

Recommendation Report for Planning Permission

REF NO: EP/52/18/PL

LOCATION: Scorton
9 Lime Tree Close
East Preston
BN16 1JA

PROPOSAL: Demolition of existing dwelling & the erection of 7No. residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to demolition of the existing detached property on the site and the erection of 7 new dwellings. Three terraced units would be located on the western side of the property and the four dwellings on the eastern side are detached.

The terraced cottages fronting The Street are two-storey with three bedrooms. They are of a traditional design with the proposed use of local building materials and traditional construction methods. The main street elevation incorporates Sussex field dug flints and stock bricks with hand made tile clay tile roof.

The proposed detached dwellings have been amended from 3 storey with three bedrooms and a study to 2 bedrooms and a study. Plots four and seven incorporate gable ends on the front elevations and plots five and six incorporate dormer windows on the front elevations. They are of a traditional Arts & Crafts style with clay tile roofs, stock brick elevations, wooden doors and sash windows.

The layout indicates a private garden for each dwelling. Access to the site is proposed via an amended entrance off Lime Tree Close and two parking spaces are provided per dwelling. The western and southern boundaries of the site would be bounded with a new flint wall. An additional three car parking spaces are indicated, on the existing verge on the northern side of Lime Tree Close outside of the application site boundary.

SITE AREA 0.19 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 37 dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT	Close boarded fencing to 1.8m high on site frontage. Hedging to North to approx. 2m and to rear to approx. 3m
SITE CHARACTERISTICS	Existing dwelling is a large detached two-storey dwelling of brick and render construction with a hipped tile roof. The dwelling sits in a large plot with garden area to the north and south. The main vehicular access to the site is via Lime Tree Close. The dwelling is set back from both The Street and Forge Close site frontages. A block of garages are located at the end of Lime Tree Close
CHARACTER OF LOCALITY	Predominantly residential comprising bungalows and two-storey properties. Lime Tree Close has 2 terraces of two-storey dwellings

RELEVANT SITE HISTORY

EP/34/80	Outline - Demolition Of Existing House And Replacement By 8 Terraced Town Houses	Refused 28-05-80
EP/39/79	Erection Of 1 Detached Bungalow And Garage	Refused 04-04-79 Appeal: Dismissed 26-10-79
EP/50/78	O/A For Erection Of Single Detached Chalet Bungalow And Garage	Refused 31-05-78 Appeal: Dismissed 14-12-78
EP/68/67	Outline Application For 6 Detached Bungalows	Approve 04-04-67
EP/142/88	Outline Application for: Erection of 1 Chalet Bungalow	Refused 08-08-88

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection - Overdevelopment of the site, contrary to saved policy GEN7 of the Arun Local Plan 2003.

- The site is directly opposite Grade II Listed Building, Wistaria Cottage.

- The proposal is contrary to Policy 1: Housing General Principles of the made East Preston Neighbourhood Plan, in particular Section 4.14 which states, New or altered buildings that exceed two stories in height will rarely be acceptable. Proposed plots 4 to 7 are more than two storeys.

14 Objections (including a petition signed by residents of all 8 properties in Lime Tree Close)

- No neighbour notification
- Developer assures us the proposed new houses will be the same distance away from the boundary as the existing house, and be the same height. However - the plans show three storey houses with windows in the roof level. Currently our rear garden is not overlooked by the existing old house yet this proposal shows a row of four new houses with 2nd floor windows able to look down on us.
- What will the boundary treatment be on the east side of the site?
- Will mature shrubs on boundary be retained?
- The plan for Plot 4 shows the house design for Plot 7 and the plan for Plot 7 shows the house design for Plot 4. This is misleading. Plot 4 is very different from plot 7 in that it has a two storey extension to the south side. There would be another window from the study of this extension overlooking me.
- The proposed development overlooks my property, 46 Clarence Drive.
- Bike store is inappropriately sited and will cause noise and disturbance to neighbouring properties.
- Will lose my pleasant outlook as plots 4 & 5 will block my view and overlook me. Plots 4 & 5 will have east facing windows on the 1st & 2nd floors with views down into my garden, my kitchen/diner and rear bedroom. Plot 4 has an ugly flat roof extension to the south with a study on the 1st floor which has an east facing window looking directly down into my property. This ugly extension does nothing to enhance the development and it would be better without it.
- The strip of land adjacent to the garages remains un-owned. Who is going to be responsible for its upkeep. The tree should be topped on a regular basis or removed altogether.
- Density of building on the site is too great.
- Suggest 2 detached houses where Street Cottages are sited with vehicle access from The Street to the parking area between them.

