

Recommendation Report for Planning Permission

REF NO: EP/115/20/PL

LOCATION: 4 Beechlands Close & land rear of
18 Montpelier Road
East Preston
BN16 1JZ

PROPOSAL: Side extension, loft conversion & detached garage to existing dwelling & erection of 2 No semi detached houses. This site is in CIL Zone 4 & is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Side extension of 2.60 metres, loft conversion involving a raising of the roof from 3.98 metres to 5.68 metres in height and detached garage to existing property and construction of 2 semi detached houses.
SITE AREA	584 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	51 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence.
SITE CHARACTERISTICS	A bungalow with a hardstanding area used for off street parking.
CHARACTER OF LOCALITY	A predominantly residential area.

RELEVANT SITE HISTORY

EP/146/79	Lounge Extension To Provide Dining Area	ApproveConditionally 21-11-79
-----------	---	----------------------------------

REPRESENTATIONS

East Preston Parish Council - Objection.

2 semi detached properties:

- lack of amenity space.
- out of keeping with the street scene.
- increased demand for on street car parking.

Existing property:

- Overdevelopment of plot.

- out of character with neighbouring properties.
- loss of privacy caused by rear facing dormers.
- garage will be overly prominent in the street scene.
- contrary to policy 3 of the East Preston Neighbourhood Plan due to increase in roof height and alteration of roof form.

8 letters of objection from neighbouring properties.

2 semi detached properties:

- 18 Beechlands Court gardens will be overlooked.
- loss of parking space.
- inadequate car parking for each house.
- Inadequate amenity space.
- 2 storey properties out of character.
- out of character with neighbouring houses.
- lack of sewerage capacity.
- overcrowded development on piece of open space.
- loss of hedgehog habitat.

Existing bungalow:

- Placing of large garage within front garden out of character.
- loss of privacy to 2 Beechlands Close .
- garage overdevelopment .

2 letters of support

- provides affordable housing.
- attractive development.
- off road parking a bonus.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - Object to the application due to lack of space on site for soakaways. There are no ordinary watercourses within or adjacent to the site, if infiltration is unviable due to inadequate space the water would have to go to foul sewer, it is unlikely this would be acceptable to Southern Water and therefore there would be a significant risk that the application would not be implementable.

WSCC Highways - No comment subject to further information on access, parking and cycle parking.

ADC Environmental Health - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Issues raised by WSCC Highways could be addressed by condition if the Council was minded to approve the application.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two
East Preston Neighbourhood Plan 2014 Policy 9	Access to the Beach

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.

Policy 1 and 3 of the East Preston Neighbourhood Plan are considered relevant to 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 not considered to comply with relevant Development Plan policies in that it would be detrimental to the character and appearance of the area as well as to highway and flooding safety.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1, D DM4 and D SP1 of the Arun Local Plan. Additionally, Policies 1 and 2 of the East Preston Neighbourhood Development Plan apply.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area and (ii) all development proposals to meet the adopted car parking standards.

Policy 3 of the East Preston Neighbourhood Development Plan sets out criteria for the design of proposals within Character Area Two. These are to ensure that a consistent low building height is protected, with no more than 1.5 storeys. Additionally, it ensures that where new rooms are to be created in a roof space, the height, or basic form of the roof will not be altered.

Policy 9 of the East Preston Neighbourhood Development Plan requires that all development be safely drained.

DESIGN

Two semi detached houses

The site of the two storey semis is viewed in context from Montpelier Road and does not form part of the streetscape of Beechlands Close which is largely that of bungalows. Development in Montpelier Road is largely two stories in height. The two storey properties are therefore seen to comply to the character of the area in this regard.

However, the main design issue is the amount/footprint of development on the amount of land proposed.

The design of the two new houses would be two storey semis on a limited plot of land which would lead to a cramped and overcrowded design overall.

The massing and scale of the development would be out of character and alien within the existing area with a density of in excess of 100 dph.

The rear garden of the two new houses would be less than 5 metres long.

The Arun Design Guide at chapter H.04 Residential Outdoor and External Space Standards requires that a rear garden be 10.5 metres in depth.

The development would not accord with the emerging Arun Design Guide chapter P 'Infill Development' in that it would not respect the established pattern of scale, plot width, boundary treatment and building line along the edge of the plot.

The development for two houses is therefore considered to not be in keeping with the character and appearance of the immediate locality in conflict with policies D DM1, D SP1 of the Arun Local Plan and Policy 1 of the East Preston Neighbourhood Plan.

