

Recommendation Report for Planning Permission

REF NO: EP/182/18/PL

LOCATION: 20 Lashmar Road
East Preston
BN16 1EY

PROPOSAL: 1 No. end of terrace house together with associated car parking, new vehicular access, garden shed & planting (resubmission following EP/148/17/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The sub division of one of a pair of semi detached properties to form a 3 dwelling terrace by building an additional house adjoin the side elevation of the southern semi detached property. The scheme would include the division of the rear and front gardens into 2 and provide 2 car parking spaces per dwelling and a vehicle cross over for both the existing and proposed properties in the front garden .
SITE AREA	0.4 hectares original site 0.022 hectares size of site for new dwelling
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1 metre wire mesh and concrete post fence to the front boundary. 2 metre close boarded fence to the side and rear boundaries.
SITE CHARACTERISTICS	The site is occupied by one of a pair of semi-detached two-storey dwellings constructed of plain red bricks with plain red/brown roof tiles on roof. The land to the side and rear is laid to grass and in garden use. The overall plot is triangular, approximately 21.7m wide on the frontage and 4.2m wide at the rear. To the side of the existing dwelling, the undeveloped garden where the new dwelling would be built 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 areas 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.

RELEVANT SITE HISTORY

EP/148/17/PL	1 No. dwelling with associated car parking, dropped kerb access & planting.	Appeal Dismissed 07-09-18 Appeal: Dismissed 07-09-18
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A larger additional dwelling with a significant two storey element forward of the building line of the front elevation of the existing pair of semi detached houses was refused by the Local Planning Authority and an appeal to the Planning Inspectorate was dismissed. The current application seeks to address the reasons for refusal of the previous application and dismissal of the subsequent appeal.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council
No Objection.

- Concern that there will be a devaluation of the two existing semi detached properties.

East Preston & Kingston Preservation Society - No objection.

- Advised that there is a sewer running under the site.

No letters of objection/support received from nearby properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

Devaluation of properties is not a material planning consideration.

Comments noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection.

WSCC Highways - No objection.

- Access

An inspection of the Design and Access Statement and site plan establishes that a new vehicle crossover (VCO) is proposed to provide access to the off-street parking spaces serving the new dwelling. A study of local mapping demonstrates that it is likely that the crossover works will require the relocation

of the street-lighting pole located on publicly maintained highway fronting the application site. These relocation works would need to be undertaken at the expense of the applicant. It is the responsibility of the applicant to liaise with the necessary parties to organise the moving of the street-lighting pole. The pole will need to be relocated at least 1.5m from the location of the top of the ramped kerb of the proposed crossover.

The Design and Access Statement confirms that the existing VCO serving no. 20 Lashmar Road is to be closed off and a new VCO created to serve the revised parking arrangements at this address. The two new proposed VCOs must be implemented under licence to a specification obtained from WSCC Highways.

Parking and turning

A study of the online documents and plan establishes that 2 off-street parking spaces will be provided for the new dwelling. This is in accordance with the WSCC Parking Demand Calculator. The existing parking arrangements serving no. 20 will be re-configured to allow for 2 cars to park off-street on the property's frontage. The current access serving the existing driveway will be closed off.

A turn on-site would be preferred; clearly though there is insufficient space to achieve this. However, other properties have similar arrangements and balanced against this is the benefit of providing an opportunity to remove vehicles that would otherwise be parked on the highway in a location where the existing practice is on-street parking by residents which results in a noticeable narrowing of the existing available carriageway space.

Conclusion

The LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal subject to conditions and infromatives.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

RIGHT OF WAY

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICES

[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
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 5	Design in Character Area Four

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village Design Statement
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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 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.

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 area.
- 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.

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 a significant 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

The key policies in the determination of this application are considered to be D DM1, D DM2, D SP1, T SP1 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.

The key issues are:

- 1) The limited external amenity space (garden) at the rear of the dwelling.
- 2) The design of the new dwelling which would cause a pair of semi detached dwellings to become a 3 property terrace of dwellings.

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects of design including character, appearance/attractiveness, density and scale.

Furthermore, 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.

Para. 122 and para.123 of the National Planning Policy Framework (NPPF) support development that makes efficient use of land.

The Government within National Planning Policy encourages the efficient use of land. The proposed density of development would be 50 dwellings per hectare which is a high density of dwellings however due to the triangular shape of the plot the dwelling would not appear overly cramped when viewed from the street scene.

The existing street scene in the locality is somewhat mixed as described earlier in the report. Similar pairs of semi detached dwellings 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. Terraced dwellings are common on Orchard Road close to the site 50 metres to the north west and high density flatted developments some 100 metres to the south.

