

Recommendation Report for Outline Consent

REF NO: BR/60/12/

LOCATION: 5 Crescenta Walk
Bognor Regis

PROPOSAL: Outline application with some matters reserved for division of boundary & erection of new detached 3 bed dwelling house

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline consent to consider appearance, layout and scale.
SITE AREA	Approximately 624 sq metres (0.0624 ha)
RESIDENTIAL DEVELOPMENT DENSITY	32 dwellings per hectare
TOPOGRAPHY	Flat.
TREES	1 Oak Tree located on the front boundary.
BOUNDARY TREATMENT	1 metre high timber post and rail fence to front boundary. Close boarded timber fencing and picket fence 1-1.8 metres high, to side boundary adjoining no. 5 and 1.8 metre high wall and garage flank wall to side boundary no. 3.
SITE CHARACTERISTICS	Triangular plot with wide frontage onto Crescenta Walk that tapers towards the rear. Formerly part of the garden of No. 5 Crescenta Walk. Site is laid to grass with shrubs. Mature oak tree on front boundary.
CHARACTER OF LOCALITY	Predominantly residential comprising detached two storey dwellings of different designs and styles.

RELEVANT SITE HISTORY

PAA/122/11/	Application for Pre-Application advice for erection of new 3/4 bedroom dwelling house on existing residential plot	Pre-app Issued 09-12-2011
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REPRESENTATIONS

Representations received:

Comments awaited.

1 letter of Objection:-

- oak tree is protected and is considered very important to our environment and would be a great loss to the see the tree damaged in anyway;

- it would not be possible to build proposed dwelling without damage to roots and branches;
- garden is too small for a dwelling of this size and inconsistent with the road and area.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arboriculture: Having looked at the proposed development plan, the crown of the English Oak Tree appears to be smaller than it actually is.

i) According to our Planweb aerial photograph, the tree has a greater spreading crown and would touch the new property.

ii) The tree is located immediately to the proposed property's east face. Light loss and leaf fall would become apparent and a nuisance for the new owners.

iii) The Root Protection Area (RPA) would need to increase towards the west because of the restriction imposed by the highway and prevalence of compensatory root growth in the area where the property is proposed.

iv) The construction of a new driveway and footpath within the RPA and beneath the low spreading crown of the English Oak could impact further upon the health and appearance of the tree.

The current proposal is therefore unacceptable for the above reasons.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development
[GEN2](#) Built-up Area Boundary

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

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.

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 an adverse effect on an Oak Tree important in the local landscape and subject to a Tree

Preservation Order.

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

The site is within the built-up area boundary where development is acceptable in principle, subject to Development Control criteria.

MATTERS FOR APPROVAL

Siting, layout and appearance. The proposal is for the sub-division of the existing plot at No. 5 Crescenta Walk into 2 plots of approximately 300 sq metres. The proposed 1no. detached 3 bed two storey dwelling would be sited in the south portion of the site and No. 5 would be retained in the north portion of the site. Both plots are rectangular in shape and occupy a prominent position with a wide frontage onto Crescenta Walk.

No. 5 is a detached two storey hip roof dwelling with red brick elevations and tiled roof. The building fronts onto Crescenta Walk. The proposed new dwelling would be faced in white render at first floor level and red brick at ground floor level with a hipped, tiled roof and side integral garage.

The proposed scale of the dwelling is considered acceptable with a maximum ridge height of 8.1 metres, eaves height of 5 metres, maximum width of 12 metres (incorporating side integral garage) and depth of 6.2 metres (approximately 54 sq metres). The property has 3 beds, 2 bathrooms, kitchen and living/diner and side integral single garage. The property has a comparable footprint to No. 5, but somewhat smaller than other detached properties within the immediate vicinity in Crescenta Walk and Nelson Road.

