

Recommendation Report for Planning Permission

REF NO: EP/185/18/PL

LOCATION: Land rear of Beechlands Cottages
Beechlands Close
East Preston
BN16 1JT

PROPOSAL: Demolition of existing buildings & erection of 3 No. dwellings with associated parking, alterations to existing access & relocation of staircase to flats (resubmission following EP/7/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission to construct three 2-storey terraced dwellings.
SITE AREA	1127 sq m including 2 areas for access
RESIDENTIAL DEVELOPMENT DENSITY (NET)	26 dwellings per hectare gross
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging to eastern boundary to 2m height. Garages on rear boundary approx. 3m high. Close boarded fencing to rear gardens of Beechlands Close to approx. 1.8m high.
SITE CHARACTERISTICS	The dwellings would be situated in a garage compound, with existing buildings being demolished.
CHARACTER OF LOCALITY	The site is located within a central village location where there is a mix of property design. There is a terrace of new dwellings to the immediate south of the site. There is further residential development to the east and north. To the west there are parades of shops which are located on Sea Road. There are residential flats above and to the rear of these shops.

RELEVANT SITE HISTORY

EP/7/18/PL	Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL	ApproveConditionally 06-06-18
EP/138/17/PL	Demolition of existing buildings & erection of 3 No. dwellings with associated parking, alterations to existing access & relocation of staircase to flats.	Withdrawn 21-12-17

The previous application EP/138/17/PL for a terrace of 3 properties was withdrawn and a re-submitted application for 2 dwellings was approved under EP/7/18/PL. The withdrawn application indicated the position of the dwellings closer to the rear elevations of the existing dwellings in Beechlands Close.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection

- The proposed development would represent an overdevelopment of the site which would appear unduly cramped and therefore contrary to policies within Arun Local Plan, Policies 1 and 2 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF).
- Limited space for emergency vehicles accessing the site, not only the proposed new properties but also the rear of the existing flats above the shops in North Lane/Sea Road and for emergency exit for residents of the flats above shops if the escape staircase is moved.
- The northern location of the fire escape will also be overlooking the garden of No. 125 North Lane resulting in a loss of privacy.
- Concern about the provision of just five parking spaces for three proposed properties.
- The design of the building was contrary to the National Planning Policy Framework though better than the previous two iterations, the design still feels slightly awkward and not in keeping with nearby properties.
- The plan moves the new properties further away from Nos. 1-4 Beechlands Cottages but closer to No. 125 North Lane. This could result in a loss of amenity.

One No Objection

- Please ensure widening of access road does not interfere with shop tenants parking arrangements and loading and unloading, delivery of goods etc.

Two Objections

- The nature of the surrounding uses and relationship between properties means that the private amenity spaces serving these dwellings, including No.125 North Lane, are only overlooked.
- This existing situation would significantly change as a result of the proposed development with both a perceived level of overlooking and direct loss of amenity resulting. The previous permission EP/7/18/PL sited dwellings at least 10 metres from the shared boundary. This application positions three properties between 6.2metres - 9 metres from our garden.
- This staggered 2-storey terrace would have a significant and bulky appearance when viewed from the rear garden and living spaces of 125 North Lane.
- The revised design would have an unacceptable overbearing impact. The design tweaks and orientation of windows do not overcome the substantial bulk and overbearing effects that will result.
- The previous scheme cannot be delivered due to ownership matters. It cannot therefore be relied upon as a realistic fall-back position for the developer of the site.
- The repositioning means that the adverse impact on Beechlands Close houses is now small, but the impact on 125 North Lane is now severe.
- The effect on access to the rear of the shops facing North Lane would be increased because there are three houses instead of two and therefore more parked cars.
- This development would contravene policy D DM1 3 Impact and 10 Layout - Movement.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is agreed that the dwellings would directly overlook the garden of 125 North Lane.

The relocation of the fire escape has already been approved under EP7/18/PL.

Fibre cement boarding does exist in the locality on the newly constructed dwellings to the south of the site.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Standard condition requested.

County Highways - No Objection. Conditions requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

WDM3	W DM3 Sustainable Urban Drainage Systems
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
QESP1	QE SP1 Quality of the Environment

[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:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village Design Statement
------	---------------------------------------

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.

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.

Policies 1 and 3 of East Preston Neighbourhood Plan are considered relevant.

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 residential amenities of the adjoining properties, and future occupiers, 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

PRINCIPLE

The site lies in an urban area where the principle of development is considered acceptable. The National Planning Policy Framework (NPPF) supports effective and efficient use of land for sites such as this but also advises that new housing is well integrated with and complements neighbouring buildings and local area in terms of scale, density, layout and access. The site is sustainably located with good access to nearby village shops and facilities as well as public transport.

