

Recommendation Report for Planning Permission

REF NO: EP/109/19/PL

LOCATION: 16 Worthing Road
East Preston
BN16 1AZ

PROPOSAL: Variation of a condition following grant of planning permission EP/121/17/PL relating to condition no.2 amended plans including amended and relocated footprint & amended massing.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a block of flats comprising 6 no 2 bedroom flats over 2 floors. The elevations would comprise brickwork and render and the roof would comprise fibre cement slate. The design comprises two pitched roofs with a ridge height of 9m and a staggered footprint of 12.5m by 23m. 9 parking spaces are provided on the site frontage and a bin store which measures 4m by 2.5m and has a height of 1.8m. A cycle store of the same dimensions is located adjacent to the west side boundary to the rear. This proposal relates to amended siting and includes an additional first floor window and 4 roof lights. The differences between the 2 schemes are set out in the site history section of the report.
SITE AREA	1,156 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	52 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing and hedging to side and rear boundary. 1m high flint walling to site frontage
SITE CHARACTERISTICS	The application site comprises a detached 2 storey dwelling of tudor design with gardens to the front and rear
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with detached properties of mainly 2 storeys set in medium plots set back from the highway with gardens to front, side and rear within an urban environment. 2 and a half storey flats with brick and rendered elevations occupy the site immediately to the east

RELEVANT SITE HISTORY

EP/124/19/PL 1 No. new detached single storey dwelling with associated access driveway & external works.

EP/121/17/PL Demolition of existing dwelling & construction of 6no. new flats and associated external works and storage ApproveConditionally
25-10-17

Planning permission EP/26/08 granted permission for the site to the east to be redeveloped as 6 flats.
Planning permission EP/93/15/HH granted permission for a single storey wrap around extension to the dwelling to the west.

Planning permission EP/121/17/PL granted permission for a block of flats comprising 6 no 2 bedroom flats over 2 floors with 9 parking spaces.

This application seeks approval to an amended design to reduce and amend the footprint and relocation of the approved block slightly closer to the site frontage and 1.5m closer to the boundary with no 18. The footprint of the revised scheme is 7m² larger than the original scheme.

The proposal includes 4 additional roof lights and an additional window at ground and first floor in the West elevation.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Parks and Landscapes

Engineers (Drainage)

Engineering Services Manager

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

The application is to vary condition 2 (approved plans), to reduce the footprint & massing. There are no changes to access from the highway or parking arrangements.

Environmental Health - No Objection

Drainage Engineer - No Objection

Recommend that the provided drainage plans are not listed as approved. Full details of the surface water drainage for the application will need to be agreed at a later date in order to discharge conditions 10 and

11.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development

<u>East Preston Neighbourhood Plan 2014 Policy 1</u>	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 4	Design in Character Area Three

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village Design Statement
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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 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.

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.

Policy 1 Housing - General Principles and Policy 4 - Design in Character Area Three of East Preston Neighbourhood Plan are considered relevant to consideration 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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policies DDM1 and DSP1 and Neighbourhood Plan policies 1 and 4 which seeks to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

DESIGN AND VISUAL AMENITY

The site lies on a residential road and backs onto Langmeads recreation ground. It is readily visible from the road frontage, but is screened by trees to the rear. The adjoining site to the east has been redeveloped as 2 and a half storey flats and the site to the west although a single dwelling house has been extended significantly recently. The proposed development by virtue of its layout, height, footprint, design and position in relation to the road frontage is considered to be in keeping with the established character of the locality which has been altered in this location from detached dwellings to flats characterised by 2 and 2 and half storey height with brick and rendered elevations.

