

Recommendation Report for Planning Permission

REF NO: EP/125/21/PL

LOCATION: 22 Vermont Drive
East Preston
BN16 1LA

PROPOSAL: Demolition of existing single storey projection on host dwelling, removal of swimming pool and erection of 1 No. detached 1 1/2 storey self-build dwelling with detached garage building on existing garden land. This application is in CIL Zone 4 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed new dwelling would be 1.5 storeys, with a half hipped roof with approximate eaves height of 2.8m and ridge height of 6.8m. The building would have an approximate length of 14.3m and depth of 7.9m-9.7m. It would be constructed of brickwork elevations, natural slate roof, wooden window and door frames, weatherboard clad dormers, and green oak frames to the porch and rear projections. There is proposed a permeable block paved driveway in front of the dwelling and a detached 2-bay garage building. The access road would run off no. 22's driveway off the existing access road off Vermont Drive, along the eastern boundary of the site adjacent to no.24, to the back of the plot. A rear garden is proposed to serve the new dwelling and landscape boundary planting is proposed.
SITE AREA	0.17 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	11.7 dph.
TOPOGRAPHY	Predominantly flat.
TREES	Established trees (mainly Cypress Leylandii and Ash) at southern end of site.
BOUNDARY TREATMENT	Close board timber fence panels, hedging and trees.
SITE CHARACTERISTICS	The application site is located to the rear of 22 Vermont Drive and is residential garden land serving this property. The land is mainly overgrown and consists of a number of established trees which have been significantly pruned. The site is flanked by no. 24 Vermont Drive to the north/east, no. 20a to the north-west, and nos. 9 and 10 Nursery Close to the south. The host dwelling no.22 is a 2 storey detached residential dwelling of red brick construction with a clay tile roof and gravel driveway to front. Number 22 sits behind number 20 Vermont Drive and is accessed via an access driveway off Vermont Drive.

CHARACTER OF LOCALITY

Sub-urban residential character. The locality comprises residential development consisting of detached bungalows at 1/1.5 storeys in height. Whilst there are some examples of 2 storey detached dwellings, these are anomalies which are set against the prevailing 1.5 storey character.

RELEVANT SITE HISTORY

PAA/146/19/	Erection of 1 1/3 storey single dwelling with detached garage.	Refuse Pre App 15-01-20
PAA/102/18/	Erection of 2No. dwellings	Refuse Pre App 09-11-18
EP/265/88	New access and bungalow off private drive	Refused 30-01-89 Appeal: Dismissed 27-07-89
EP/83/21/PDH	Notification under extended permitted development rights for a single storey rear extension measuring 6m from beyond the rear wall of the original dwelling house, with maximum height of 3.8m and eaves height of 2.7m.	Prior Approv not req 12-08-21

Two pre-applications for new dwelling/s on this garden site were undertaken in 2018 and 2019. Local Planning Authority (LPA) advised under both that pre-application scheme would be refused at application stage as follows:

PAA/146/19

Erection of 1 1/3 storey dwelling and detached garage

Scheme would be refused due to layout and height being detrimental to character of area, and siting and height having unacceptable impact on residential amenity of no.22 Vermont Drive and no. 10 Nursery Close

PAA/102/18

Erection of 2 dwellings

Scheme would be refused due to siting, layout, scale, massing resulting in cramped form of development and out of character with existing pattern of development, and detrimental impact on neighbouring amenity from perceived overlooking and overbearing impact.

It is also noted that in 1989 planning permission was refused and an appeal dismissed (ref. EP/265/88) for a new access road and bungalow at the site for following reasons; unsatisfactory form of backland development, use of access road would be unneighbourly and adversely affect the privacy and quiet enjoyment of neighbouring properties, and detrimental to character of locality.

REPRESENTATIONS

East Preston Parish Council -
Objection.

- Overdevelopment of plot. Proposed property too large for plot, insufficient external amenity space for future occupants.
- Loss of privacy to neighbours.
- Concerns about ease of access for emergency vehicles on new access road.

If LPA grant planning permission, planning condition should be considered to ensure garage is only used as private domestic garage and not for any other purpose.

East Preston and Kingston Preservation Society-
Objection.

- New dwelling sits awkwardly on plot, overdevelopment, especially if rear extension agreed under EP/83/21/PDH is built.
- Use of slate for roof entirely out of character with area, contrary to policy 1 of the Neighbourhood Plan.

