

Recommendation Report for Planning Permission

REF NO: EP/182/14/PL

LOCATION: Shore House
Seafield Road
East Preston

PROPOSAL: Demolition of existing dwelling & garage & replacement with 1 No dwelling with integral garage (Re-submission following EP/134/14/PL)

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

EP/134/14/PL	Replacement dwelling with integral garage following the demolition of the existing house and garage.	Refused 03-11-2014
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None

REPRESENTATIONS

Representations received:
East Preston Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)
WSCC Strategic Planning
Conservation Officer

Consultations responses received:

West Sussex County Council Highways
No objection.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. EP/134/14 to which no objections were raised.

The proposal is for a replacement dwelling unit with access onto Seafeld Road via an existing access point. 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 Sea Lane.

Engineers

This application is for one property outside of the Lidsey WwTW catchment area. No comment was offered for the previous application therefore no comments are provided this time.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary
Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN12](#)
[AREA1](#)

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

Built-up Area Boundary
The Form of New Development
Parking in New Development
Areas of Special Character
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
HER DM4 Areas of Special Character
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; Bersted; Felpham; Littlehampton; Yapton.

The East Preston Neighbourhood Plan has been made but there are no policies of any relevance relating to this proposal.

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 which is an Area of Special Character.

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.

SITE HISTORY/CONTEXT

This application forms the resubmission of previously refused planning application EP/134/14/PL. The previous application was refused on account of the size and design of the replacement dwelling which was considered to appear harmfully bulky and out of scale with surrounding properties. This was principally due to the projecting mid-section on the rear elevation and the extensive use of glazing on the property. Both elements have been addressed in this application.

DESIGN AND VISUAL AMENITY

The proposed replacement dwelling will occupy a similar position on the plot to the existing property.

The design of the replacement dwelling has been amended since the previous application to reduce the visual bulk and scale when viewed from the beach by removing the large square rear dormer and replacing it with a central rear gable. The height of the parapet around the rear projection has also been reduced to also help ensure that the design portrays a two storey dwelling with accommodation in the roof space rather than a three storey rear projection. These changes have also required some internal alteration to the second floor layout as the useable floor area has been reduced. The rear gable is to have a triangular window set below the eaves overhang to afford sea views but also create a visual separation from the two storey projection. The amount of glazing has also been reduced to acceptable levels particularly on the rear elevation.

It is considered that the alterations to its design have meant the replacement dwelling is now acceptable in visual amenity terms and so the previous reason for refusal has been successfully addressed and overcome. The dwelling now sympathetically relates to surrounding properties and in its use of white render is appropriate to its coastal location. There is also a wide variety of property designs seen in the immediate area which is considered to provide sufficient scope for the proposed dwelling to be accommodated without it appearing out of keeping with its surroundings. The replacement dwelling will therefore not compromise the character and appearance of the Area of Special Character.

The proposal is therefore considered acceptable in design terms and complies with policies GEN7(ii), AREA1 and DEV19(iv) of the Arun District Local Plan.

RESIDENTIAL AMENITY

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. A timber privacy screen has been shown on the plans for the first floor balcony east and west side elevations. However, these timber panels are situated above glass panelling which at a lower level would give rise to harmful overlooking on to neighbouring properties and their respective private amenity areas. Therefore, the glass panels of the balconies at first floor level to sides and at roof level are recommended to be conditioned to be obscured glazed so as to prevent any unacceptable overlooking or loss of privacy from arising. It should also be noted that there is an existing balcony at the property which already provides a degree of overlooking anyway.

There are no side facing windows in either the east and west elevations especially at first floor level and above that could give rise to harmful overlooking particularly on to Seafield Lodge to the east. In order for this to remain the case, a condition is also recommended preventing any windows or other openings from being formed in the side elevations of the properties at first floor level and above without an application first being submitted for the Local Planning Authority to consider.

With the obscure glazing condition recommended to be applied to the balconies, it is considered that the proposed dwelling is acceptable in residential amenity terms and complies with policy GEN7(iv) 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.

PARKING AND NEW ACCESS (POLICY GEN12, ARUN DISTRICT 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.

It is therefore recommended that the application be approved, subject to the following conditions.

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) 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, 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

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: drawing numbers P084-10 (Location plan) dated August 2014, P084-11 Rev A (Site plan) dated July 2014, P084-17 Rev A (Street scene, section and context plan) dated August 2014, 01 (Site survey as existing) dated April 2014, P084-18 (Existing plans and elevations) dated August 2014, P084-12 (Ground floor plan) dated August 2014, P082-13 (First floor plan) dated July 2014, P084-14 Rev A (Second floor plan) dated August 2014, P084-SK15 Rev A (North and west elevations) dated August 2014, P084-16 Rev A (South and east elevations) dated August 2014 and P084-19 (Gate elevation and section) dated December 2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall commence until details and samples of the external walls and roof of the dwelling hereby approved have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The side facing panels (east and west) of the rear balconies at first floor level and at roof level of the building hereby approved shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed at first floor level and above in the side (east and west) elevations of the building hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 6 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 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.