Lime Tree Close (LTC) is too narrow for easy access for the 14 vehicles on the site plan (Drawing Ref: LT.SL.004) as currently the south side of LTC is filled with parked cars.

- Manoeuvring in, out, and turning round will be hazardous.

There is an error on one of the site plans in the planning proposal. Plan LT.LOC.002 shows a parking lay-by on the north side of LTC which does not exist.

- The site plan for the proposal (Drawing Ref: LT.SL.004) shows a parking lay-bay let into the grass verge on the north side of LTC. We believe the verge belongs to West Sussex County Council.
- Exiting from the driveways in The Street directly opposite the site is very difficult owing to the restricted view southwards caused by both a slight bend in the road and property boundaries. Reversing out or in is hazardous on what is a narrow and often busy road which is also a bus route.
- Any vehicles parked outside the front of the proposed Street Cottages would make exiting the driveways opposite an even more dangerous manoeuvre. Please consider preventing parking there both during any construction work and if/when new properties have entrances facing The Street.
- We appreciate the need to meet the demand for new housing but this in itself does not justify the need to demolish an existing, functional building and replace it with such a large scale, cramped development.
- Wisteria Cottage is a grade II listed 18th century building of significant importance within the village. The three terraced cottages located within the currently undeveloped western end of the site would have the most impact upon our property as they would be a completely new building on previously undeveloped land and in direct view from us.
- The setting of Wisteria Cottage includes the grounds at the front of our property which are only 13.5m from the proposed flint wall in front of the Street Cottages. The 18m between the proposed Street Cottages and Wisteria Cottage as identified in the planning statement is misleading and shows the inaccuracy and poor quality of the statement and does not constitute a careful assessment of the impacts. The assessment produces no detailed evidence to prove the claim that the quality of the development would protect and enhance the setting of our cottage.
- Although the individual houses have been designed to respect the local vernacular, the density of the development remains out of proportion to the surrounding properties. The proposal has not correctly taken into account the density of development in line with part 13 of policy D DM1, as its calculations of the surrounding housing density has only considered the other properties along Lime Tree Close and not

the overall setting of the plot which includes The Street, Vicarage Lane and St Mary's Drive, all of which consist of much lower density development.

- the proposal also fails to address the impact this development would have on the other two listed buildings on this part of The Street. Apple Tree Cottage/Jasmine Cottage and Forge Cottage are within 50yards of the proposed development.
- the proposed dwellings do not represent a scale of development that is in keeping with the general confines of the character of the locality as required by point 14 of policy D DM1
- The Street Cottages, would form a very dominant structure directly opposite our property. This would detract from the attractiveness and historical significance of the listed building but due to its orientation directly facing Wisteria Cottage would be overbearing and intrusive. The upper-storey windows would overlook our bedroom window and garden at the northern end.
- The proposal to intensively develop this site would result in a significant loss of habitat.
- There are birds nesting on the roof of Scorton.
- Road is already congested and narrow and there are more cars than the close can accommodate.
- Emergency vehicle access would be impeded. .
- Concerns regarding disruption during construction
- Where is the evidence that there are no Woodpeckers/ bats?
- Gardens are very small
- There is no provision for a footpath
- Site visits to neighbours to hear their concerns have not been undertaken
- Loss of the existing verge is contrary to East Preston Village Design Statement

3 support

- Pleased to see sympathetic and traditional design
- No effect on neighbouring property, Gladwyn
- The proposed design has been very carefully thought through with a sympathetic choice of building materials which compliment the surrounding properties.
- Offers a well researched and sympathetically designed development that will preserve and enhance its location.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council are agreed. It is considered that the proposal represents an overdevelopment of the site and the 3 storey dwellings would be out of character in this part of East Preston.