4 other letters of objection were received, summarised as follows:

- Adjoining residents overlooked, loss of privacy.
- Loss of trees, hedgerows.
- Increased traffic noise and disturbance.
- Insufficient parking proposed. Garage not large enough, will not be used for cars.
- Increased on-street parking pressure from users of development and during construction phase - highways safety concerns. Existing opening of access road onto Vermont Drive is insufficient for level of traffic using it. Blocks driveways opposite. Disagree with WSCC Highways conclusions about no issues with visibility and highways safety.

COMMENTS ON REPRESENTATIONS RECEIVED:

- Agree sub-division of plot and introduction of additional building on this garden plot would represent over-development, not reflect spacious gardens and lower density of plots in immediate area.
- Would be sufficient external amenity space (garden) to serve 4 bedroom home.
- Agree would be potential for overlooking from rear window side panel to north no.22 Vermont Drive. Windows on eastern and western elevations sufficient distance to gardens of nos. 20a and 24 to not result in significant overlooking/loss of privacy.
- No highways objection regarding access width for emergency vehicles, WSCC Fire and Rescue do raise this issue but this matter (and need for on-site fire sprinklers/mist system etc.) could be dealt with by planning condition and Building Regulations.
- Council's Trees Officer has confirmed no objection to the trees to be lost, based on amenity value, current health, and life expectancy. Replacement hedgerow planting and landscaping is proposed/can be conditioned.
- New access road would not lead to significant traffic noise and disturbance from movements associated from 1 dwelling, subject to appropriate acoustic boundary fencing and smooth (quiet) surfacing.
- The scheme would include sufficient on-site car parking to serve occupants and visitors of the new 4 bed home (a large driveway which could accommodate 3 cars). No.22 also has a large driveway with parking for several vehicles. Local Highways Authority have raised no objection on highways operation/safety grounds. It is understood there are concerns about issues with delivery vehicles and visitors parking on Vermont Drive. This is unrestricted on-street parking along here. As such, any changes to this arrangement would need to be dealt with separately in liaison with WSCC Highways. A planning condition could be used to secure a Construction Management Plan (CMP) including details of construction vehicle types, routes and parking etc.

Also see Conclusions section of report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

No objection.

Recommended planning conditions to control construction hours, secure a Construction Management Plan, an unexpected land contamination condition, and advisory informatives.

WSCC Highways:

No objection.

Recommend planning conditions to secure details of the car/cycle parking spaces and Electric Vehicle (EV) charging provision.

Drainage Engineer:

No objection.

Due to the location, scale and type of application have no drainage conditions to request. Advise that any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

Tree Officer:

No objection.

Many trees will be removed as a result of the proposal but none of high public amenity value.

Recommend planning conditions to secure protective fencing is installed and inspected as being Fit for Purpose, and that all works are undertaken in strict accordance with the submitted Tree Report.

Ecology Officer:

No objection.

Recommend planning conditions to secure; installation of a bat box, suitable external lighting scheme to protect bats, any works to trees and vegetation to take place outside wild bird nesting season, installation of a bird box, reptile habitat to be cleared during period reptiles are most active and continued management to ensure reptile habitat does not develop on site, hedgehog piles must be removed outside of hibernation period and undergo soft demolition, installation of hedgehog nesting box and biodiversity enhancement measures to be implemented as set out in the Preliminary Ecological Appraisal (PEA). It is noted that, although the PEA includes some biodiversity enhancement measures, further information is required to demonstrate what will be included in the scheme as currently it would result in a net loss of biodiversity, and suggest number of expected measures.

WSCC Fire and Rescue:

Evidence is required to show adequate access is provided for a fire appliance to reach the new property and a suitable turning facility is provided to ensure the appliance can turn and make an exit. Any areas of the dwelling not within 45 metres of a fire appliance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standards.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusions section of report.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

CIL Zone 4

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
INFSP1	INF SP1 Infrastructure provision and implementation

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

East Preston Neighbourhood Plan 2014 Policy 8 Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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 policies contained within the East Preston Neighbourhood Plan are relevant in the 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."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

The proposal would fail to comply with Development Plan policies as it would introduce an uncharacteristic form of backland development into the area failing to reflect the established pattern of development, it would result in overdevelopment of the plot, it would have an overbearing/enclosing impact on no.10 Nursery Close and would result in overlooking and a perception of overlooking to nos.10 and 12 Nursery Close, and nos.20A and 22 Vermont Drive.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. The other material consideration is the Council's current lack of a 5 year housing land supply, which means in the case of applications for housing provision, where development is sustainable, the National Planning Policy Framework's 'presumption in favour of sustainable development' is engaged. The impact of the proposals must therefore be assessed against the 'presumption in favour' in the tilted balance.

