

Recommendation Report for Planning Permission

REF NO: EG/7/19/PL

LOCATION: 26 Downview Road
Barnham
PO22 0EG

PROPOSAL: Demolition of existing detached dwelling & garage & erection of 1 No. dwelling with car port.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

An existing detached small bungalow with a detached garage to the south and a porch to the north would be replaced by detached chalet style property with a carport to the south. The roof line would follow others in Downview Road.

The proposed 2 bedroom single storey dwelling with a habitable roof would be 11.3m wide, 8m deep with a single storey gabled projection, projecting by 1.8m from the front elevation, would have a gabled roof 6.1m high to the pitch and 2.4m to the eaves. Two dormers of a triangular shape would be inserted to the front roof plane and one larger gabled roof dormer and one smaller of a triangular shape to the rear roof plane. A timber pergola is proposed above the car port to the south.

The new dwelling would be considerably deeper and would provide an open porch leading to a hall, a kitchen, a bedroom, a bathroom and living/dining room with a snug room separated by a pocket door at the ground floor level. The first floor (habitable roof space) would provide one large ensuite bedroom, a study and a store room.

The slate tiled roof with PV slates are proposed in three rows either side of the ridge tile.

The applicant/agent has been asked to remove from their proposal wall/fence along the highway, therefore the drawings were amended.

SITE AREA

940.5 sqm

RESIDENTIAL DEVELOPMENT DENSITY (NET)

15 dph

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedgerow and trees along the road and the timber panel fence on the shared boundary with No 25.

SITE CHARACTERISTICS

The site is a corner plot of L-shape (wrapping around the

northern corner of a neighbouring plot to the south) situated on the south-western side of T-junction of Downview Road with Ewens Gardens on the edge of Barnham village comprising a small well set back detached bungalow with a detached garage to the south.

CHARACTER OF LOCALITY

Suburban residential area formed of detached, two storey dwellings set back from the road with parking to front and spacious gardens to rear.

RELEVANT SITE HISTORY

ENF/266/09/	Alleged unauthorised dwelling	No Further Actn
EG/42/05/	Outline Application for the erection of a bungalow to the rear of 26 Downview Road, Eastergate	ApproveConditionally 05-08-05
EG/11/52/E	Cornish Unit Bungalow	ApproveConditionally 17-08-55

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

Barnham and Eastergate Parish Council has raised no objection.

One letter of objection has been received as follows:

The concern about the possibility of overlooking from the first floor windows of a new development the property 1 Ewents Gardens; especially in the connection with the proposed removal of the existing tree line.

COMMENTS ON REPRESENTATIONS RECEIVED:

The front elevation of No 1 Ewents Gardens would be within a distance of approximately 40m from the rear elevation of the proposed chalet bungalow as such it is considered that the proposed development would unlikely affect the privacy of the occupiers of No1 Ewents Gardens.

CONSULTATIONS

Ecology Advisor

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes
Southern Water Planning
Ecology Advisor
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Ecology Comments:

Bats

Following submission of the Phase two bat surveys (May 2019) we are satisfied that bats are not roosting within the property onsite and no further survey work is required for bats. As a precautionary approach the roofing felt should be used and breathable roof membrane or fibrous materials should be avoided.

We would also like to see two winter bat boxes (Schwegler WI) erected on the trees onsite approximately 3-5m off ground level and south facing where possible.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should 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.

GreenSpace Comments:

The proposals put forward in this application have included consideration of its siting within the existing landscape. Existing landscape features such as existing screening trees appear to have been considered and retained. A detailed landscape scheme will need to be proposed that will maximise the biodiversity of the site in this setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. The landscape proposals will need to be shown in plan from detailing species choice, planting densities and size at time of planting. This will need to include mitigation planting for any significant removed vegetation and additional planting to provide screening as required.

The existing vegetation to the boundaries is established, these areas must be protected and retained. Before construction, this tree protection scheme must be in place for all retained trees including trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:20012 'Trees in relation to construction' Any tree removal must be in consultation with Arun District Councils Tree Officer.

I conclude that I have no landscape objection to the proposals subject to the submission of details above and would recommend that if approved, the early implementation of new planted areas are undertaken.

Drainage Engineer Comments:

No Objection subject to the condition.

Southern Water Comments:

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted; no objections, suggested condition would be attached to the decision.

POLICY CONTEXT

Designation applicable to site:

Lidsey Treatment Catchment
Built-up Area Boundary
WSCC Mineral Consultation Areas

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
HDM1	H DM1 Housing mix
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment

[Barnham & Eastergate Neighbourhood Plan 2014](#) Quality of design
[POLICY ES5](#)

Barnham & Eastergate Neighbourhood Plan 2014 Contribution to local character
POLICY ES6

Barnham & Eastergate Neighbourhood Plan 2014 Trees and hedgerows
POLICY ES10

Barnham & Eastergate Neighbourhood Plan 2014 Energy efficiency of new development
POLICY ES11

Barnham & Eastergate Neighbourhood Plan 2014 Housing mix
POLICY H3

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space
POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail
POLICY H6

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.

