

Recommendation Report for Planning Permission**REF NO:** EP/149/14/PL**LOCATION:** 37 Orchard Road
East Preston**PROPOSAL:** Construction of 3 bedroom dwelling with rooms in roof space. Resubmission of EP/100/12**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application relates to the provision of a 2 storey, 3 bedroom dwelling within the side garden area of 37 Orchard Road.
SITE AREA	700 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing to approx. 1.6m to side boundary rising to 1.8 metres
SITE CHARACTERISTICS	Most of the site forms the side garden area serving a semi detached bungalow. Detached flat roofed garage and parking area occupies this area. The remainder is a small area of grassed open space.
CHARACTER OF LOCALITY	Predominantly residential comprising a mix of dwelling types mainly semi detached/terraced. The north side of Orchard Road is characterised by semi-detached bungalows of similar design in medium sized plots. Bungalows to the east have grassed communal/public areas to the front, side and rear.

RELEVANT SITE HISTORY

EP/107/01/	Change of use from public amenity open space to private garden	ApproveConditionally 09-11-2001	
EP/100/12/	Erection of 1 No 3 bed chalet dwelling	Refused 05-07-2013	<i>Appealed</i>

EP/26/82

Kitchen/lounge extension at rear

**Appeal: Dismissed
18 02 2014**

ApproveConditionally
17-03-1982

REPRESENTATIONS

Representations received:

East Preston Parish Council

East Preston Parish Council

Objection - The proposed development may be unneighbourly to neighbouring properties in Orchard Road and Windlesham Gardens contrary to policy DDM1 of the Emerging Local Plan. The property may look cramped and be out of keeping with the existing street scene contrary to policies GEN7 and DEV19 of the Local Plan and policies DDM1 of the Emerging Local Plan.

East Preston and Kingston Preservation Society

Site is too narrow. Building is poorly proportioned, being too narrow in relation to its height and quite different from the proportions of its neighbour to the west. It also presents a facade that is dominated by the front slope of its roof. Its design is contrary to policy DSP1 of the Emerging Local Plan and policy GEN7 of the Local Plan. The windows of the 2 bedrooms upstairs would overlook the rear of the properties in Windlesham Gardens to the south and Orchard Road to the west, reducing privacy. Parking one behind the other is liable to lead to an increase in on road parking contrary to the emerging Neighbourhood plan.

5 letters of objection - Insufficient space for parking. Where will existing parking demand be met? Building is out of character. Applicant is proposing to build on land that is not hers. The proposal for a 2 storey house in this location is contrary to the East Preston Village Design Statement. Both Orchard Road and Windlesham Gardens are categorised as Area 2 and consist of bungalows. The proposal is at odds with the surrounding properties. Proposal is closer to house to rear resulting in adverse overbearing effects, overlooking and loss of privacy. Site is only large enough for a double garage. Concern regarding foul drainage. 3 properties already discharge into the interceptor. Will cause overlooking to properties in Orchard Road. Design is not compatible with surroundings. Closer to boundary than before.

Comments on Representations received:

Comment on Parish Council's Objection. It is agreed that the proposal would adversely affect the residential amenity of 43 Orchard Road and would be out of keeping in the street scene. However, given the distance to the rear boundary it is not considered that there would be an adverse impact on properties in Windlesham Gardens. Policy DEV19 does not apply. The proposal does not relate to an extension.

Comments on other representations - It is agreed that the building is poorly proportioned and at odds with its neighbours. The Emerging Neighbourhood Plan carries limited weight. The applicant has completed certificate 'A' confirming that she owns all of the application site. 11m is considered an adequate distance to the rear boundary to ensure that no materially adverse overlooking results to adjoining properties.

Foul drainage would be dealt with by Building Regulations.

CONSULTATIONS

Engineering Services Manager
Engineers (structural)

Consultations responses received:

Engineers (Structural)

No comment. Structural requirements will be dealt with by Building Regulations.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#) The Form of New Development
[GEN12](#) Parking in New Development

Publication Version of the Local Plan (October 2014):
D SP1 Design
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards

PLANNING POLICY GUIDANCE

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; Bersted; Felpham; Littlehampton; Yapton

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 and the residential amenities of the adjoining property, and 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

This application follows an earlier application for a 3 bedroom dwelling on the site which was dismissed at appeal (EP/100/12). The proposed dwelling has now been set back further into the site and reduced in height and depth. The site area has also been amended to retain a greater width of plot to the existing dwelling and a straight boundary to no.37. However, the application site is still narrow and tapered at the site frontage.