CONCLUSIONS

KEY ISSUES:

The key issues in the determination of this application are as follows:

- Impact on visual amenity/character of area.
- Impact on neighbouring residential amenity.

Other matters of consideration are; principle, quality of new accommodation, site access, parking provision and impact on highways, drainage, and impact on trees, ecology, sustainability and fire and rescue.

PRINCIPLE:

The proposals seek planning permission for a new dwelling within the Built-Up Area Boundary (BUAB). This accords with Arun Local Plan (ALP) policy SD SP2 which seeks to focus new development within the BUABs. The proposed development is therefore acceptable in principle in this location, and would be considered 'sustainable development'.

VISUAL IMPACT:

Para 124 of the National Planning Policy Framework (NPPF) 2021 states that planning decisions "should support development that makes efficient use of land, taking into account..." amongst other things "(d) the desirability of maintaining an area's prevailing character and setting (including residential gardens)". Para 130 requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment. Para 134 states "Development that is not well designed should be refused".

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, appearance, density, scale, innovation, adaptability, residential amenity impact, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the surrounding environment.

Arun District Council Design Guide SPD (2021) provides detailed design guidance for developments in the District. This includes Section P.01 on Infill Development which provides detailed guidance on Backland Development. It states that backland development schemes should ensure it "Is in harmony with the prevailing character, building pattern and architectural style of the area" and "Protects residential amenity including access to outdoor space, privacy, and freedom from unacceptable levels of noise and overshadowing".

The East Preston Neighbourhood Plan (EPNP) Policy 1 sets out principles for new housing including; (a) the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, reflect and enhance the architectural and historic character and scale of the surrounding buildings. Policy 3 of the Neighbourhood Plan requires new development in Character Area 2 (which this is) to maintain a consistent low building height, with no development of more than 1.5 storeys. East Preston Village Design Statement also contains relevant guidance.

In terms of the wider area to the site, it is noted that The Nookery (street) nearby features a number of properties set in close proximity to the rear of properties along Vermont Drive, perhaps giving the appearance of 'backland' development. However, the properties along The Nookery are many in number and set in a linear fashion fronting onto their own road (i.e. not accessed off Vermont Drive as backland development) creating 2 distinct lines of development and appearing as part of the established street pattern. It is noted that some backland development has been allowed in the wider area. For example, within a cul-de-sac at no.60 Vermont Drive (EP/79/19/PL), however this was for a bungalow at the rear of no.60, and so given its low-level height, the departure from the prevailing pattern of development would appear less obvious and obtrusive in views from neighbouring properties (than in the case of this current application). Another example, at no. 7A Vermont Drive (EP/38/89) allowed the construction of a new dwelling at the rear of no.7, however again this was for a bungalow so would appear less obvious and obtrusive in neighbouring views, the garden plot was generally larger and this decision was in 1989 when current planning policies did not apply. As such, these examples would not justify the current proposal.

In terms of the immediate area (nos. 4 Woodridge Park, and nos 20a-24 Vermont Drive) to the

application site it is characterised by low density detached housing with relatively spacious garden plots to the rear of a similar depth and with no backland development contained within. There is a degree of uniformity to the pattern of development in this immediate area on either side (east-west) of the site. As such, the proposed sub-division of this garden plot and introduction of an additional dwelling with new access road off access on Vermont Drive, by reason of its siting, density, layout and orientation, would be an uncharacteristic form of development within the immediate area and not reflect the existing established pattern of development. Although it would not be readily visible in the street scene on Vermont Drive, the development would be very visible in views from neighbouring properties and appear as an incongruous uncharacteristic addition to an established garden plot. Its incongruity would be further exacerbated by its height at 1.5 storeys making it more visually prominent within the garden setting and its east-west orientation which differs from the properties along here which are oriented north-south. It would be incongruous in the context of neighbouring development and would be visible from neighbouring properties within the immediate locality, resulting in demonstrable harm. The new dwelling would also be visible to some degree at the rear from Nursery Close (given reduction in screening - see Tree section of this report) and would look out of context when viewed in relation to the existing pattern of development at the rear of this part of Vermont Drive. Furthermore, the addition of another dwelling on this plot would represent 'overdevelopment' of the site at no.22, and would not reflect the spacious gardens and lower density development in the immediate area. It can therefore be concluded the proposals would result in demonstrable harm to the prevailing character and visual amenity of the area.