VISUAL AMENITY AND CHARACTER

The design of the dwellings would not directly replicate that of any neighbouring dwellings within the immediate surrounding area, but the use of a low eaves level does reflect chalet style bungalows in the area generally. The main characteristic of Character Area Two of the Village Design Statement is the predominance of bungalows. The scheme has sought to lower the roof level close to the rear of the shops and flats above on Sea Road to the west and reduce the overall bulk of the roofscape approved under EP/7/18/PL. Policy 3 of East Preston Neighbourhood Plan states that a low building height should

be maintained at no more than 1.5 storeys in this Character Area. The units therefore comply with part (i) of policy 3.

There is no set design of dwelling styles present. There are a number of terraced two-storey properties nearby, particularly to the south, but the residential dwellings to the east are bungalows and the position of the application dwellings relates more to the layout and position of these properties than the two storey terrace to the south. This terrace is not directly comparable with the application site since it fronts Beechlands Close and reflects the uniform terrace on the opposite side of the road frontage.

The density and plot sizes are out of keeping with other development in the locality. The application plot sizes are significantly smaller than the terrace to the south which have comparable site widths, but greater plot depths and include front garden areas which mean that the existing properties are set back from the highway. All neighbouring dwellings meet or exceed rear garden lengths of 10m. The proposal in contrast has virtually no front garden area to the westerly unit and rear garden lengths of only 6.2m to 9m. The bungalows to the east have wider and deeper plots and are of much lower density. It is therefore considered that the proposal represents a cramped form of development which does not accord with the existing pattern of development or the character of the locality. The proposal is therefore contrary to policies DSP1 and DDM1 of Arun Local Plan and Policy 1 of East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy DDM1 indicates development should have minimal impact to users and occupiers of nearby property and land and policy QESP1 requires all development to contribute positively to the quality of the environment and to ensure there is no significantly negative impact upon residential amenity.

It is noted that the western elevation of the terrace will be located within close proximity of the residential flats behind and above the parade of shops to the west. The height of the terrace has been stepped down to the west and with the exception of the side elevation of the protruding bay at first floor there would be no windows contained within the west facing elevations on the terrace. The glazing in this elevation could be conditioned to be obscured and additional windows could be prevented by condition. These measures are adequate to prevent any concerns from unacceptable overbearing, overlooking or overshadowing impacts on the first floor properties above the shops. The distance is comparable with that which exist to the terrace to the south and the rear of the shops. The distances between the proposed dwellings and those fronting Beechlands Close to the south are also considered to be acceptable. A minimum of 10m is provided between the front elevations of the proposed dwellings and the rear boundaries of these properties.

However the rear elevation of the western most dwelling would be 9m from the rear boundary and the eastern dwelling only 6.2 metres from the rear boundary which would result in unacceptable overbearing and overlooking of the garden of 125 North Lane. The oriel windows proposed would not adequately address the adverse impact of the resultant overlooking. They would still afford overlooking of the rear garden area and it would not be reasonable to impose a condition requiring obscure glazing to the whole of the window since this is the only window serving each bedroom.

The proposed dwellings have a gross internal floor area of 102sqm which is compliant with 6 person occupation for a 2 storey 3 bedroom property in accordance with the Nationally prescribed Space Standards.

The NPPF indicates that good design should contribute positively to making places better for people. Para 127 states places should be of a high standard of amenity for existing and future users.

Policy DDM1 of the Arun Local Plan further indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice. Given the limited garden depths this proposal is considered to adversely impact on the residential amenities of future occupiers and the neighbouring dwelling to the north. The westerly dwelling would also have a poor outlook facing and virtually abutting onto an access road, parking area and shop service area.

The proposal includes relocation of the existing fire escape staircase from the rear of the shops to the northern end of the parade which was approved under EP/7/18/PL. This would increase the potential for overlooking in this area and potentially increase activity adjacent to the boundary. The relocated staircase, as previously mentioned, is for emergency use only and despite resulting in no additional overlooking than the existing balcony, is indicated on the north elevation plan to be screened with 1.8m high obscured glass. Therefore whilst the staircase would be located adjacent to the northern boundary it would not result in direct overlooking of the neighbouring dwelling.

For the reasons set out above the proposal is contrary to policies DDM1 and QESP1 of Arun Local Plan.

HIGHWAY CONSIDERATIONS

County highways have no objection to the proposal in terms of highway safety and car and cycle parking provision.

CONCLUSIONS

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

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 The site by virtue of its size and shape, is considered unsuitable to accommodate 3 dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and appearance of the surrounding residential area, contrary to policy DDM1 of the Arun Local Plan, policy 1 of East Preston Neighbourhood plan and the National Planning Policy Framework.
- 2 Having regard to the limited rear garden lengths and the relationship of the proposed development to the existing residential property to the north the proposal would be unneighbourly and would be prejudicial to residential amenity in conflict with policies QESP1 and DDM1 of the Arun Local Plan.
- 3 **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 provide pre-application advice in respect of any future application for a revised development.