

Recommendation Report for Planning Permission

**REF NO:** EP/160/19/PL

**LOCATION:** Land to the rear of 43 Sea Road  
East Preston  
BN16 1JN

**PROPOSAL:** Demolish redundant external store and former outside toilet at rear of 43 Sea Road and construct a single storey extension to create a 2 bedroom apartment.

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| <b>SITE AND SURROUNDINGS</b> |
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|                            |                                                                                                                                                                                    |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | The application seeks to demolish an existing external store, and toilet to the existing dwelling, and replace with a single storey rear extension, to form 1No. residential unit. |
| SITE AREA                  | Approximately 282.8sq.m.                                                                                                                                                           |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                     |
| BOUNDARY TREATMENT         | The site is bordered to the North by mature foliage, which obscures views of the rear of the host dwelling.                                                                        |
| SITE CHARACTERISTICS       | The site is populated by a two storey dwelling. It forms a hairdressers at ground floor level, with a flat at first floor level.                                                   |
| CHARACTER OF LOCALITY      | The area is host to a variety of residential and commercial buildings.                                                                                                             |

Noted.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

East Preston Parish Council

Parish Council - Objection.

- Proposal does not meet outside amenity space.
- Negative impact on the amenities to the flat upstairs.
- Places pressure upon existing on-street parking in the area.

7 letters of objection, raising the following material points:

- The building results in a harmful impact upon residential amenities of neighbouring dwellings, due to it extending across entire portions of private amenity areas of said dwellings.
- The windows of the proposal would result in overlooking and light pollution.
- The proximity of the proposal from the boundary will have an overbearing impact.
- The proposed development is not in accordance with the character of the area.
- The development of the garden will result in there being no private amenity area for the first floor flat.
- The proposal will increase parking demand.

- The tiny passageway which currently forms the access would not be able to handle additional capacity.

#### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. It should be noted that only planning considerations will be addressed within this report.

#### CONSULTATIONS

WSCC Strategic Planning  
Engineers (Drainage)  
Environmental Health

#### CONSULTATION RESPONSES RECEIVED:

The Council's Drainage Engineers - No objection.

W.S.C.C Highways - No objection.

- The proposal does not propose any provision for parking, any as such does not meet W.S.C.C's demand for 2 parking spaces.
- The site is sustainably located with access to local amenities by foot or cycles. Furthermore, there are nearby bus stops, providing links to Littlehampton, Chichester and Brighton.
- If minded to approve the application, a condition to ensure for the provision of cycle parking should be applied.

Environmental Health - No objection.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

#### POLICY CONTEXT

Designation applicable to site:  
Within built up area boundary  
C.I.L Charging Zone - 4

#### DEVELOPMENT PLAN POLICIES

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

|       |                                          |
|-------|------------------------------------------|
| DDM1  | D DM1 Aspects of form and design quality |
| DSP1  | D SP1 Design                             |
| QESP1 | QE SP1 Quality of the Environment        |
| TSP1  | T SP1 Transport and Development          |

|                                                               |                              |
|---------------------------------------------------------------|------------------------------|
| <a href="#">East Preston Neighbourhood Plan 2014 Policy 1</a> | Housing - General Principles |
| East Preston Neighbourhood Plan 2014 Policy 2                 | Design in Character Area One |

#### PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11     Arun Parking Standards 2020

**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.

**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 not considered to comply with relevant Development Plan policies in that it would not be in keeping with the established pattern of development in the area, and also represent an overdevelopment of the site resulting in an unsatisfactory living environment for prospective occupiers and neighbouring residents.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS****PRINCIPLE**

In this case, the key policies are D SP1 and D DM1 of the Arun Local Plan. Additionally, Policies 1 and 2 of the East Preston Neighbourhood Development Plan apply.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the

established character of the area.

Policy 2 of the East Preston Neighbourhood Development Plan sets out the criteria for development within Character Area One. These ensure that proposals preserve the character of the street scene, and resist any increases in density that would alter this character. It also seeks to avoid apartment block development, and protect the view from the beach.

#### DESIGN AND VISUAL AMENITY

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

It is necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development to keep within the general confines of the overall character of a locality.