In terms of height, the new dwelling would be 1.5 storeys in height, with a maximum ridge height of 6.8m. This seems an appropriate height for a 1.5 storey house. The proposals would accord with Policy 1 and Policy 3 of the EPNP in terms of the recommended maximum 1.5 storey height limit for this area and reflect the roof heights in the area and local character in this respect.

In terms of design and materiality, the new dwelling would have a domestic semi-rural traditional design, with half hipped roof form, chimney, and timber and oak framing etc. Given the variety of property styles within the area, this design in and of itself is not considered harmful. In terms of proposed materials, the proposed Spanish natural slate in grey for the roof would be out of character with the surrounding dwellings which all have concrete/clay tile roofs. However, this issue could be resolved by applying a planning condition requiring a materials schedule to be submitted and approved by the LPA to secure appropriate materials.

In conclusion, the proposed height and design of the new dwelling is acceptable in visual impact terms. Appropriate materials could be secured by planning condition. However, by reason of the siting, layout and density of the proposals, it would result in overdevelopment of the plot, and an uncharacteristic form of backland development which would not reflect the pattern of development and character of the immediate area. The new development would be highly visible from neighbouring properties and from within the street scene on Nursery Close. The proposals would therefore result in demonstrable harm to the prevailing character and visual amenity of the area, and would be contrary to the NPPF, policies D SP1 and D DM1 of the Arun Local Plan, Policy 1 of the East Preston Neighbourhood Plan and Section P.01 of the ADC Design Guide SPD.

RESIDENTIAL AMENITY IMPACT:

Para 130 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

Policy D DM1 of the ALP states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the

quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policies QE DM1, QE DM2, QE DM3 and QE DM4 relate to noise, light, air and land pollution and the need for impacts from development to be controlled.

The ADC Design SPD includes detailed guidance on the protection of residential amenity, including setting out the required distances between properties to accord with the 45 and 25 degree tests for daylight/sunlight (Section G.03), required separation distances between habitable rooms to ensure privacy (Section H.04), measures to maintain privacy (Section J.02) and minimisation of impacts of noise and overshadowing (Section J.06).

The proposed layout would position a 1.5 storey development (at eaves height of 2.9m, half hip height of 5.5m and max. ridge height of 6.9m) approximately 2.2m from the boundary of the adjacent dwelling, no. 10 Nursery Close, to the south. On this boundary the neighbouring dwelling, no.10, features a ground floor extension with conservatory style roof light and two ground floor windows (which seem to serve kitchen/diner). At present, access to light is impinged by the existing tree lining along this boundary. As such, the proposal to remove the existing tree cover and replace with hedge planting would likely increase overall daylight to this part of no.10. Given the proposed development is located to the north of no.10, the proposals would not have a significant impact on sunlight levels.

However, given the proximity of the new building to the boundary and its height, it is concluded it would have an enclosing and overbearing impact as experienced from the side facing ground floor windows (and potentially roof light) of no.10's extension which appear from a planning history check to serve a large kitchen/diner, which would face directly toward a 5.5m high elevation of the new building.

Furthermore, there would be harm in the form of perceived overlooking toward no.10 and no.12 Nursery Close. The Trees Officer (see Tree section of report) has confirmed that the space between the side of the new dwelling and the site boundary (2.2m) would be sufficient to accommodate some degree of landscape buffer, but however given the limited space, this would be likely maintained at hedgerow height. Given that no side-facing first floor windows are proposed on the nearest southern elevation of the new dwelling, it would not result in overlooking or perception of overlooking to no.10 in this respect. However, whilst the first floor dormer windows on the east and west elevations would not provide direct angles of view, only oblique angles of view, towards no.10 and 12 Nursery Close, the proximity and short separation distances would give rise to certainly the perception of overlooking towards these properties and gardens.

