

Recommendation Report for Planning Permission

REF NO: EP/134/14/PL

LOCATION: Shore House
Seafield Road
East Preston

PROPOSAL: Replacement dwelling with integral garage following the demolition of the existing house and garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 2100 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing and hedging to the front at approximately 1.5m in height. Fencing extends along front side boundaries at approximately 1.8m in height. Fencing and hedging to the rear at over 2m in height.
SITE CHARACTERISTICS	The site comprises a two storey detached property with white painted brickwork elevations and a hipped roof with brown pantiles. There is a first floor balcony at the rear with plain glass surrounds.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties set back from the road and having a beach frontage to the rear.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

East Preston Parish Council

No objection.

Two letters of support

*This application enhances the appearance of the property and the design and layout is appropriate without infringing on its environment or the appearance of the area.

One letter of objection from the East Preston and Kingston Preservation Society

*Too bulky and tall for the site.

*The depth of the proposed house is so great that it has been necessary to cut off the top of the roof to keep its height within a metre or so of the height of its neighbours.

*The three storey southern front would dominate the view from the beach and it is too high for its position near the beach.

*This conflicts with the wishes of East Preston's residents, as expressed in the Community Survey of September-October 2013 which showed that 79% of respondents considered that new buildings should be no more than two storeys high.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Fluvial Flooding)

WSCC Strategic Planning

Conservation Officer

Consultations responses received:

West Sussex County Council Highways

No objection.

There should not be a material increase in movements arising from this proposal. Therefore, there are no highway safety concerns at the point of interaction with the highway network on Seafeld Road.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[GEN2](#)

[GEN7](#)

[GEN12](#)

Built-up Area Boundary

The Form of New Development

Parking in New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D DM2 Internal Space Standards

D DM3 External Space Standards

D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS

East Preston Village Design Statement

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Felpham.

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.

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 the Arun District Local Plan which in this case is mainly policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY (POLICY GEN7, LOCAL PLAN)

This application seeks planning permission to demolish an existing 2 storey dwelling and replace it with a 3 storey 5 bed -dwelling with white rendered elevations and a hipped roof with clay tiles.

The main issue in design terms with this proposal is the increase in its scale and bulk when compared to the existing property. The front elevation which is presented to Seafield Road is broadly similar to existing, albeit with an acceptable increase in the width of the property at first floor and roof level. However, it is the rear elevation with its public beach frontage that would appear harmfully bulky, especially in its projecting mid-section and would make it overly dominant in visual terms.

The introduction of a further storey in the roof above existing which again is emphasised in the projecting mid-section would appear harmfully out of character with its surroundings which are mainly two storeys in height. The property also fails to sufficiently take account and acceptably blend in with Seafield Lodge to the east which is long and narrow in form and stands in harmful contrast to it particularly in its height. Despite the sizeable nature of the plot and those of surrounding properties, the property stretches almost across its full width which given its heavily glazed rear elevation and sides causes it to appear unduly prominent with surrounding properties when viewed from the public beach and surrounding area.

It is therefore considered unacceptable in design terms and conflicts with policy GEN7(ii) of the Arun District Local Plan.

INTERNAL SPACE STANDARDS (POLICY D DM2, EMERGING LOCAL PLAN)

The proposed dwelling meets the requirements of minimum room sizes and complies with policy D DM2 of the Emerging Local Plan.

EXTERNAL SPACE STANDARDS (POLICY D DM3, EMERGING LOCAL PLAN)

The rear garden depth exceeds the required 10m and 100 sq m in area and so the proposal complies with policy D DM3 of the Emerging Local Plan.

AFFORDABLE HOUSING CONTRIBUTION

Since there is a one for one replacement, no affordable housing contribution has been sought.

PARKING AND NEW ACCESS (GEN12, LOCAL PLAN)

This proposal incorporates the relocation of an existing vehicular access into the middle of the site which is considered to be an improvement as it provides greater distance to Seafield Lodge to the east. West Sussex County Council Highways department has no objection to the highways arrangements and there are no highway safety concerns at the point of interaction with Seafield Road.

RESIDENTIAL AMENITY (POLICY GEN7, LOCAL PLAN)

Despite the increase in size and scale of the proposed dwelling from the existing, it is considered that the property occupies a similar location and retains acceptable separation distances to neighbouring properties so as not to cause any harmful residential effects by way of overbearing or overshadowing. The side-facing balconies could be conditioned to be obscured glazed so as to prevent any unacceptable overlooking or loss of privacy from arising and there is an existing balcony at the property which already provides a degree of overlooking anyway.

It is therefore considered that the proposed dwelling is acceptable in residential amenity terms and complies with policy GEN7(iv) of the Arun District Local Plan.

However for its harmful effect on the visual amenities of the area, it is recommended that the application be refused for the following reason.

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 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, a neutral impact has 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.

RECOMMENDATION

REFUSE

- 1 The proposed dwelling by reason of its size and design would appear harmfully bulky and out of scale with surrounding properties and with its projecting mid-section on the rear elevation and extensive use of glazing would appear unacceptably prominent when viewed from the public beach frontage and the surrounding area which is in conflict with policy GEN7(ii) of the Arun District Local Plan and policies D DM1 and D SP1 of the Emerging Local Plan and the National Planning Policy Framework.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning

(Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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 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.