Comments on other representations:

- The application has been advertised in accordance with procedure.
- Boundary treatment, construction management and landscaping can be conditioned.
- Drawing 003 does indicate a layby outside of the red edge which doesn't exist and is not within the applicant's control. The provision of this parking cannot therefore be included in any decision.
- Drawings detailing plots 7 and 4 are correct. Plot 4 has the 2 storey side extension.
- County Highway's have no objection in principle subject to the provision of pedestrian access/safe area and conditions. In the event the layby is included a design will need to be submitted to the Highway Authority to ensure pedestrians have been catered for and visibility has been maximised.
- . Parking within Lime Tree Close would inevitably be impacted by the proposal.
- The agents have submitted revised plans to take account of neighbour's concerns regarding rear roof lights and overlooking and have amended the internal layout of one of the front units for the same reason and deleted the accommodation in the roof area of the rear units, although the height of the units remains the same.
- Wildlife has been considered. Ecology advise has been sought. No objections are raised in principle.
- loss of the verge to create lay by parking is not part of the proposal since this element is outside of the

application site. If the verge is included within the site area its loss would be contrary to Policy 1(iv) of East Preston Neighbourhood Plan.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Ecology Advisor

Parks and Landscapes

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Drainage Engineers - No Objection.

Please apply standard conditions ENGD2A, and ENG5A.

Soakaways must be investigated for surface water disposal.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Ecology Officer - Bats. Following the submission of the Bat Emergence / Re-entry Survey Report (May 2018) we are happy that no bats are roosting within the property and no further survey work will be required. The emergence survey undertaken indicates no bats are present.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reptiles - To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles. Any dead wood, or rubble piles should be dismantled by hand and relocated

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

County Highways - No Objection

A 6m wide access is proposed to serve the proposed dwellings with visibility splays shown at 2.4m x

25m on the Visibility Plan (LT.VIS.001) which is acceptable given the speed likely to be achieved within the close.

A layby has been shown on the Location and Block Plan (LT.BLOCK.003) which includes the 'potential for public parking'. Although a positive inclusion to provide additional parking for the existing dwellings parked vehicles may obscure visibility in particular to the west. If to be included, the parking layby will need to be designed to ensure maximum visibility for both vehicles and pedestrians can be achieved.

Parking has been provided at 2 spaces per dwelling giving a total of 14 spaces which is the maximum achievable given the site constraints. WSCC parking demand calculator shows the potential parking demand for developments based on set criteria. For the proposed development the calculator shows that 16 allocated spaces are required (allows for visitor parking). However the addition of the lay-by provides parking overspill parking from the development or existing residents if required and therefore the highway authority would not object on the parking provision.

The site does not provide a safe area for pedestrians and whilst an alternative surfacing treatment can be used within the site ie blockwork, no route for pedestrians in and out of the site has been provided. (In the event the layby is included visibility of and for pedestrians may be obscured by parked vehicles).

Amended Plans

Plots 4-7 have been reduced from 3 bed to 2 bedroom dwellings and the site layout amended to reduce parking to 11 spaces (Parking demand calculator - 1 allocated space per dwelling). Given the likely demand for parking in Lime Tree Close from existing residents it is recommended that the original 14 car parking spaces are retained.

COMMENTS ON CONSULTATION RESPONSES:

A Bat Emergence survey has now been undertaken which did not note any bats.

The lay by parking is not within the red edge of the application and is therefore only indicative and does not form part of the proposal. It cannot therefore be included in any assessment of the application.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Tree Preservation Order
Listed Cottage opposite

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN5	Provision of New Residential Development
GEN2	Built-up Area Boundary
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN7	The Form of New Development
GEN12	Parking in New Development

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

D DM1 Aspects of Form and Design Quality
D SP1 Design

SD SP2 Built -Up Area Boundary
 HER SP1 The Historic Environment
 HER DM1 Listed Buildings
 East Preston Village Design Statement

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles
 East Preston Neighbourhood Plan 2014 Policy 4 Design in Character Area Three

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

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.

