

REPORT UPDATE

Application No: EP/168/19/PL

Reason for the Update / Changes

Reason for Update/Changes:

A letter of complaint has been received on the following grounds:

Width of road to the side of the development will not allow for 2 vehicles to pass one another.

The development would restrict access for cars and service vehicles to the rear of commercial premises and properties on North Lane.

Private legal issues relating to right to park on undesignated spaces.

Officers Comment:

The ownership of land and rights are private legal issues which are not addressed within the planning application.

No objection to the proposal has been received from the Highways Authority, West Sussex County Council.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: EP/168/19/PL

LOCATION: 4 Beechlands Cottages and land adjacent
Beechlands Close
East Preston
BN16 1JT

PROPOSAL: 1 no. dwelling & alterations to roof of existing dwelling (4 Beechlands Cottages) including the provision of new dormer to front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to construct a new end of terrace 2 storey dwelling to an existing terrace of 4 dwellings and add a new front dormer and rear velux windows to number 4 Beechlands Cottages.
SITE AREA	0.03 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 houses per hectare.
BOUNDARY TREATMENT	1.8 metre close boarded fence enclosing existing rear garden, Open plan side elevation and front.

SITE CHARACTERISTICS

The site is a block of 4 terraced 2/3 bedroomed properties. There is an unmade private access road 10 metres wide to the east side serving a block of land to the rear of a nearby parade of shops including a garage block, unmade hard standing parking areas and a small dilapidated commercial building.

CHARACTER OF LOCALITY

A residential area with a commercial shopping parade to the west. Beechlands Close is accessed from the main road, Sea Road and intersects a parade of local shops. The applicant's terraced block is just behind the parade of shops faces onto a residential street with a similar terrace block opposite and a cul de sac of bungalows to the east.

RELEVANT SITE HISTORY

EP/41/17/PL	1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.	ApproveConditionally 25-05-17
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EP/41/17/PL - Planning permission was granted for an identical development as proposed by this application in 2017.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

East Preston Parish Council

Objection:

- New house would not be visually integrated with existing terrace of cottages.
- Materials out of keeping with existing dwellinghouses.
- Loft conversion will upset symmetry of 4 dwellings
- Forward projection of new house from existing terrace and lack of a front door on the front elevation will be out of keeping.
- Difficulties for lorries servicing the rear of the shops via access road.
- Contrary to policies D SP1 and D DM1 of the Arun Local Plan as would not reflect the existing characteristics of the site.
- Contrary to policy 1 of the East Preston Neighbourhood Plan as it would not reflect and enhance the character of the surrounding buildings nor would it look like part of the original symmetrical design of the terrace.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised by the Parish Council with regards to the design of the new dwelling are agreed with and addressed within the Conclusions section of the report below.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection subject to conditions.

ADC Drainage - No comments received

COMMENTS ON CONSULTATION RESPONSES:

Noted. No drainage issues were raised in the previously approved application EP/41/17/PL.

POLICY CONTEXT

Designation applicable to site:

CLASS C ROAD

ADOPTED LOC PLN

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

Policies NEEP 1 - Housing General Principles and Policy 3 - Design in Character Area Two of the East Preston Neighbourhood Plan are considered relevant to 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."

On balance, the proposal will comply with Development Plan policies. Whilst there are impacts upon the character of the area, the proposals are the same as previously granted permission and those impacts are not so substantial as to justify a refusal of permission.

OTHER MATERIAL CONSIDERATIONS

Relevant material considerations include that permission was granted for the same proposal as in this application when the applicable development policies were very similar to the ones applicable in this case. However, at the time of the earlier permission neither the National Design Guide or the emerging Arun Design guide were in force.

CONCLUSIONS

PRINCIPLE

The site falls within the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations are Policy D DM1, D DM2 and D DM4 of the Arun Local Plan; Policy 1 of the East Preston Neighbourhood Plan (EPNP); and the NPPG and NPPF.

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.

Policy D DM2 seeks to ensure that minimum space standards for new dwellings are adhered to.

Policy D DM4 when considering extensions to existing buildings requires the extension sympathetically relates to and is visually integrated with, the existing building, that it is visually subservient to the main building and that it should not have an adverse overshadowing , overlooking or overbearing effect on neighbouring properties.

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

Policy 1 of the East Preston Neighbourhood Development plan seeks to ensure that development reflects and enhance the architectural and historic character and scale of the surrounding buildings and that development meets adopted car parking standards.

