

Recommendation Report for Planning Permission

REF NO:	EP/124/19/PL
LOCATION:	Rear of 16 Worthing Road East Preston BN16 1AZ
PROPOSAL:	1 No. new detached single storey dwelling with associated access driveway & external works.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The proposal relates to the provision of a bungalow to the rear of the approved block of 6 flats approved under EP/121/17/PL. The 2 bedroom bungalow is 14.5m long and 8.5m wide with an eaves height of 2m and a ridge height of 4.7m. An access driveway is to be formed to the east of the flats and will only serve the 2 parking spaces to be provided for the dwelling. However works to construct the approved flats have not yet commenced so the impact of the development in relation to the existing dwelling is also to be considered as part of the proposal.
SITE AREA	1155 Sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	86 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None 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. Two and a half storey flats with brick and rendered elevations occupy the site immediately to the east.

RELEVANT SITE HISTORY		
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.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection:

- Overdevelopment of site, loss of amenity space for the occupants of the proposed flats (EP/109/19/PL).
- Concern about how emergency services would be able to access the property and drainage.

2 Objections

- This proposal would deprive the occupants of the flats of appropriate amenity space.
- The position behind the flats fronting on Worthing Road would be out of character with other development along that road, and would place it close to the boundary of Langmeads Field, a designated open space in the East Preston Neighbourhood Plan (Policy 6.i).
- Proposal would conflict with Policy D DM1 of the Arun Local Plan and Policy 1 of the East Preston Neighbourhood Plan.
- It would have an adverse impact on the occupants of the flats at 16 Worthing Road and the users of Langmeads Field.
- Overdevelopment of this plot.
- There does not appear to have been a bat survey. This summer at least four species of bat (noctule, serotine and common and soprano pipistrelles) were recorded in Langmeads, so the implications of more building close to the boundary vegetation should be seriously considered.

COMMENTS ON REPRESENTATIONS RECEIVED:

A bat survey is not required. There is no submitted information suggesting that bats roost at the application dwelling and the application does not include demolition of the existing dwelling. The provision of a bat box could be conditioned.

CONSULTATIONS

Parks and Landscapes

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection.

- Bats. 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.

- A bat box should be installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.
- Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season.
- Would like a bird box to be installed on the new building and/or tree within the garden of the property.

Drainage Engineer - No objection in principle.

County Highways - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

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
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development
ENVDM5	ENV DM5 Development and biodiversity

[East Preston Neighbourhood Plan 2014 Policy 1](#) 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
------	---------------------------------------

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. 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.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality 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

In this instance, the main criteria against which the application will be assessed is contained within Arun 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 not readily visible from the road frontage and 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 footprint of the existing dwelling and garage is a total of 94m² and covers approx. 8% of the overall site area of 1155m². The approved flats have a footprint of 249 m², with a further 84.7 m² to the proposed dwelling, which is approx. 28% of the overall site area, which means the proposed development provides an additional 239.7 m² of footprint on the site.

This application seeks approval for an additional single storey dwelling adjacent to the block of 6 flats

which have been recently approved to the rear of the existing dwelling on the site which has not been demolished to date. The proposed dwelling would be located in an area that was allocated as amenity area to serve the flats within the rear garden of the existing dwelling. In both cases it is located in an area which provides outside residential amenity area for adjacent occupiers. The proposal is also located in an area which also provides an important visual break between the approved flats/existing dwelling and the recreation ground to the rear.

The addition of a unit in this position would result in a cramped form of development which would harmfully erode the spacious nature of development in the locality. The character of Worthing Road is derived from detached dwellings and flats in medium plots which front the road and leave amenity space to the rear. The development would clearly sit at odds with this general pattern of development in terms of not only layout, but also site coverage. The spacious character of the area and retention of gaps to the rear boundary without the distinctive separation gaps between dwellings and the park to the rear would appear as overdevelopment.

The footprint of the bungalow would also be significant. Given the limited plot size it would not be in keeping with the more spacious character of the existing adjoining properties or accord with the existing pattern of development. It would extend across the width of the site retaining a limited gap to site boundaries and would have very little amenity space. The rear garden is only 5.8m deep and there is significant tree cover on the rear boundary which would be impacted and under pressure to be removed to reduce shading to the dwelling and its garden. This is also a visually important landscaped buffer area to the recreation ground behind.

The dwelling would appear cramped in relation to the plot size. The front parking area would be located adjacent to the communal garden area serving the flats and the rear garden has a limited depth of approximately 6m.

The new dwelling is located within the existing rear garden of the dwelling and previously approved communal garden area serving the flats and comprises a detached single storey unit of accommodation. It is a detached dwelling and therefore falls short of the generally accepted minimum garden depth of 10m. The depth is less than the 10m garden length of the semi detached properties to the south east. This is a further indication that the dwelling is too large for the site and that it is not in character with the area.

The communal space is also important as a setting to the approved flats which reflect the existing flat development density and amenity area of the flats to the east at no 18 Worthing Road. These flat developments require space around them on all sides to ensure that they fit appropriately in the street scene and do not result in an overdevelopment of the site. The amount of space surrounding the development which is not covered in hard landscaping/ parking areas would be limited. A building of the significant proportions approved requires a reasonable amenity area to assimilate well with the general spacious character of the area given the length of the elevations. There would be no meaningful communal external garden space left to serve the flats in the proposed layout.