A new local plan is in preparation and is 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.

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 has taking place. 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. The examination was completed in September 2017.

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. 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. 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

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).

Policies 1 & 4 of the East Preston Neighbourhood Plan apply and have been taken into account in the determination of 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."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to conflict with these criteria in that it is considered to materially affect the setting of the Grade II Listed Building opposite.

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 Arun District Local Plan policy GEN7 and Neighbourhood Plan policies 1 and 4 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

The Council is currently unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF) and Policy GEN5 of the Local Plan is outdated. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council therefore need to identify adequate land supply to meet the additional housing requirements. The OAN figure has now been increased to 919 units p.a as of October 2016 and the Council based on this need, is only able to

demonstrate approximately 2 years worth of supply.

The weight afforded to Neighbourhood Plans has been clarified by a written Ministerial Statement (13/12/16) which 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; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Two of the above circumstances arise as Arun District Council can only currently demonstrate approximately a 2 year supply of deliverable housing sites. The East Preston Neighbourhood Plan was adopted in November 2014 and is therefore more than 2 years old and with regard to the supply of housing would be out of date however it does not allocate any sites for housing.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. In this case, the development plan is not silent and the principle of development is not in accordance with the development plan.

AMENDMENTS TO SCHEME

The application has been amended since originally submitted by deleting accommodation within the roof area of the units to the rear and re-arranging the internal layout of one of the front units and

DESIGN AND VISUAL AMENITY

The site lies on a prominent corner site at the entrance to Lime Tree Close from The Street. It is readily visible from both site frontages. The proposed development by virtue of its site coverage, width, footprint, height of the units to the rear and proximity of both sets of units to the road frontages is not considered in keeping with the established character of the locality which is characterised by mainly detached 2 storey dwellings in large plots with space to site boundaries. The existing dwelling is set back from the road frontages and has significant space around it to both frontages.

The proposed dwellings would not respect the character of the area. The density and scale of development would not reflect the general pattern of development in the locality, particularly to the north of the site. The properties surrounding this site are generally large detached family homes set within good sized gardens. Those proposed in this development are small, narrow properties with much smaller gardens and therefore are not in keeping with the general more spacious character of the locality in conflict with policy GEN7 of the Local Plan, D DM1 of the Emerging Local Plan and Policy 1 of East Preston Neighbourhood Plan. The height of the rear units is visually accentuated by their narrow form which provides a more vertical emphasis to this part of the development. The density calculations provided by the agent of the surrounding housing density have only considered the terraced properties along Lime Tree Close and not the overall surrounding area which includes The Street, Vicarage Lane and St Mary's Drive, all of which are of much lower density.

The siting of the units is also unacceptable. The properties opposite, 1-8 Lime Tree Close, are also set back from the road frontage with front gardens, pavements and verges separating them from the road frontage which reflects the characteristics of the application site. This proposal lacks space to the site frontages it does not reflect the set back distance of properties fronting the Street to the north or the gap observed in the siting of the dwellings opposite in relation to proximity to Lime Tree Close. These distances are important to ensure the character of the area is retained. The proposed development

would increase the footprint, and built form across the site and would not provide an opportunity for meaningful landscaping/screening to the frontages which is characteristic of the area. The length of the development onto The Street is significant. This area of the site is currently undeveloped and the height and width of the development would straddle the site and appear visually obtrusive and as a prominent form of development.

The proximity to the site frontage and the height and length of the development adjacent to both road frontages proposed results in uncharacteristic and overly dominant development which adversely affects the visual amenities and character of the locality.

Policy 4: Design in Character Area Three of the East Preston Neighbourhood Plan states

'Development proposals in Character Area Three, as shown on the Proposals Map (roads outlined in blue) will be supported provided the scale, density, massing, height, landscape design, layout and materials of including alterations to existing buildings, will:

- i. sustain and enhance the significance of the historic character of the area
- ii. employ materials that harmonise with those used in the existing building
- iii. preserve front boundary walls
- iv. ensure that where apartment blocks are proposed their scale, massing, detailing and landscaping is domestic in form and their appearance harmonises with the housing types in the area

The proposal does not accord with this policy. The scale, massing, height and density does not sustain or enhance the historic character of the area and the proposal would represent an uncharacteristic increase in density.