Section 12 of the National Planning Policy Framework (NPPF) refers to high quality buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to work and live.

DESIGN AND VISUAL AMENITY

The proposal will alter the appearance of the existing terrace. At present both ends of the terrace are symmetrical with fully hipped roofs without front dormers. The proposal will end this symmetry by adding to the eastern end of the terrace a half hipped roof dwelling with a prominently sized front dormer window. This will not only end the existing uniform design of this terrace but also not replicate, as is the case at the moment, the design of the opposite side of terraced dwellings. The proposals will clearly not result in a form of development that fully respects the character of the existing terrace. However, such a

subjective judgement has to consider the variety in the area, public prominence and the planning history.

Since the previous approval, the 2019 National Design Guide and the 2020 emerging Arun District Design Guide have been published. This design advice was not available when application reference EP/41/17/PL was granted permission.

In this context, whilst the proposals are not a form of development that would clearly reflect the character of the area officers consider that they are in no way sufficiently poor to justify a refusal of planning permission in conflict with policies D DM1 and D DM4 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.

Policy 3 of the East Preston Neighbourhood Plan relates to bungalow development which does not apply to this particular development which is two stories within a terrace of two storey dwellings.

RESIDENTIAL AMENITY

The proposed roof extension and new dwelling would be located approximately in line with the existing terraces rear and front building lines (except the 90 cm projection of the front element of the new dwellinghouse). The development would therefore not negatively impact the existing terraced dwellings in terms of a loss of light, overbearing impact or loss of privacy.

There are no dwellings within 23 metres of the front or rear elevations of the proposed dwelling or new roof dormer extension and the bungalow to the east side beyond the side access road has no primary habitable facing windows in its side elevation 13 metres away from the new side elevation of the dwelling proposed. A first floor bathroom window in the side elevation of the proposed dwelling at first floor level would be conditioned to be obscure glazed and non opening below 1.7 metres in height to protect the privacy of the neighbouring bungalow at 1 Beechlands Close.

The development is considered to accord with policy D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL SPACE STANDARDS

The new dwelling will have a gross internal floor area of approximately 109 sq.m. above the requirements of the Nationally Described Space standards contained within the National Planning Policy Guidance therefore complying with policy D DM2 of the Arun Local Plan.

The external amenity space would be 8.8 metres in length and approx. 67 metres in area and is considered to be of an acceptable size reflecting the garden size of the neighbouring terraced properties.

PARKING AND ACCESS

WSCC Highways Authority have made no objection to the proposed provision of 1 parking space for the proposed new dwelling and the location of the property is considered to be sustainable with good access to shops, facilities and public transport on nearby Sea Road.

In addition, WSCC Highways consider that use of the side access road to the east of the new dwelling would not be heavily used. According to County Highways the side access to the dwelling would be reduced in width to 3 metres in width at its narrowest point but would allow for single file vehicle access, which given the low level of traffic anticipated would be acceptable.

The Arun Parking Standards Supplementary Planning Document indicates that there would be a parking requirement for 2 car parking spaces. However, it is noted that the existing 4 dwellings in the block all have only 1 off street car parking space at the front. To refuse this application on the fact that there is a shortfall of 1 car parking space would not succeed at appeal.

WSCC have made no objection and the site is considered to be a sustainable location being within 50

metres of a parade of local shops and other services upon which it could be expected to rely on. In addition there are bus stops within 50 metres of the site and Angmering railway station is within 1 km of the site.

The proposal is therefore considered to be compliant with policy TSP1 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
Proposed Site Plan, Block and Location Plans dwg.no. 2.03 B dated Sept 2016
Proposed Plans and Elevations dwg.no. 2.02 B dated Sept 2016

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 The materials and finishes of the external walls, rainwater goods, windows and roof of the new dwellinghouse and roof extension hereby permitted shall match in colour and texture those of the existing terrace of dwellinghouses at both the front and rear.

Reason: In the interests of amenity in accordance with policies D DM1 and D DM4 of the Arun District Local Plan.

- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been submitted to and approved by the Local Planning Authority and the cycle parking constructed in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T DM1 of the Arun Local Plan.

- 6 The window at first floor level in the east facing side elevation of the proposed new end terraced dwelling shall, at all times, be obscure glazed and fixed shut up to 1.7 metres in height from ground floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1 of the Arun Local Plan.

- 7 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 8 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.