Based on the above it is clear that the proposal therefore conflicts with policy DDM1(1) since it does not reflect the character of the area and (13) in that the density does not take account of the site and its surroundings or the character of the area.

With regard to Policies 1 and 3 of East Preston Neighbourhood Plan, these support development proposals where density and layout reflect and enhance the character of the surroundings as discussed above this proposal does not accord with these requirements and the proposal would conflict with these policies.

RESIDENTIAL AMENITY

The bungalow will be located behind an approved flat development or 2 storey dwelling which in terms of residential amenity is a reasonable distance from site boundaries. At its closest point the development would be 2m from the boundary with no 18 and 1.8m from the boundary with no14. Given its location and ridge height of 4.8m and eaves height of 2.2m it would not result in adverse overbearing impacts on the adjoining properties. Given the single storey height no adverse overlooking would result.

The proposal accords with the Council's adopted Internal Space Standards and is acceptable in terms of the amenity of future residents in this respect. However it comprises a detached dwelling and provides a limited rear garden area which would not meet the generally accepted minimum depth of 10m. The rear garden is only 5.8m deep and there is significant tree cover on the rear boundary which would feel further restricted and enclosed by this tree cover. It therefore fails to provide adequate outdoor space for future occupiers adversely affecting their residential amenity. With regard to erosion of the amenity area to serve the approved flats there would be no meaningful communal external garden space left to serve the flats in the proposed layout. All that is retained for use by future residents is provided to the rear with a depth of 9.5m and 7m which is adjacent to the access to the bungalow and its parking area where noise and activity would result the provision of 1.8m high close boarded fencing would not satisfactorily address these concerns given the limited garden area and its relationship with the access and parking area.

Given that the proposal does not retain sufficient amenity land it is considered that the proposal would not accord with Policy 1 (iv) : Housing - General Principles of the East Preston Neighbourhood Plan or the National Design Guide section H1 - Healthy, comfortable and safe internal and external environment. Para 124 states 'Good design promotes quality of life for the occupants and users of buildings. This includes function - buildings should be easy to use. It also includes comfort, safety, security, amenity, accessibility and adaptability' and Section H2 Well-related to external amenity and public spaces where para 129 states 'Well-designed buildings are carefully integrated with their surrounding external space. All private and shared external spaces including parking (see Movement), are high quality, convenient and function well. Amenity spaces have a reasonable degree of privacy External spaces are designed to respond to local character, as appropriate solutions will vary by the context, for example whether it is a town centre or suburb'. Para 131 refers to 'Well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes.'. The reduced garden area to the flats and limited garden area to the bungalow are both insufficient in size to meet these requirements.

The first floor windows on the rear elevations of the flats would not be obscure glazed and would face onto the proposed bungalow. These full height windows would be 12m from the dwelling and 9.5m from the garden area. They would look directly into the house and garden and given these limited distances would result in materially adverse overlooking to the proposed bungalow and its garden. However, this unacceptable overlooking could be addressed by condition.

In terms of the proximity to the existing dwelling this would be located approximately 18m from the proposed dwelling and 13m from the boundary. These distances are considered to be adequate to prevent materially adverse overbearing or overlooking effects.

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. The proposed plans demonstrate that the access will be widened as per that proposed and approved under EP/121/17/PL. The access widening works could be conditioned within this application, should EP/121/17/PL not be implemented. The site entrance should be a minimum of 4.8m wide to enable two vehicles to pass.

Visibility splays at the access point with Worthing Road have not been demonstrated within this application. Visibility splays were conditioned under EP/121/17/PL and could be conditioned within this application.

This development will provide 2 parking spaces situated separately from the parking provision for the new flats. This is anticipated to be sufficient parking provision for a development of this size and location. The hardstanding area has sufficient space for two bay parking spaces. Any visitor parking is unlikely to occur within the vicinity of the site due to Traffic Regulations Order (TRO) being in place. The potential impact of this development on on-street parking is not unacceptable from an amenity point of view.

County Highways have advised that whilst the plans indicate that a turning area will be provided within the site this is likely to require a multi-point manoeuvre to allow vehicles to egress in a forward gear. It is also possible that a vehicle parked in the southernmost bay may not be able to turn on site if a vehicle was parked in the adjacent bay. In order to improve manoeuvrability for vehicles, the applicant should consider increasing the turning space to the rear of the proposed bays to a minimum depth of 6m. There is sufficient space on site for this to be accommodated. Whilst an objection on highways safety would not be justified as it is anticipated that vehicles could turn within the northern parking area for the flats and will enter onto the public highway in a forward gear it is an indication that the development is cramped.

SUMMARY

In accordance with the above considerations of the proposed development it is recommended that this application is refused 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 proposal by virtue of its layout, position and footprint, is considered to represent an overdevelopment of the site. This will result in an unduly cramped form of development which would damage the character and appearance of the surrounding residential area and provide an unsatisfactory amount of outdoor amenity space for occupiers of the dwelling contrary to policies D DM1 and D SP1 of the Arun Local Plan, policies 1 and 4 of the East Preston Neighbourhood Plan and the National Design Guide.
- 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 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 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.