The Inspector concluded that in order to accommodate a dwelling the design and layout would result in a roof form which appears contrived and which would be different in shape and character to other properties in the area. The stepped form of the dwelling resulted in an appearance which would have been larger and more bulky in appearance than no.37 as it was very close to no.37 and the boundary fence to the west and would appear to dominate the space resulting in a cramped form of development which was out of character with the surrounding area. The dwelling now proposed still has a stepped form and appears prominent, top heavy, cramped and contrived. A greater distance has been provided to the side elevation of no.37, but at its closest point it would be 0.6m from the western boundary. Given the angled nature of this boundary when viewed

from the site frontage this limited space to the boundary would not be apparent and the dwelling would still dominate the space.

The dwelling at appeal was the same height as the existing dwelling and this is the height now proposed. The Inspector concluded that the roof form would appear large in comparison and at odds with the simple main roof design of other bungalows. Visual interest was lacking to the front elevation. The application dwelling has addressed visual interest concerns by adding a front gabled projection which replicates a design feature in the street scene. Dormers which were considered to add to the mass of the roof have been removed from the proposal. However, the design of the dwelling is at odds with other properties in the locality, a barn end style roof is now proposed which is not in keeping with other development in the locality and appears bulky and out of place contrary to the character and appearance of the area.

This part of Orchard Road is generally defined by low profile semi-detached bungalows and the proposed detached 2 storey dwelling with a significant depth of the roof to the rear represents an alien and dominant form of development. The height does not exceed its neighbours, but is significant in its width and rearward projection, particularly when considered in relation to the smaller site proportions and its limited width. In addition, the set back position of the dwelling on the site would be out of keeping with the regular and defined relationship of existing properties with the site frontage. This would contribute to its alien and cramped appearance.

The existing paired dwellings have space to their alternate boundaries which contributes to the spacious character of this part of Orchard Road. The proposed dwelling would have no space to its eastern boundary and limited space to the western boundary which further detracts from the character of the area.

The Inspector referred to the East Preston Village Design Statement and noted that the appeal site was close to the boundaries of Character Areas 2 and 4, which have slightly different criteria for new development. The Statement refers to buildings which should be compatible with, but not necessarily similar to, the existing buildings in the road. He concluded that the design of the appeal scheme did not include elements which were compatible with the surrounding area. It was visually dominant in relation to the surrounding properties and had a significant impact on the character and appearance of the area. The same is true of this amended proposal.

Whilst the proposed dwelling would be close to the side boundary with the area of open space it would not immediately abut any private amenity area and would therefore have no materially adverse effect on residential amenity by way of overbearing effects. The bedroom window on the west side elevation would be 7 metres from the boundary with the garden area serving the adjoining bungalow and would result in adverse overlooking effects. Whilst this window is not indicated to be obscure glazed a condition could be imposed to that effect so as to overcome any unacceptable overlooking. The distance of 11.7 metres from the first floor window to the boundary with dwellings in Windlesham Gardens to the rear is adequate to prevent any material loss of privacy.

The provision of 2 off road car parking spaces for the proposed dwelling and retention of car parking to serve the existing dwelling would be acceptable. The site is sustainably located. Cycle parking provision is made on the submitted plans and the proposal accords with policy in this respect.

The proposal complies with the internal and external space standards of the Emerging Local Plan.

The application is therefore recommended for refusal for the following reason

HUMAN RIGHTS ACT

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 (the right to respect for 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 neutral 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).

SECTION 106 DETAILS

This proposal is subject to a Section 106 Agreement relating to affordable housing contributions totalling £6,123.

RECOMMENDATION

REFUSE

- 1 Given the height, width, design and proximity to the boundary the proposed dwelling appear cramped and out of keeping in the street scene adversely affecting the visual amenities and character of the locality in conflict with policy GEN7 of Arun District Local Plan.