Within the East Preston Village Design Statement Character Area Three is defined as the ancient village of East Preston. It is characterised by the surviving old buildings of the village including 15 listed buildings. 3 of which are located close to the application site. The closest being Wisteria Cottage opposite. The proposal fails to address the impact this development would have on the other two listed buildings on this part of The Street, namely Apple Tree Cottage/Jasmine Cottage and Forge Cottage and does not adequately address the impact on the listed building opposite. The setting would not be enhanced by the development. The building would dominate its setting in the street scene. The supporting paragraph 4.28 refers to the priority in this area as being the preservation of the historic character of the village centre and states the settings of heritage assets must be rigorously protected. Any new buildings should be appropriate to a village setting. The submitted heritage statement is both inadequate and inaccurate. It includes no physical assessment of the impacts of the development and fails to appropriately evidence its conclusions.

The proposed development by virtue of its height, siting and footprint is considered to be out of keeping with the established character of the locality in conflict with policies GEN7(ii) of Arun District Local Plan and Policies 1(i) and 4(i) of East Preston Neighbourhood Plan. The proposed development is deemed an overdevelopment of the site which does not preserve the established spatial pattern of the street scene or retain an acceptable set back from both road frontages. The existing dwelling is readily assimilated into the street scene, given the space around it and its position. The proposal erodes the features that contribute to the character of the area and does not enhance the setting of nearby listed buildings.

RESIDENTIAL AMENITY

The proposed development fronting The Street is not considered to adversely affect the residential amenities of the property opposite which has a small front garden facing the application site. The proposal retains a gap between front elevations of 17m which is 1m less than the generally accepted standard, but the front elevation is already open to view from the public so this distance is deemed acceptable. The layout of the first floor of the proposed dwellings on the frontage has been amended so that the first floor window which faces over the side garden has now been amended to be obscure glazed

to reduce any overlooking of this private area.

The windows in the side elevations of the dwellings are to be obscure glazed and could be conditioned to prevent any materially adverse overlooking resulting. The units to the rear have 12 metres to the boundary and 21m between properties. These distances are considered adequate to prevent any materially adverse overbearing or overlooking resulting.

To ensure new developments have adequate amenity space the Council is applying the Nationally described Space Standards. The proposal exceeds these standards.

HIGHWAYS & PARKING

County Highways have been consulted in relation to the proposed development and have no objection to the proposal in terms of highway safety or parking provision. However there is no space for visitor parking within the development and there is no provision for safe access from the development to the adjoining footpaths contrary to policy GEN7 (vii) which requires developments to allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians and policy GEN12 (iv) which requires the Council to have regard to environmental and highway safety and potential environmental harm arising from parking demand being met elsewhere. Given the level of parking proposed within the site and the position of the site within a cul de sac used for parking by neighbouring residents any additional overspill car parking would be likely to adversely affect the residential amenity of adjoining residents by competing for car parking spaces. In this respect the proposal would be contrary to Policy1(ii) of East Preston Neighbourhood Plan however any increased activity and noise levels would not be likely to result in material harm to residential amenity.

SUMMARY

In conclusion, this development would have significant impacts upon the local character of the area including listed buildings, which would not be outweighed by the presumption in favour of sustainable development and the benefits that such a development would bring in terms of increased housing stock. In accordance with the above considerations the proposed development is recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

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 proposed development by virtue of its bulk, height, siting, garden size, site coverage, length and proximity to the boundaries and amount and position of car parking, would represent an overdevelopment of the site which would appear unduly cramped and out of character and detrimental to the visual amenities of the area. The development would therefore be contrary to policies GEN7 of the Arun District Local Plan, Policies 1 and 4 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF).
- 2 The submitted information does not satisfactorily demonstrate that the position of the dwellings on the site frontage would not adversely affect the setting of the listed building Wisteria Cottage, opposite, in The Street. The proposal would therefore be damaging to the setting of the listed building in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.