There would also be potential overlooking from the glazed side panel of the first floor bedroom suite window towards no. 22 Vermont Drive. The separation distance between this new window and the boundary with no. 22's garden would be only around 2.2m. This could give rise to overlooking to the garden and property of no.22. Whilst it is acknowledged that there is currently and proposed to be some tree cover from the existing tree in the garden of no.22, this may not provide full visual cover, may not be evergreen, and could at any time be removed (since the tree is not covered by a TPO) exposing the garden and property of no.22 to obtrusive views from this window of the new dwelling.

The separation distance from the closest habitable room first floor front window/s of the new dwelling to the boundary with no.24 Vermont Drive would be approximately 14m. From the closest habitable first floor rear window/s of the new dwelling to the boundary with no.20A it would be around 10.5m. The ADC Design Guide SPD sets out the minimum separation distances; private rear garden minimum 10.5m depth and minimum 12m from back of house (habitable rooms) to site boundary. The proposals accord with the minimum rear garden depth requirement of 10.5m. However, it fails to accord with the minimum 12m separation distance between habitable room windows and the site boundary in respect of the closest rear window and relationship to no.20A. The visual screening on this boundary is also not of sufficient height to protect the neighbours garden from views from this first floor window of the new

building. The impact would be exacerbated by the fact the new window would be full height and include a glazed Juliette balcony. The proposals could therefore give rise to overlooking and would certainly give rise to a harmful perception of overlooking of the rear garden of no.20A Vermont Drive.

In terms of noise and disturbance to neighbouring properties, the new access road to the new dwelling would be traversed alongside no. 24 to the east, and no.22 to the west. The hedge along the boundary with no.24 is to be retained and a new 1.8m high close board timber fencing is proposed along the boundary with no.22. The new access road is shown to be gravel. The anticipated number of trips generated by 1 new 4 bed dwelling are not likely to be significant. Planning conditions could be applied requiring that appropriate acoustic fencing be required to be installed along the boundaries with neighbours and smooth (quiet) road surfacing (i.e. not anything moveable/noisy like gravel) be used for the access road. This would limit any noise and disturbance from comings and goings to acceptable levels for the neighbours at no.24 and 22.

The Environmental Health Officer has recommended planning conditions to control construction hours, secure a Construction Management Plan, unexpected land contamination condition, and advisory informatics.

In conclusion, the proposals would result in an enclosing/overbearing impact on no.10 Nursery Close, and actual and perceived overlooking impacts to nos.10 and 12 Nursery Close and nos.22 and 20A Vermont Drive, resulting in harm to neighbouring residential amenity. This is in conflict with the NPPF, policies D DM1(3) and QE SP1 of the Arun Local Plan, and the ADC Design Guide SPD.

QUALITY OF NEW ACCOMMODATION:

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the national internal space standards. The Nationally Described Space Standards provide the current guidance for dictating minimum space standards. The dwelling proposes a 4 bedroom 8 person house which requires a minimum Gross Internal Area of 124 sqm. The floor plans submitted indicate a GIA of 195sqm. This would exceed the national space standards and comply with ALP policy D DM2.

There are no specific policies in the Arun Local Plan with regard to external amenity space. Section H.04 of the Arun Design SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable for occupants. It sets out minimum depth of 10.5m for rear gardens. The new home would be provided with a private sufficiently sized garden of regular square shape, which would be of a sufficient size and suitable shape to be functional and enjoyable and serve the occupants of a 4 bed dwelling. It would have a depth of around 10.5m. As such, it would be acceptable and accord with the ADC Design Guide SPD.

Policy WM DM1 of the Arun Local Plan requires new residential development to ensure that kerbside collection is possible for municipal waste vehicles and bin storage provision is made as follows:- Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. The same amount of storage space/bins for recyclable materials is required to be provided. It is recommended that any waste storage provision is located near or adjacent to the highway, so that the maximum refuse pulling distances and refuse vehicles access requirements are complied with. Section H.07 of the Design SPD, requires that attractive bin storage (providing screening for bins) should be integrated into the design of new housing. No bin storage is shown on the plans, however, this could be secured by planning condition to ensure compliance with ALP policy WM DM1 and the ADC Design Guide SPD.

SITE ACCESS, PARKING AND HIGHWAYS IMPACT:

Para.110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage. The ADC Design SPD (Sections I.01, I.02 and I.03) includes guidance on the provision and design of car parking, electric vehicle bays and charging points, and cycle parking.