The position of the proposal, and its size would result in development that is not in keeping with the general pattern and scale of development in the locality. The dwelling would be positioned close to the Northern and Southern boundary of the site. The dwelling is sited approximately 1.1m and 1m from the Northern and Southern boundaries respectively, which although this allows for direct access to the rear of the site (for bike storage) this constrains the proposed development, and looks visually at odds with the host dwelling, and the pattern of development within the area.

Having regard for the existing character and layout of the area, it is considered that the proposal would have a constrained and cramped appearance, not in keeping with the established layout and pattern of development failing to integrate with its surroundings and thereby harming the character of the locality. Whilst it does propose amenity space in its rear garden, the residential unit would be sited to the rear of a terrace of flats, with business uses at ground floor level. The form of the proposal is uncomfortable and awkward, in that it is approximately 15m long, with a width of 6m. This is larger than the host dwelling itself, and takes up the majority of the length of the garden. The proposal conflicts with D DM1 and D SP1 of the Arun Local Plan and Policy 1 of the East Preston Neighbourhood Development Plan, in that the development is considered to be harmful to the character of both the application site, and its wider locality.

#### RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The proposed development has an unacceptable overbearing impact on the gardens to the South of the application site, both that of #45 Sea Road, and #1 The Old Dairy. This is primarily due to the scale and the design of the proposed development. The proposal would have a maximum height of 3m from the ground level of the application site, of which approximately 1m is visible over the boundary treatments of the gardens to the South. Over a length of approximately 14.8m, the proposal is overbearing, and unneighbourly in its appearance. There is mature foliage obscuring any impact on the site to the North, currently populated by the Conservative Hall.

With regard to loss of privacy to neighbouring dwellings, the development does not give rise to any harmful overlooking of adjacent sites. This is due to the single storey nature of the proposed development, and as such, there are no views proposed that are different to those available from the application site at current.

In Section 12 of the NPPF 2019 'Achieving well-designed places' the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 (f) states that planning policies and decisions should ensure that developments: 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.

The site and this proposal would provide an inadequate living environment for the existing occupiers of 43a Sea Road, in that this application would result in a removal of the private amenity land serving this residential unit. As such, resulting in a harmful impact upon their living environment, and quality of life.

Furthermore, the proposed development does not create an adequate living environment for its future occupiers. The proposal is a constrained within its proposed plot, served by a small access pathway which is 1.1m wide to the North, and a small gap of 1m to the South. The proposed unit would receive low levels of light, all windows on the Southern elevation are small, and at high level. Both bedrooms are served by windows of this style. The proposal would feel overly contained/hemmed in within its application site, also due to the significantly high boundary foliage exacerbating this impact.

Accordingly, the proposal is not considered to comply with D DM1 & QE SP1 of the Arun District Local Plan.

#### TRANSPORT, PARKING AND HIGHWAY SAFETY

The application site is located within Parking Behaviour Zone 2. As such, under Arun District Council's Parking Standards SPD, this attracts a parking demand of 2 spaces. The proposal does not include any parking provision for vehicles and is therefore in conflict with policy T SP1(d), and the Arun District Council Parking Standards SPD.

#### INTERNAL SPACE STANDARDS

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling is suitable for residential use.

The proposed residential unit has a floor area, and layout depicting; a single storey, 2 bedroom dwelling, for 3 person occupation. The required space standard is 61m<sup>2</sup>. The proposed development meets this floor area. Therefore, the residential unit accords with the standards.

#### SUMMARY

The proposal results in detrimental harm to the visual amenities of the area and the residential amenities of proposed and neighbouring occupiers. In addition there is no provision for on site car parking.

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

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 Due to its location and design, the proposal would have an alien appearance which would have an unacceptable impact on the established character and appearance of the locality in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.
- 2 Due to the length and height of the proposed development in close proximity to the rear of neighbouring properties it will have an overbearing and unneighbourly impact on these properties in conflict with D DM1(3) of the Arun Local Plan.
- 3 The proposed dwelling due to the location of its windows and deletion of the rear garden space dedicated 43 Sea Road will provide a dwelling with an unsuitable living environment for prospective residential occupiers and harm the residential amenities of existing neighbouring occupiers in conflict with policies D DM1 and QE SP1 of the Arun Local Plan.
- 4 The proposed development does not meet the requirement for vehicle parking and therefore results in extra, harmful demand for on-street parking within the locality, in conflict with policies T SP1 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons 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.