

Recommendation Report for Outline Consent

REF NO: EG/108/17/OUT

LOCATION: 10 Downview Road
Barnham
PO22 0EE

PROPOSAL: Outline application with all matters reserved for a 3 bedroom chalet style bungalow. Resubmission of EG/89/17/OUT

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application for detached bungalow with all matters reserved except access which will be from Downview Road and run past the existing house following the demolition of the existing garage.
SITE AREA	0.13 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	15 dph (approx.)
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fence partially to sides and hedges from 2-3m high. Sparse planting and tree to front approx. 1.8m in height.
SITE CHARACTERISTICS	Detached forward facing gable roof chalet bungalow with 1No. dormer window to both sides. Flat roof extension to north side and flat roof extension to rear attaching to garage at side. Large driveway to front and wide and long garden to rear.
CHARACTER OF LOCALITY	Private residential estate formed of detached bungalows, chalet bungalows and two storey houses of varying styles and sizes. Dwellings are set back from the road with parking and gardens with planting to front and gardens to rear.

RELEVANT SITE HISTORY

EG/7/72	Alterations Additions Garage	Approve 29-03-72
EG/89/17/OUT	Outline application for a chalet style bungalow	Withdrawn 14-12-17

EG/61/17/HH	Ground floor infill extension, removal of existing first floor to replace with first floor extension that covers new footprint of building including extension but excluding garage.	ApproveConditionally 05-10-17
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response received.

9 public letters of representation received objecting on the grounds of:-

- backland development out of character with area
- is not in line with building density of area
- highways danger from access
- loss of neighbouring privacy
- detrimental impact on the nearby ASC
- issues of access for emergency vehicles
- overbearing and visually intrusive impact on neighbouring residential amenity

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

Issues raised will be considered in the Conclusions section.

CONSULTATIONS

Southern Water Planning
Engineers (Drainage)
Engineering Services Manager
WSCC Strategic Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Drainage Engineers

Please apply standard pre-commencement condition ENGD2A. Soakaways must be investigated for surface water disposal, as mentioned in the application.

WSCC (Strategic Planning, Highways)

No objection. Details of adequate parking and turning should be sought by the LPA alongside any future reserved matters application.

Southern Water

Please apply standard informatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Lidsey waste water treatment catchment area

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM2	Flood Risk
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 ES11

Energy efficiency of new development

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 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 H7

Drainage for new housing

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The development is considered to conflict with Barnham & Eastergate NDP policy EH6 as it would be out of character with the prevailing pattern and form of development and character of the area. This will be expanded upon in the Conclusions section.

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 materially adverse impact upon the established character of the surrounding area.

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 located within the built up area boundary and as such the principal of new residential development is acceptable in compliance with saved policy GEN2.

Design and visual amenity

The development would sub-divide the plot. The new dwelling would be behind the host property. It will also introduce an access to Downview Road which will run past the existing dwelling. The area (houses fronting Downview Road) is characterised by detached two storey houses and chalet bungalows set back from the road with driveways and gardens to front and good sized gardens to rear. There are no examples of houses that have been constructed in back gardens. Whilst there is a type of back land development to the rear of the houses on the west side of Downview road, this is a small estate in itself and the broad character of the area is not one which includes back land development but detached dwellings with large rear gardens.

This type of backland development is not a characteristic of this part of Downview Road and it is considered that the development would harm the established pattern of development contrary to GEN7(ii) which states:-

"Development will be permitted provided it:

(ii)demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness"

And Barnham and Eastergate NDP policy ES6 which states:-

"New development should contribute positively to the character of the two villages, and should reflect the

design qualities of their time, so that the richness of varied character continues and is extended into the future."

The development owing to its uncharacteristic plot division and layout within the established character is not considered to respond positively to identified characteristics and resources of the area or contribute to the character of the two villages. The development would create an alien and obtrusive building within a relatively uniform pattern of development to the overall detriment of the visual amenity and character of the area.

As such the development is contrary to saved policy GEN7 (ii) and Barnham and Eastergate NDP policy ES6 and is unacceptable in terms of impact on the character of the area.

Residential Amenity

Application is outline for access only, as such impact on residential amenity can not be assessed at this stage.

Surface Water Drainage

The Council's Engineers have recommended a pre-commencement condition which could be imposed were permission to be recommended. As such, it is not considered that the development could be resisted on surface water flooding grounds.

Highways and Parking

WSCC have no objection to the application and parking and manoeuvring layout could be considered at reserved matters stage.

The development is considered to conflict with the development plan and is recommended for refusal for the following reasons

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 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 development by reason of its location would be out of character with the established residential pattern of the area contrary saved policy GEN7 (ii) and Barnham and Eastergate NDP policy ES6.

- 2 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 determining the application within a timely manner, clearly setting out the reason(s) 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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.