Policy 1 of the EPNP requires that housing development proposals;

(ii) meet the adopted car parking standards, whereby the amount and method of parking provision should not adversely affect road safety, or result in unacceptable levels of on-road parking demand;

The Local Highways Authority (WSCC) have provided comments, summarised as follows;

The application proposes vehicular access from the existing shared driveway. From inspection of the plans, there are no apparent visibility issues with the existing point of access on to the maintained highway. The LHA does not anticipate that the addition of one dwelling would give rise to a significant material intensification of movements to or from the site.

The applicant proposes three car parking spaces on-site, in the form of a single-bay garage and driveway with provision for two cars. Under Arun Parking Standards SPD, the LHA would anticipate that a dwelling of this size in this location should provide parking provision for at least three cars. Therefore, the LHA considers the proposed parking provision to be sufficient. However, the LHA notes that the proposed garage falls short of the minimum internal dimension requirements of 3m x 6m, as set out in Manual for Streets (MfS), to be considered for parking provision. The garage as proposed has approximate internal dimensions of 2.9m x 5.3m, which may be too small for modern cars to be accommodated within. Therefore, the LHA advises the applicant to enlarge the proposed garage, so that it can be considered for vehicular parking provision. Notwithstanding the above, from inspection of the plans, three cars could be accommodated within the proposed driveway. On-site turning appears achievable, although this may be restricted if more than two cars are parking on the driveway.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. The applicant is advised that for dwellings with an off-street parking provision, 100% of parking spaces should be provided with active EV parking spaces in accordance with the Arun Parking Standards SPD. Regarding cycles, there appears to be sufficient space within the proposed storage room of the garage building to accommodate at least two cycles, in accordance with Arun Parking Standards SPD.

The LHA concludes that it does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. They recommend planning conditions to secure details of the car/cycle parking spaces and EV charging provision.

Subject to these planning conditions, the proposals would accord with the NPPF, Arun Local Plan

policies T SP1 and T DM1, policy 1 of the EPNP and the ADC Parking SPD.

DRAINAGE:

ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. The ADC Design Guide SPD (Section K.04) requires that development incorporate Sustainable Drainage Systems (SUDs) and flood risk mitigation. Policy 8 of the EPNP states "Development proposals will be supported provided they are able to demonstrate that they include one or more of the following sustainable drainage design features to manage the risk of surface water flooding within their boundary and elsewhere in the parish. i. permeable driveways and parking areas; ii. water harvesting and storage features; iii. green roofs and/or iv. soakaways.

The site is in Flood Zone 1 (lowest risk of flooding) and the plot is smaller than 1 hectare. As such, a Flood Risk Assessment nor flood mitigation measures are required. The site is not in any other special drainage designation such as the Lidsey Catchment Area. The Council's Drainage Engineer has commented that due to the location, scale and type of application they have no drainage conditions to request. They advise that any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

The proposals would result in the development of existing permeable garden land which includes some existing areas of hardstanding and the swimming pool. The Site Plan shows the inclusion of a gravel access road and permeable block paved driveway. Given the introduction of a new building on-site it is concluded there would be an increase in impermeable areas on site. As such, SUDs measures such as all hardstanding being fully permeable and inclusion of soakaway and/or water harvesting etc. should be incorporated into the scheme. A Drainage Statement and Plan have been submitted which show the inclusion of a soakaway to the front of the property and permeable paving to the driveway. A more ambitious plan with all new hardstanding being of permeable/porous material and construction i.e. rear patio paving and front access road too, to account for the increase in impermeable surfaces of the new building is required. A planning condition could be used to secure these details in a Surface Water Drainage Scheme/SUDs Plan. The submitted Drainage Statement states that foul water would be drained into the foul water drainage system serving the host property no.22 which then connects into the public foul water sewer in Vermont Drive. This seems an acceptable approach, however a planning condition could be applied requiring a Foul Water Drainage Plan to be submitted to and approved by the LPA, subject to consultation with the local water company Southern Water.

Subject to these planning conditions, the proposals would be adequately drained and not increase flood risk elsewhere, in accordance with policies W DM2 and W DM3 of the Arun Local Plan, the ADC Design Guide SPD, and policy 8 of the EPNP.

TREES:

ALP policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or that contribute to local amenity.