The proposed dwelling would replicate the design, height, mass and hipped roof shape of the existing

pair of semi detached houses such that it would blend into the street scene and have a sympathetic appearance including matching materials to the existing pair of semi detached dwellings.

The previously refused dwelling (EP/148/17/PL) that was dismissed at planning appeal had a number of features which did not match the pair of semi detached dwellings to which it would be attached such as a forward projecting gable end and a primary gable end roof which did not match the hipped roof of the existing semis. The changes have reduced the overly cramped and over developed appearance of the dwelling and the proposed design in this application, for the reasons set above, is considered acceptable.

The creation of dropped kerbs and off street parking in front gardens over grass verges and the retention of low fencing on the front boundary of the properties as proposed is specifically accepted within policy 5 of the East Preston Neighbourhood Plan.

The proposal would not have a harmful impact on the neighbouring dwellings or on the openness and general character of the street scene and is therefore considered to comply with policy D DM1 and D SP1 of the Arun Local Plan and Policies 1 and 5 in the East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including impact on neighbouring residential amenity.

The proposed dwelling would have front and side elevations in line with the primary elevations of the neighbouring property at 18 and 20 Lashmar Road and therefore would not significantly impact on the residential amenity of the neighbouring properties. There would be no direct overlooking, no significant additional loss of light and no overbearing impact from the habitable room windows of those dwellings caused by the new dwelling.

There would be no windows in the south facing elevation facing toward the rear elevations of properties on North Lane who's rear elevations would be 19 metres away. The new dwelling would not cause a loss of sunlight or daylight to these dwellings and the additional overbearing impact is not considered significant due to the adequate separation distance.

The impact of the proposed dwelling on its neighbours in terms of loss of privacy, loss of light and overbearing impact is acceptable and complies with policy D DM 1 of the Arun Local Plan and policy 1 of the East Preston Neighbourhood Plan.

SPACE STANDARDS

Policy D DM2 of the ALP seeks to ensure adequate internal space standards in new dwellings in accordance with guidance within the Nationally Described Space Standards part of National Planning Policy Guidance.

The proposed 2 bed 4 person dwelling would have a floor area of 79 sq.m. which meets the requirement of 79 sq.m. specified within the Nationally Described Space Standards. The proposal therefore complies with policy D DM2 of the Arun Local Plan with respect to internal space standard.

With respect to external amenity space the proposed dwelling does have a small rear garden and does 'take' part of the remaining rectangular garden of the existing dwelling at 20 Lashmar Road. The new property would have an additional triangular garden to the side. The Council does not currently have external space standards and refers to advice within the National Planning Policy Framework para 127

which requires that new development provide ' a high standard of amenity for existing and future users'. The rear garden space would be approx. 80 sq.m. of garden space for the property proposed and the existing semi detached property would be left with a rear garden of approximately 73 sq,m, both of which would have a length in excess of 10 metres. The proposed development is considered acceptable with respect to external amenity space.

DRAINAGE

The Council's Drainage Engineer have made no objection to the scheme and considers that it adequately addresses flooding issues.

The proposal is therefore compliant with policy WDM3 of Arun Local Plan.

PARKING AND HIGHWAY SAFETY

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development does not have a severe impact on the highway network, provides adequate parking and promotes sustainable transport.

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The scheme provides sufficient space for the parking of 2 cars at each dwelling. Using the West Sussex Car Parking Demand Calculator it is estimated that the car parking requirement is for 2 car parking spaces at each dwelling.

The access to the car parking spaces is considered acceptable by the West Sussex County Council Highways team.

West Sussex County Council Highways Department have assessed the scheme and considers that the proposal would not have a severe impact on the highway network and have no objection to the scheme.

It is therefore considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan.

SUMMARY

For the above reasons it is recommended that the application is 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 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 end of Terrace House, Site Plan, Floor Plans and Elevations dwg.no. 010 dated 11.12.18.

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, roofs, doors, door frames, window frames, cills and headers of the approved dwelling hereby permitted shall match in colour and texture those of the existing semi detached dwellinghouse.

Reason: In the interests of amenity in accordance with policies D DM1 of the Arun Local Plan.
- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun District Local Plan.
- 5 Access closure
No part of the development shall be first occupied until such time as the existing vehicular access onto Lashmar Road has been physically closed in accordance with the approved plans.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.
- 6 Access

No part of the development shall be first occupied until such time as the vehicular accesses serving the new dwelling and the new parking arrangements at no. 20 Lashmar Road have been constructed in accordance with the approved drawing.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.

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Informative:

Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

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

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

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

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan.

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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.