

Recommendation Report for Planning Permission

REF NO: EP/148/17/PL

LOCATION: 20 Lashmar Road
East Preston
BN16 1EY

PROPOSAL: 1 No. dwelling with associated car parking, dropped kerb access & planting.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is the subject of an Appeal Against Non-Determination. The decision would have been a Delegated one, since refusal was to be recommended and this was not in conflict with the Parish Council views (an objection). This report sets out the decision which would have been made and the reasons for this had the Non-Determination Appeal not been made.

The application proposes the erection of a detached dwelling to south of no.20. The proposed dwelling would have 3 bedrooms. The dwelling would have front and rear projecting two storey elements with ridges set at a slightly lower level than the main ridge of the proposed dwelling, these would be gabled.

The front elevation would have a deep roof pitch down to eaves level of ground floor with single front roof light and would accommodate stairs and some of the first floor accommodation. To the rear, the main element of the dwelling would have a more two-storey appearance with much higher eaves and a less deep roof. There would also be a roof light lighting a rear bedroom, this bedroom would have no other windows. The other 2 first floor bedrooms would have single front or rear facing windows in the gabled elements already described.

The south facing main wall of the dwelling would have a modest ground floor bay to the kitchen. There would be 3 roof lights serving bedrooms and a bathroom in the south facing roof planes. The main north facing side elevation would have 3 narrow windows serving stairs and 2 bathrooms. At roof level there would be 2 roof lights serving bedrooms.

Materials for the proposed dwelling would be plain clay roof tiles, a mixture of brick and tile hanging, white UPVC windows and timber roof lights.

A new crossover and 2 frontage car parking spaces would be provided to the front of no.20 and a further new crossover and 2 frontage car parking spaces would be provided to the south of and adjoining the new dwelling. Parking spaces would be clock paved. The frontages of both dwellings would be largely hard surfaced due to the provision of the parking spaces and also pedestrian paths. There would be a planted margin in front of the new dwelling of 1.2m by 7m and also in the south front corner. There would be further planting to the side of the proposed dwelling.

The existing single plot would be divided into 2 separate garden areas for the full depth of the present plot. Both rear gardens would narrow towards the rear of each plot. The application dwelling plot would narrow substantially from front to rear.

SITE AREA	Approximately 0.04 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	As existing: Approximately 25 dwelling per hectare. As proposed: Approximately 50 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, although bungalow to south no.21 set slightly higher on opposite side of access road to garages..
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Front boundary brick dwarf wall with low chain link fencing above in front of dwelling. Low chain link fence to front boundary of land to side of dwellings. Trellis and panel fencing 1.8m high to south side of site, 1.8m panel fencing on other boundaries.
SITE CHARACTERISTICS	The site is occupied by one of a pair of semi-detached two-storey dwellings constructed of red/orange brick with plain small red/brown roof tiles and side hipped roof. Land to the side and rear laid to grass and in garden use. The overall plot is approximately 21.7m wide on the frontage and 4.2m wide at the rear. To the side of the existing dwelling, the undeveloped garden varies between 7.6m and 11.7m in width.
CHARACTER OF LOCALITY	The area surrounding this dwelling on the east side of Lashmar Road is residential. To the west of the site and opposite are East Preston Infant and Junior Schools, with further residential to the south and south west. Dwelling designs and materials are mixed. There is another pair of semi detached dwellings to the north of the site and these are of similar design, although do not have side hips to the roof.

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

East Preston Parish Council objects on the following grounds:

The proposed property may well result in a cramped development, uncomfortably close to the boundary with no 20 and not wholly in keeping with the streetscene.

There was some confusion over the size of garden to be supplied to the new property. In the Design & Access Statement, paragraph 5 on page 3 states: Both 20 Lashmar Road and the development proposal will retain suitable rear gardens as part of the development proposal. 20 Lashmar Road retains a garden the same width as the house, yet the drawings suggest the garden will only be the same width of the house for part of its length as the boundary will run roughly north-east from the north-eastern corner of the proposed location of a new shed.

This council disagrees that the proposed property will be visually unobtrusive from Lashmar Road. Because it is smaller, on the end of a line of uniform semi-detached properties, this council believes the proposed property will stand out and be visually obtrusive.

This council is also concerned about the proposed property bringing forward the building line in the road. The eastern side of Lashmar Road has a pretty uniform building line with just a few porches breaking up that line. The proposed development come further forward even than the porch on no. 19.

The council does appreciate the choice of materials for the proposed property.

For the reasons above, this council asks Arun District Council to consider refusing Planning Permission for this proposal.

Two letters have been received objecting on the following grounds:

1. The new building would dominate the existing front building line due to its proposed position forward towards Lashmar Road.
2. The new dwelling will overlook 112 North Lane (to the south).
3. The increase in school capacity occurring will increase on street parking and the new dwelling will be opposite the school and exacerbate the situation.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

WSCC Highways raises no objection and comments that it is not anticipated that the proposal will be detrimental to highway safety or cause a material increase in local traffic. Conditions and informatives are recommended.