The southern part (proposed development site) of the garden to no.22 contains a number of established trees including Cypress Leylandii and Ash trees. An Arboricultural Impact Assessment and Method Statement (including Tree Survey and Tree Protection Plan) has been submitted with the application.

The Council's Tree Officer has been consulted and commented, in summary, as follows;

The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012. It appears that substantial work has recently been undertaken to established trees at the southern end of the plot, resulting in significant loss of canopy cover. From the Tree Schedule (June 2021) provided; nothing exists of stature and obvious high amenity value, nor did it prior to the recent tree works undertaken. It is noted that surrounding properties may still benefit from the persistent low-level screening provided by the remaining tree cover.

Although it is pleasing to see plans for new planting submitted within the Arboricultural Report (Appendix E) and with a heavy reliance on native tree species; it is important to note that none will achieve full growth potential, given the limited space afforded to them, and so ultimately are likely to be maintained as hedgerow. The extent of the new building footprint and associated hard landscaping is such that limited opportunity exists for provision of adequate mitigation for the tree loss (with any new tree of stature (>10m ht.) and longevity) such that they will not grow to enhance the local landscape nor ultimately compensate for the proposed removal of trees from across the site.

In conclusion, it has been demonstrated that the development as described is achievable without undue detriment to retained on and off-site trees, that the current layout proposal is going to involve the removal of many trees, although they provide little value as a public amenity and are unlikely to do so, and that there is limited opportunity for tree planting to mitigate for that loss of canopy cover within the proposed scheme with only hedgerows being a viable long-term option. The Tree Officer confirms they can support the scheme, subject to planning conditions to secure protective fencing is installed and inspected as being Fit for Purpose, and that all works are undertaken in strict accordance with the Tree Report.

In conclusion, subject to planning conditions as recommended by the Council's Tree Officer, no trees of public amenity value will be lost, and so the proposals would accord with Arun Local Plan policy ENV DM4. A detailed Landscape Plan and Planting Scheme could be secured by way of planning condition to ensure suitable screening and visual amenity is provided by replacement planting, in accordance with D DM1 which seeks appropriate landscaping for new developments.

ECOLOGY:

In terms of legislation, development will need to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required. Paras 174 and 180 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Act and the NPPF. ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

A Preliminary Ecological Appraisal and a Bat Emergence Survey have been submitted with the application.

The Council's Ecology Advisor has been consulted on the application and raised no objection to the proposals, subject to planning conditions to secure; installation of a bat box, suitable external lighting scheme to protect bats, any works to trees and vegetation to take place outside wild bird nesting season, installation of a bird box, reptile habitat to be cleared during period reptiles are most active and continued management to ensure reptile habitat does not develop on site, hedgehog piles must be removed outside of hibernation period and undergo soft demolition, installation of hedgehog nesting box and biodiversity enhancement measures to be implemented as set out in the PEA. The Ecology Advisor notes that although the PEA includes some biodiversity enhancement measures, further information is required to demonstrate what will be included in the scheme as currently it would result in a net loss of biodiversity. They advise a number of expected measures.

These required further biodiversity enhancement measures, to ensure a Net Gain in Biodiversity, could be secured by a planning condition requiring a comprehensive Biodiversity Enhancement Plan/Scheme, to include the expected measures.

As such, subject to appropriate planning conditions, the proposals would have an acceptable impact on wildlife and protected species, and would result in a Net Gain in Biodiversity, in accordance with the Environment Act, relevant protected species legislation and policy ENV DM5 of the Arun Local Plan.

SUSTAINABILITY:

Policy ECC SP2 of the Arun Local Plan requires all new residential development to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels.

A planning condition could be used to secure an Energy Statement to ensure that at least 10% of the energy demand of the new dwelling is generated by renewable, low carbon and/or decentralised sources or fabric first approach utilised, to ensure compliance with policy ECC SP2 of the ALP.

FIRE & RESCUE:

The WSCC Fire and Rescue Service has commented as follows;

Having viewed the plans, evidence is required to show adequate access is provided for a fire appliance to reach the new property and a suitable turning facility is provided to ensure the appliance can turn and make an exit. The access route says it is made up of a gravel driveway, evidence will be required to show the gravel track will be capable of supporting 12.5 to 18 Tonne axial weight of a fire appliance to ensure access can be gained to within 45 metres of all parts of the dwelling. A fire appliance should not have to reverse more than 20 metres to make an exit, from the plans submitted it is not clear a turning facility has been provided. These issues identified are a requirement of Approved Document - B: Volume 2 - 2019 Edition B5 section 15 for Fire Service Access, including Table 15.2 for dimensions required. Without these requirements being met the Fire Service would not be capable of attending the site with a fire appliance in the event of a fire or any other emergency, any areas not within 45 metres of a fire appliance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standards.