The existing dwelling is set back from the road frontage and has a relatively high ridge line of 8.4m (the proposed ridge is 0.3m higher). The proposal is not closer to the road frontage than the approved block, but it brings more of the elevation forward, although it retains the staggered appearance. It has space around it to all frontages and the boundary planting contributes to the verdant entrance to both adjoining roads. Given the domestic style design of the proposed property and its similarity to the development to the west it is considered that the proposal would accord with Policy 1 : Housing - General Principles and Policy 4: Design in Character Area Three of the East Preston Neighbourhood Plan. These policies state that development will only be supported provided the scale, density, massing, height, landscape design, layout and materials of all development proposals reflect and enhance the architectural and historic character and scale of the surrounding buildings. Policy 4(iv) requires the scale, massing, detailing and landscaping of apartment blocks to be domestic in form and their appearance to harmonise with the housing types of the area. The proposed design does reflect adjoining development. However it was previously noted that the elevation plan refers to fibre cement slate roofing and it was agreed that this would be deleted from the application and controlled by condition given that there are no slate roofs in close proximity to the application site.

The proposal also retains adequate space to the side and rear boundaries to ensure that it is in keeping with neighbouring properties and not overly dominant in relation to the road frontage, the park to the rear

or adjoining properties. The car parking is provided to the site frontage which retains a usable rear garden amenity area and reflects the layout of the adjoining flat development. It also allows for retention of trees within the rear garden area which will assist in screening the development from the park. Most of the brickwork wall to the frontage is being maintained and ample landscaping space is being provided to the front site boundaries to provide meaningful planting in keeping with the neighbouring properties. The bin store adjacent the road frontage was reduced in height to provide a 1.8m high enclosure which would more readily be assimilated in the street scene.

RESIDENTIAL AMENITY

The proposed development would be 4m from the western boundary and 1.1m from the eastern boundary at its closest point. The footprint has altered from the approval by moving the development 1.5m closer to the eastern boundary for a length of 11m. This means that the eastern elevation is no longer stepped in from the eastern boundary to the rear. The eaves height has reduced by 0.4m. The extended building is now closer to vegetation located on the boundary and the rear communal garden area to the adjacent flats. It is considered that given the use of the adjacent site the proximity of the proposed block to the boundary is acceptable and would not result in material harm to residential amenity. The proposal is now further from the western side boundary than the existing dwelling and would be closer to the eastern site boundary than the existing dwelling. These distances are considered acceptable to ensure no materially adverse overbearing impacts result. Particularly since both neighbouring properties are located in a similar position on the plot and that they have relatively large rear garden areas. The development does not project further forward on the site than the existing garage which is roughly aligned with both adjacent properties. To the rear the building aligns with no 14 adjacent to the boundary and at a distance of 10m from no14 projects 2m.

The proposal includes an additional first floor window and 4 roof lights. The first floor windows on the side elevations are conditioned to be obscure glazed below 1.7m (condition 9 of EP/121/17/PL) and this would ensure that no materially adverse direct overlooking would result to adjoining properties or their gardens. For the avoidance of doubt this condition has been re-imposed so that it includes the additional bedroom on the West Elevation. The roof lights in the roof do not serve habitable accommodation at second floor and would provide additional light to the bedrooms in the first floor. Overlooking would not therefore result.

In terms of amenity space the proposed apartments on the ground floor have their own terrace area, but the first floor flats have no private external space but they do have access to the large communal garden space to the rear. Further it is considered that the provision of balconies on the upper floor would detract from the domestic appearance of the development which would be detrimental to the appearance of the street scene. The provision of communal gardens is established on the adjoining site. It is noted that the internal space requirements of the dwellings meet the national internal space standards which are currently being used by the Authority.

HIGHWAYS & PARKING

WSCC have been consulted in relation to the proposed development and have no objection to the proposal in terms of highway safety or parking provision.

SUMMARY

In accordance with the above considerations of the proposed development it is recommended that this application is approved subject to the following 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 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:
Location and Block 2.06
Proposed Site Plan 2.01
Proposed Floor Plans 2.02
Proposed Development Elevations 2.03
Proposed Development Site Section and Street Elevation 2.04,
Visibility Splays 2.07
Proposed Comparison Drawing 2.10.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.
- 3 The windows at first floor level on the east and west elevations shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.
- 4 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission WA/28/14/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number EP/121/17/PL remain in force and must

be complied with. This decision only relates to the variation of Condition 2 of that planning permission.

- 5 **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.