existing side extension. The proposal is for a new UPVC conservatory on the eastern elevation, adjoining the side extension approved under BN/53/20/CLP.

The conservatory would have shallow-pitched flat roof, a depth of 2.6m and a width of 3.9m, 0.6m. The extension would be set down from the existing extension by approximately 0.3m, appropriate for the conservatory's lightweight form and it would read as a subservient addition to the host dwelling.

The extension accords with Arun Design Guide (ADG) advice in terms of frontage, height and distances from side boundaries. Whilst it is acknowledged that the host dwelling has had approval for side and front extensions since 2020, the conservatory would not result in an overdevelopment of the site; modest in footprint and not encroaching into the rear garden, the conservatory is in accordance with Arun Local Plan (ALP) policies D DM1 and D DM4.

Conservatories are not especially common in the locality, however, the proposal is considered appropriate for the residential setting and would not result in harm to visual amenity.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in regard to visual amenity.

NEIGHBOURING RESIDENTIAL AMENITY

The conservatory would be set well within the site, set in 3m from the southern boundary, 5m from the eastern boundary and 4.7 from the north. Further to this, an access road separates the host dwelling from its eastern neighbour. Given the proposed spacing and modest height and lightweight form, the proposal would not result in harm by way of overbearing or overlooking impacts to neighbouring amenity.

Any views available from the conservatory would be of the side garden and driveway only, which could be achieved from the existing extension or from the garden. The proposal would not result in harm to neighbouring amenity by way of overlooking.

The proposal is in accordance with Arun Local Plan policies D DM1 and D DM4 in regard to neighbouring residential amenity.

LIDSEY TREATMENT CATCHMENT AREA AND FLOOD RISK

The site is in the Lidsey Wastewater Treatment Catchment Area which is the subject of a surface water management plan. It also lies within Flood Zone 2. It is noted that the Drainage Engineers raised an objection to the proposed development. The proposed conservatory would adjoin an existing extension and therefore would exceed the limitations outlined at Part 1, Class A of the General Permitted Development Order 2015 (as amended).

The public sewer in the Lidsey Wastewater Treatment Catchment Area has a history of flooding and any surface water added to this system should be assumed to increase flood risk. No information has been provided as to the proposed point of discharge for surface water, nor have details been provided of the existing drainage network.

As insufficient information has been submitted, the drainage engineers cannot assess whether the development would increase flood risk. It is the responsibility of the applicant to provide the relevant data. To support an infiltration based design, winter groundwater monitoring must be undertaken to robustly demonstrate that ground conditions would allow for such a scheme.

In regard to Flood Risk, the applicant has not provided modelling to demonstrate risk in extreme rainfall / flooding events. Without this data, the Council's engineers cannot assess whether the drainage strategy (if submitted) would be compliant.

The drainage engineers have identified alternatives to infiltration (should it prove unviable). Barnham Rife is a main river which a drainage designer could investigate fully. There is also a highway drain on lake Lane, controlled by WSCC. No evidence or permission has been provided to confirm whether discharge to these highway drainage systems would be permitted, or whether the drains have sufficient hydraulic capacity.

The proposal is contrary to ALP policies W DM1 and W DM3 as the site lies in the Lidsey Treatment Catchment and insufficient information has been provided to ensure that the site drains sustainably. There is insufficient information to prove that the development will not increase flood risk elsewhere, contrary to the NPPF.

SUMMARY

The proposed development is contrary to ALP policies W DM1 and W DM3 and with the NPPF, as such 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) 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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The site lies within the Lidsey Treatment Catchment Area and insufficient information has been provided to demonstrate that the site drains sustainably, thus insufficient information has been submitted to demonstrate that the development would not increase flood risk elsewhere. The proposed development is therefore contrary to Arun Local Plan policies W DM1 and W DM3 and the NPPF.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 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 provide pre-application advice in respect of any future application for a revised development.

For the avoidance of doubt, the refused plans are: Location Plan, Block Plan, Proposed Plan and Elevations, Lidsey Statement and Flood Risk Assessment, all of which were submitted on 01/06/2026.