It is concluded that a planning condition could be used to secure domestic fire sprinklers or a water mist system throughout the new dwelling to mitigate the need for a fire engine to be able to access the dwelling and to accord with the fire safety requirements set out under the Building Regulations.

SUMMARY:

The proposal, by reason of its siting and layout, would introduce an uncharacteristic form of backland development into the area, failing to reflect the established pattern of development and character in the immediate area. It would also result in overdevelopment of this garden plot, failing to reflect the low density housing and spacious garden plots characteristic of the immediate area. The proposals would also, by reason of its siting, scale and window positioning, have an overbearing/enclosing impact on

no.10 Nursery Close and would result in overlooking and a perception of overlooking to nos.10 and 12 Nursery Close, and nos.20A and 22 Vermont Drive. The proposals would therefore conflict with policies D SP1, D DM1 and QE SP1 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.

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."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

It is considered that there is an other material consideration to be weighed in the balance with the Development Plan, in the form of the Council's current lack of a 5 year housing land supply. This means in the case of applications for housing provision (such is the case here), where development is sustainable (such is the case here), the National Planning Policy Framework's 'presumption in favour of sustainable development' is engaged. The impact of the proposals and the conflict with Development Plan policies must therefore be assessed against the 'presumption in favour' in the tilted balance.

The first assessment is whether the proposals represent 'sustainable development'. Paragraph 8 of the National Planning Policy Framework outlines the three overarching objectives to achieve sustainable development in the planning system; comprising economic, social and environmental objectives. The development would provide opportunities for local construction jobs, Council tax receipts from new home and spending in the local economy (economic). The development would contribute to the provision of a range of homes that could meet the needs of present and future generations (social). The new dwelling would be in a sustainable location within the BUAB and not rely on use of the private vehicle (environmental). As such, the proposals are concluded as being overall 'sustainable development'.

The second assessment then is in applying the presumption in favour of sustainable development for decision taking which means granting permission unless (paragraph 11(d)):

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Paragraph 11(d)(ii) makes clear that decisions should be taken in accordance with the policies in the Framework unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, it is concluded that the impacts on the character and visual amenity of the immediate area, and the residential amenity of the neighbouring occupiers, would be both significant and demonstrable and would outweigh the benefits of the contribution of 1 new dwelling to the housing supply. As such, in the tilted balance the conflict with the Development Plan would outweigh the presumption in favour and the proposals would not benefit from the NPPF's presumption in favour of sustainable development.

The application 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.

CIL DETAILS

This application is CIL Liable as it is for a new dwelling therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply e.g. Self Build exemptions etc.).

RECOMMENDATION

REFUSE

- 1 The proposals would, by reason of the siting and layout, introduce an uncharacteristic form of backland development into the area, failing to reflect the established pattern of development and prevailing character in the immediate area. It would also result in overdevelopment of this garden plot, failing to reflect the low density housing and spacious garden plots characteristic of the immediate area. The new development would be highly visible from neighbouring properties and from within the street scene on Nursery Close. The proposals would therefore result in demonstrable harm to the prevailing character and visual amenity of the area, and would be contrary to policies D SP1 and D DM1 of the Arun Local Plan, Policy 1 of the East Preston Neighbourhood Plan, Section P.01 of the Arun District Council Design Guide Supplementary Planning Document (2021) and the National Planning Policy Framework,
- 2 The new dwelling would, by reason of its siting, scale, height and window positioning, have an overbearing and enclosing impact on no.10 Nursery Close and would result in overlooking and a perception of overlooking to nos.10 and 12 Nursery Close, and nos.20A and 22 Vermont Drive. The proposals would therefore result in demonstrable harm to neighbouring residential

amenity, contrary to policies D DM1(3) and QE SP1 of the Arun Local Plan, the Arun District Council Design Guide Supplementary Planning Document (2021) and the National Planning Policy Framework.

- 3 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.