From a visual perspective, the siting and layout of the dwelling replicates that of the neighbouring property at No. 5 immediately to the north. The building would be positioned fronting onto Crescenta Walk and would maintain a separation distance of 600mm to No. 5 to the north boundary and 6.5 metres to the east boundary fronting onto Crescenta Walk. The retention of a garden area to the side of the dwelling fronting onto Crescenta Walk would provide a visual break within the streetscene, and the building line reflects the prevailing pattern of the street. The surrounding area is characterised by detached and semi-detached two storey dwellings of various designs and styles in predominantly rectangular plots. Materials are a mixture of brick and render with hipped and pitch roofs. Within this varied context, the appearance of the building is considered to be in keeping with the character of the area.

RESIDENTIAL AMENITY

A minimum distance of 600mm will be retained to No. 5 and 500mm to the boundary adjoining No. 3 at the narrowest point, to the southwest. The proposed siting of the new dwelling may restrict daylight and outlook to 4no. south facing windows in the flank elevation of no.5. However, these appear to be small, secondary windows, therefore there would be no significant loss of daylight or amenity to this property. The proposed siting of the new dwelling may result in some overlooking from 3 first floor rear (west) facing windows towards the rear garden of No. 3. However, any

overlooking is towards the rear section of this garden and is considered to be no worse than from neighbouring properties.

The siting and layout is such that the amount of private useable amenity space for the occupiers of No. 5 would be significantly reduced to a small area at the rear of the dwelling and a portion of garden to the side, which is enclosed with fencing. The proposed new dwelling would also retain a small private westerly facing garden area to the rear and an area of garden to the side. Although the amount of private useable amenity space is considerably smaller than those of surrounding properties in the immediate locality, the area to the side of the new dwelling could reasonably be planted on the boundaries to provide some privacy and screening, and used as a garden.

IMPACT ON TREES

There is a semi-mature Oak Tree on the front boundary of the property, which is protected by TPO/BR/1/12/. The tree is visually prominent within the streetscene and surrounding area and makes a significant contribution to public amenity. The tree is a young Oak Tree that will mature over time.

The proposed new dwelling would be sited within 6.5 metres of this tree. The Council's Arborist has inspected the tree and comments that the tree has a greater spreading crown than shown on the submitted plans, that will touch the new property. The Root Protection Area (RPA) will need to increase towards the west because of the restriction from the highway and prevalence of compensatory growth in the area where the property is proposed to be sited. The construction of a driveway and footpath within the Root Protection Area beneath the low spreading crown could impact further upon the health and appearance of the tree. The tree makes a significant contribution to public amenity and the proposed siting of the new dwelling is therefore considered unacceptable for the above reasons, contrary to policy GEN28.

AFFORDABLE HOUSING

With regard to affordable housing provision, an Interim Affordable Housing Policy was approved by Full Council on 18 August 2010. The Policy states that the Council will seek affordable housing provision on new housing developments. From developments of 1-14 units, an affordable housing provision of 15% will be sought district wide. In this case, the proposal seeks to provide 1 x 3 bed dwelling that would require a commuted payment of £1,876 towards off site affordable housing provision, to be secured via S106 Agreement. No such agreement has been entered into.

SUMMARY

In summary, it considered that the proposed new dwelling would not be obtrusive within the streetscene and would not conflict with the established character of the area. Further, the proposal is not considered to result in unacceptable harm to the amenities of neighbouring properties by way of loss of daylight, overlooking or overshadowing, and the proposal makes efficient use of land within an existing urban area. Notwithstanding this, the proposed siting of the new dwelling is considered unacceptable, by virtue of its siting close to a TPO'd Oak Tree that is likely to be detrimental to the long term health and amenity value of the tree.

It is therefore recommended that outline planning permission is refused.

HUMAN RIGHTS ACT

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 for 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 (Neutral) 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).

RECOMMENDATION

REFUSE

- 1 The layout and siting of the proposed new dwelling would be likely to result in the loss of an Oak Tree important in the local landscape and subject to a Tree Preservation Order in conflict with policies GEN7 and GEN28 of the Arun District Local Plan.
- 2 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and the Council's Interim Affordable Housing Policy, adopted on 18 August 2010.