

REPORT UPDATE

Application No: EP/41/17/PL

Reason for the Update / Changes

Reason for Update/Changes: Additional comments received from agent regarding access to the side of the dwelling as follows;

My client has reviewed the representations submitted in relation to this application and would like to respond in particular to comments relating to the alterations to the width of the existing access track and the use of the land at the rear for parking and deliveries to the shops which front onto North Lane.

The application site and the existing access between no. 4 Beechlands Cottages and no. 1 Beechlands Close which serves the land to the rear is owned by the applicant's associated company Dearden Investments Ltd. The land to the rear (including the existing garages and workshop building) along with the shops and flats above fronting onto North Lane are owned separately by Greenmanor. Greenmanor has a right of way over the access owned by Dearden and has agreed to limit its right of way to 3 metres as shown on the submitted planning drawings.

There is also a disputed right of way claimed by the owners of no. 125 North Lane across the applicant's access.

This application proposal therefore does not affect any existing lawful rights of way over the access and there are currently no rights for any local residents to use the access as a right of way or for parking. Furthermore, the applicant could implement the alterations to the access regardless of the outcome of this application. It is for this reason that the planning officer states, quite rightly, in his Committee report that the use of the land that is the subject of this application for access and parking is a private legal matter and is not a planning issue for consideration. The matter for determination is whether the access and parking arrangements are adequate to serve the proposed new dwelling and the rightful users, it has been confirmed by WSCC that they are.

Officers Comment:

As stated in the report the matter of the side access is a private legal issues and is not a significant material consideration in consideration of this planning application.

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.

EP/41/17/PL

Recommendation Report for Planning Permission

REF NO: EP/41/17/PL

LOCATION: Land adjacent to 4 Beechlands Cottages
& 4 Beechlands Cottages
Beechlands Close East Preston

PROPOSAL: 1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DENSITY	50 houses per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence enclosing rear garden, Open to plan side elevation and front.
SITE CHARACTERISTICS	The site is a newly built block of 4 terraced 2/3 bedroomed properties with 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 applicants terraced block 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/91/09/ - Construction of 4 terraced houses at Beech Close - Approved Conditionally - Decision date - 13/08/2009

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection on the grounds of ;

- 1) Additional terrace would unbalance existing block of 4 terraces due to;
 - i) Different roofline at either end of terrace.
 - ii) Step forward of new dwelling at the front.
 - iii) Use of cladding not flint work on the front elevation not matching 4 other terraced houses.
 - iv) No door to the front of the dwelling unlike other terraced houses.
- 2) Concern about narrow gap between south eastern corner of the property and fence line.
- 3) Concern about vehicular access to the side road to the east leading behind shops and concern that the delivery goods vehicles would use the narrow service road to the west of the terrace.
- 4) Contrary to policy GEN 7 and DEV 19 as it does not respond to the characteristics of the area and does not sympathetically relate to the existing houses and is not visually integrated with them.
- 5) Contrary to Policy 1 of the East Preston Neighbourhood Plan because it would not reflect and enhance the character of surrounding buildings nor would it look like part of the original symmetrical design of the terrace.

The East Preston & Kingston Preservation Society

Object for the following reasons;

- 1) Proposal should be treated as an extension.
- 2) Proposal would create an unbalanced structure and destroy the symmetry of the terrace due to additional dormer at eastern end and entrance door on side elevation.
- 3) Object to use of fibre board making the new dwelling appear as an afterthought.
- 4) Contrary to Policy GEN 7 and DEV 19 of the Arun District Local Plan and Policy 1 of the East Preston Neighbourhood Plan (for reasons set out above).
- 5) Traffic hazard as large vehicles need to use access road to shops to east of the new dwelling.
- 6) Inappropriate place of entrance door to new dwelling on the narrow driveway

1 letter of support was received from a member of the public citing the following reasons; Development would obscure an eyesore (servicing, garages area to the rear) and is an opportunity to improve the appearance of the area. for everyone subject to a few visual modifications recommended at the Parish Council meeting.

12 letters of objection from members of the public citing the following issues;

Reduction in size of side road leading behind shops is unacceptable.
The road is used for shop delivery vehicles/removal vehicles and cars with trailers.
No room for vehicles to pass.
Large delivery vehicles having to reverse up the road causing a hazard to road users and pedestrians.
Area to rear of the proposed house used for parking.
Restrict access for emergency vehicles.
Capacity of Beechlands Close in terms of access, manouvering area and parking inadequate. Restricted additional parking to the front of parade of shops.
Inadequate provision of parking for additional dwelling.

Too much infill building - busy roadways, congestion and parking issues around the north

end of the village impacting on safety including the safety of the infant and junior school.

Infilling no benefit to village.

Access to proposed property severely limited and hazardous.

Shop delivery vehicles would park on the main road (North Road/Sea Road) on the bend before the shops and would cause a nuisance.

Comments on Representations received:

West Sussex County Council Highways Authority have not objected to the proposal on safety or other grounds.

The unmade road would be reduced from 8.6 metres in width at its narrowest point to 3.2 metres as a result of this proposal. It is noted that various individuals and businesses use the unmade road and hardsurfaced areas for access and parking. These matters are however private legal issues of ownership and rights of access and will not be considered as planning issues in this report.

The other issues raised by the Parish Council, East Preston and Kingston Preservation Society and members of the public will be addressed in the conclusion below.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
WSCC Strategic Planning
Scotia Gas Networks

Southern Electric

Consultations responses received:

West Sussex County Highways - No objection subject to conditions regarding retention of parking space and cycle storage

ADC Drainage Engineers - No objection.