COMMENTS ON CONSULTATION RESPONSES:

Noted. If planning permission were to be granted, then conditions and informatives could be imposed

regarding highway issues.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

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

East Preston Neighbourhood Plan 2014 Policy 5

Housing - General Principles

Design in Character Area Four

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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. 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: Aldingbourne; Angmering;

Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The East Preston Neighbourhood Plan has been made and policies 1 and 5 are considered relevant to the determination of this application.

Policy 1: Housing - General Principles

Development proposals will be supported, provided:

- i. 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;
- ii. they 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;
- iii. where proposals for the use of a dwelling as a commercial holiday letting would amount to a change of use which requires planning permission they demonstrate that they will not harm the amenities of the local residential area; and
- iv. they retain amenity land, incidental open spaces and roadside verges unless Policy 5ii applies.

Policy 5: Design in Character Area Four

Development proposals in Character Area Four, as shown on the Proposals Map (roads outlined in yellow) will be supported, provided the scale, density, massing, height, landscape design, layout and materials of including alterations to existing buildings, will:

- i ensure that high front garden walls or fences are avoided; and
- ii make provision for off-street car parking spaces by removing parts of roadside verges if residents so desire.

The East Preston Neighbourhood Plan policies above are however not solely related to housing delivery and relate to matters of development impact and detail. As such they are not to be deemed out of date in respect of matters of detail since they do not relate to the supply of housing.

The proposed development is not considered to be in accord with policies in the Development Plan, including the Emerging Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies in the determination of this application are considered to be GEN7 of the Arun District Local Plan; Policies 1 and 5 of the East Preston Neighbourhood Plan (EPNP); the National Planning Policy Framework (NPPF) and National Planning Practice Guidance.

There can be no objection to the principle of development at this site and the issues given rise to by the proposal are ones of detail in respect of design and visual amenity, residential amenity and highway matters,

DESIGN AND VISUAL AMENITY

The existing street scene in the locality is somewhat mixed as described earlier in the report, although the site is part of 2 pairs of semi detached dwellings of similar appearance to the south of the junction with Orchard Road. Similar pairs of dwellings also extend northwards of the junction on this side of Lashmar Road. The site is therefore at the southern end of a group of similar dwelling types which have a distinct character and appearance in the street scene prior to reaching the junction with North Lane.

The design of the proposed dwelling, apart from being detached rather than semi-detached differs significantly from dwellings to the north. The proposed dwelling design includes a lower ridge line than no.20 and also lower eaves levels and in addition, a roof at the front with a catslide type appearance. The design also introduces the use of tile hanging to the front element of the proposed dwelling.

The scale of the proposed dwelling and close proximity to no.20 are such that the visual appearance of the proposed development and the site in the street scene will appear cramped. There will be a harmful loss of openness in the street scene and the proposed development will appear squeezed in due to its smaller scale and also incongruous given its appearance when viewed with existing development adjoining.

In short, the proposal is considered to result in an overdevelopment of the site which would be harmful to visual amenity as a consequence of the harmful impact on the street scene.

RESIDENTIAL AMENITY

The proposed dwelling is designed in a manner which seeks to prevent overlooking and loss of privacy to existing surrounding dwellings. This is clearly evident by the location of side windows and roof lights. The proposed dwelling generally enjoys good separation from surrounding dwellings although is in close proximity to no.20. Subject to suitable obscure glazing to some upper floor windows and to non-opening restrictions in some cases, it is not considered that the proposal would result in unacceptable overlooking and privacy loss.

The location of the proposed dwelling is such that the majority of the side elevation of the new dwellings would be close to the main side wall of no.20 approximately 2.1m away. No.20 has no side openings and as such this arrangement would further mitigate potential for overlooking and privacy loss.

It is not considered that the development proposed results in a harmful impact on the amenity of the occupiers of no.20, nor on other nearby dwellings.

PARKING PROVISION, ACCESS AND HIGHWAY

Each dwelling would be provided with 2 car parking spaces. Pedestrian access between dwellings appears intended to be shared. There will also be a need to widen the drop kerb in front of the site. The development will introduce 2 sets of 2 car parking spaces, there will however be an intervening landscaped area situated in front of the proposed dwelling.

NEIGHBOURHOOD PLAN

The development proposed would not be in accord with the Neighbourhood Plan Policies 1 and 5 due to its being an overdevelopment of the site which would be harmful to visual amenity as a consequence of the harmful impact on the street scene

It is therefore recommended that planning permission be refused for the following reason(s).

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 proposed development, if permitted would as a consequence of the of the scale of the proposed dwelling and its close proximity to no.20 be such that the visual appearance of the proposed development and the site in the street scene will appear unacceptably cramped. There will be a harmful loss of openness in the street scene and the proposed development will appear squeezed in due to its smaller scale and also incongruous given its appearance when viewed with existing development adjoining. The proposal would result in an overdevelopment of the site which would be harmful to visual amenity as a consequence of the harmful impact on the street scene. The development is therefore not in accord with Policy GEN7 in the Arun Local Plan 2003 nor in accord with Policies 1 and 5 in the East Preston Neighbourhood Plan.