House extensions

A 2.6 metre extension is proposed to the side of the property and raising the roof by nearly 2 metres so as to incorporate a second storey of accommodation. The revised appearance of the dwelling would not be in keeping with the dwellings in the locality which are nearly all single storey accommodation bungalows. The scale of the extensions would therefore not be subservient to nor adequately integrated with the host dwelling. As a result the appearance of the remodelled dwelling would be out of keeping with that currently existing in the street scene.

Policy 3 of the East Preston Neighbourhood Plan states that where new rooms are to be created in a roof space the height of the roof should not be increased and the basic form of the roof should not be altered. On both counts the proposed extension into the roof is contrary to this policy.

The proposed extensions are therefore not considered to comply with policies D DM1 and D DM4 of the Arun Local Plan and policy 1 and 3 of the East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed semi detached houses would overlook the front of 4 Beechlands Close and due to their proximity causing a loss of light and overbearing impact on the front windows of that property.

In addition the rear ground floor windows of the two new semi detached properties would have poor levels of light and an overbearing impact from the proximity of 4 Beechlands Close and the proposed new garage at 4 Beechlands Close.

The new dwellings would therefore fail to be in accordance with policy D DM1 of the Arun Local Plan.

The new house extensions will be between the building lines of the existing and neighbouring dwellings and will therefore not cause any overlooking of neighbouring dwellings. It is not considered that it will cause any significant loss of light or overbearing impact on neighbouring dwellings

The proposal is to have a window at first floor level in the south elevation of the extended property. This would overlook the roof and gable end of 3 Beechlands Close. In the event of an approval of the application a condition requiring the window to be obscure glazed would be applied to prevent any overlooking.

A further window in the gable end facing north is included in the application. This window would face out toward the gable end of the new semi detached houses and the flats to the rear such that there would be an overlooking of the flats as a result of this window.

The 3 dormer windows to the west elevation are considered to overlook the rear garden of the neighbouring property 2 Beechlands Close by virtue of their first floor location and proximity. However, given that they are to a toilet and bedrooms, with other openings, this harm could be overcome by

conditioning the windows to be obscure glazed and fixed shut.

As a result of the above identified harm the house extensions conflict with policies D DM4 and D DM1 of the Arun Local Plan with respect to residential amenity.

PARKING AND TRANSPORT

Arun Parking Standards Supplementary Planning Document requires that 2 parking spaces per dwelling be provided. Only 1 space per dwelling for the new semi detached houses is provided in this case which will result in unacceptable demand for on street parking and an unsafe highway environment in conflict with policy T SP1 (d) of the Arun Local Plan and policy 1 (ii) of the East Preston Neighbourhood Plan.

FLOODING AND DRAINAGE

There has been an objection from the Council's drainage engineers based on there being insufficient space on the site to locate soakaways meaning that the site can only be drained by discharging surface water into the mains sewer - a practice prohibited by Southern Water who manage the local sewer.

For this reason the proposal cannot be satisfactorily and safely drained in conflict with policies W DM2 and W DM3 of the Arun Local Plan and policy 9 of the East Preston Neighbourhood Plan which require that development is safely drained and provides for an acceptable drainage solution.

SUMMARY

The proposed development of 2 semi detached houses is considered to be out of character with surrounding character, have an unacceptable impact on the residential amenity of neighbouring properties and is unable to be safely drained and provide sufficient off road parking. It is therefore recommended for refusal for the following reasons:

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 two semi detached properties would by reason of the limited site area, scale and location result in a cramped and overdeveloped appearance out of keeping with its surroundings and give rise to an unacceptable overbearing harm and loss of light to occupiers of 4 Beechlands Close in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policy of the East Preston Neighbourhood Plan.
- 2 The proposal to extend 4 Beechlands Close by virtue of bulk and height would fail to satisfactorily respond to local character and appearance in conflict with policies D DM1, D DM4 of the Arun Local Plan and policies 1 & 3 of the East Preston Neighbourhood Plan.
- 3 The parking provision of 1 space per dwelling would fail to meet the Arun Parking Standards Supplementary Planning Document and result in an unsafe highway environment where there would be an unacceptable demand for on street parking contrary to policy TSP1 of the Arun Local Plan and Policy 1 (ii) of the East Preston Neighbourhood Plan.
- 4 Due to the inability to provide on site soakaways the site cannot be adequately and safely drained in conflict with policies W DM2 and W DM3 of the Arun Local Plan and Policy 9 of the East Preston Neighbourhood Plan.
- 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 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.