Southern Water - No objection subject to an informative.

Scotia Gas Networks - No objection, no gas pipes shown in the vicinity of the proposed development.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
CLASS C ROAD
ADOPTED LOC PLN
NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

GEN2
GEN7
GEN12

Built-up Area Boundary
The Form of New Development
Parking in New Development

Publication Version of the Local Plan (October 2014):	DEV19	Extensions to existing residential buildings
		SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D DM3 External Space Standards D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
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

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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.

The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

East Preston Neighbourhood Plan does not have policies relating to the supply of housing and therefore the above statement does not apply.

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.

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 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 in the determination of this application are considered to be DEV19, GEN7, GEN 12 of the Local Plan; Policy 1 and 3 of the East Preston Neighbourhood Plan (EPNP); D DM1, D DM3 and D DM4 of the Emerging Arun District Local Plan; and the NPPG and NPPF.

DESIGN AND VISUAL AMENITY

It is acknowledged that the proposed new roof extension to an existing terrace and new terraced dwelling at the end of terrace including additional roof dormers, the stepped forward frontage of the new dwelling and the doorway to the side of the dwelling would alter the appearance of the block however the original 4 terraced dwellings were constructed using flint work and stone quoins on the front elevations and hipped roofs in a Sussex vernacular style, features typical of cottages. The materials and general style of the block are not one of a formal block of terraces. A vernacular cottage style development would not necessarily be symmetrical. In addition the 4 properties are newly built (2009) and if an application of 5 terraced properties as configured after the addition of a dwelling here proposed, had originally been submitted it would have been likely to have been approved. It is considered, that with this in mind, the change in appearance would not be unacceptable.

The roof extension of 4 Beechlands Close and the additional terraced dwelling on the eastern end of the terrace would match the roof height of the terrace and general scale of the existing terraced houses in the block. The general design of the new build elements would use matching materials including an amendment to use flint work on the front elevation of the new dwelling.

For this reason, subject to a condition requiring approval of precise matching materials to be used, the proposed roof extension is considered to be subservient to the existing dwelling. The additional new dwelling can be suitably accommodated within the space available. It is not considered to be out of keeping with the existing terrace or surrounding area nor to have a significant adverse impact upon the established character of the block of terraces and the locality because the design of the additional extension and new dwelling would be sympathetic with the style of the current 4 terraced properties.

The additional dwelling and roof extension are not considered to have an unacceptably adverse impact upon the spatial pattern or character of the street scene and for the above reasons the development is considered to comply with policy DEV 19 and GEN 7 of the Arun District Local Plan and policy 1 of the East Preston Neighbourhood Plan.

The 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.

The external amenity space would be 10 metres in length and approx. 67 metres in area and is considered to comply with policy D DM3 of the Emerging Arun District Local plan.

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 terrace

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 GEN7(iv) and DEV 19 (iii) of the Arun District Local Plan.

PARKING

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 have a 'level traffic generation anticipated from these existing garages the Local Highway Authority (LHA) consider that a chance of conflict between vehicles travelling in opposing directions would be negligible.'

SUSTAINABILITY

This site is within 50 metres of a parade of local shops and other services upon which it could be expected to rely. In terms of public transport there are bus stops within 50 metres and Angmering railway station is within 1 kilometre of the site. It is considered that the development is consistent with policy in respect of sustainable development in policy GEN7 (iii) of the Local Plan.

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role

The site is located within the existing built up area and is within easy walking distance of shops services, transport hubs as well as leisure opportunities.

As such it would be possible to walk, cycle or catch a bus from the site to nearby shops & facilities and this option would be reasonably attractive in comparison with use of the private car. This weigh in favour of the proposals in terms of environmental aspects of sustainability

Social Role

It is considered that the proposal will support the local community by providing an additional family

dwelling at the affordable end of the market in the area constituting to the diversity of market housing available. This factor weighs in the scheme's favour.

Economic Role

It is considered that the proposal will (1) lead to an increase in Council Tax receipts; (2) lead to an increase in New Homes Bonus payments; and (3) create a limited number of jobs during construction. All of these would provide a benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

The NPPF requires there to be a presumption in favour of the proposals which are located in a sustainable location. The site lies within the built up area boundary, is located in a location adjacent to a local shopping parade, close to local services & facilities. It is considered that the site would not be car reliant and that people can walk, cycle or use public transport to reach all facilities and to take advantage of local and regional employment opportunities. It is considered therefore that this site could represent a sustainable location of an additional housing unit within the existing built up area boundary.

SUMMARY

The development is considered to accord with relevant development plan policies and as such is recommended for approval 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;

Dwg.no. 2.02 Rev B - Proposed plans and elevations dated 25/04/17

Dwg.no. 2.03 Rev A - Proposed Site Plan, Block Plan and Location Plan dated 28/1/2016

Dwg.no. 2.04 - Cycle store, bin store and fence details dated March 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 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.

- 4 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.

- 5 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 GEN7 and DEV19 of the Arun District Local Plan.

- 6 The window at first floor level in the east facing side elevation of the proposed new end terraced dwelling shall:

(i) consist of at least two lights divided horizontally with only the top light capable of being opened above 1.8 metres in height and

(ii) at all times be and remain glazed entirely with obscure glass.

The window shall be maintained in that condition at all times;

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 7 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 8 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.