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 policies ES5, ES6, ES10, ES11, H3, H5, H6 and H7 of the Barnham and Eastergate Neighbouring Development Plan are considered to be relevant to determination of this application.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an 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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key

policies considered are SD SP2, D SP1, DDM1, D DM2, TSP1, W DM1 and EEC DM1 of the Arun Local Plan.

Policy D SP1 requires all development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM1, paragraph 3 states that although minor developments are unlikely to raise significant flood risk due to the cumulative impact all development within Lidsey Wastewater Treatment Works Catchment Area must also be accompanied by a Drainage Impact Assessment that must take account of both the individual and cumulative impact upon foul water disposal. Policy EEC DM1 assures that the Council will support proposal for appropriately located renewable energy development where they meet certain criteria.

Barnham & Eastergate has a 'made' Neighbourhood Plan with Policies ES5, ES6, ES10, ES11, H3, H5, H6 and H7 of the Barnham and Eastergate Neighbouring Development Plan relevant to the determination of the application.

DESIGN AND VISUAL AMENITY

The proposed dwelling would respect and complement the existing development within the area would not detract form the street scene containing the properties of a mixed design and style. Therefore the proposed pale grey render finish and a horizontal fibre cement slate grey weatherboarding with timber effect (covering partly the front projection and both side elevations) is not considered to appear out of keeping with the area. Therefore proposal is not considered to adversely impact upon the spatial pattern or character of the area and accord with D SP1, D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed new dwelling due to its corner position with the only one neighbouring property to the south within a separation distance of approximately 5.8m and a sensitive design would have a minimal impact to users and occupiers of nearby property considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with DDM1 and DDM4 of the Arun Local Plan. The proposed side window at the first floor level would be obscure glazed.

HIGHWAY ISSUES:

Arun Local Plan 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. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

A timber pergola car port is located at the southern side of the property, within the same location of the existing garage, providing space for one car, a further car space is provided on the driveway.

Therefore it is not considered that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal subject to condition. As such proposed development would comply with policy TP1.

SURFACE WATER DRAINAGE

The application is within the Lidsey catchment and in an area of known high groundwater. As a result surface water drainage design should be carefully considered. Infiltration must be fully investigated. Engineers haven't raised an objection, subject to a condition.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS

The proposal relates to gross internal floor spaces of approx. 127 sqm for 2 bedroom unit, which exceed considerably the minimum gross internal floor area requirement for a two storey dwelling as set out in the Nationally adopted space standards. (79 sqm for 2 bedroom dwelling).

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 Arun Local Plan 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.

The proposed dwelling would increase the footprint of an existing bungalow to the rear, however given the existing spacious garden it is considered that the scheme provides a very good standard of amenity for future occupiers.

It is therefore considered that the proposal complies with above Arun Local Plan policies, Barnham & Eastergate Neighbourhood Plan Policies ES5, ES6, ES10, ES11 and H3, H5, H6 and H7 relevant to the determination of the application, and the guidance on amenity within the NPPF.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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 date of this permission.

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:

Dwg P100 'Site Location Plan'
 Dwg P110 'Existing Site Plan'
 Dwg P120 'Proposed Site Plan'
 Dwg P121 'Proposed Site Plan'
 Dwg P200 Rev E 'Proposed Ground Floor Plan'
 Dwg P201 Rev A 'Proposed First Floor Plan'
 Dwg P230 Rev E 'Proposed Elevations'
 Dwg P202 Rev B 'Proposed Roof Plan'
 Dwg P901 Rev E 'External View Front 3D'
 Dwg P902 Rev B 'External View Rear 3D'

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 The existing vegetation to the boundaries is established, these areas must be protected and

retained. Before construction, this tree protection scheme must be in place for all retained trees including trees whose root protection areas fall within the construction zone. This should be in accordance with BS 5837:20012 'Trees in relation to construction' Any tree removal must be in consultation with Arun District Councils Tree Officer.

Reason: To ensure the retention of vegetation important to the visual amenity, and for the environment of the area in accordance with policies D DM1 of the Arun Local Plan.

- 6 The new dwelling shall not be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 and ECC DM1 of the Arun Local Plan.

- 7 Development shall proceed in accordance with the Bat Survey Report (May 2016), though a Natural England Licence will not be needed. As a precautionary approach conversion works to the buildings should be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. Temporary roosting opportunities must be made available by installing bat boxes within the trees onsite prior to any construction works. Roosting opportunities must also be incorporated within the conversion as detailed within paragraph 8.3 of the Bat Survey report including the use of bat tubes and such details shall be submitted to the Local Planning Authority for approval prior to conversion works beginning and the development shall proceed in accordance with the details so approved and retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV SP1 of Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T DM1 of the Arun Local Plan.

- 9 The windows on the southern elevation of the building shall at all times be glazed with obscured glass.

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

- 10 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate

amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

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INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
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INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
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INFORMATIVE: Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should 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.
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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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.