Recommendation Report for Planning Permission

REF NO: **EP/55/12/**

LOCATION: Land adjacent to
20 Eastern Close
East Preston

PROPOSAL: 1 no. new dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is to erect an additional 3 bedroom dwelling to the end of the existing terrace. It would match the height, design and dimensions of the adjacent dwelling.
SITE AREA	395 square metres
RESIDENTIAL DEVELOPMENT DEN	25 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open landscaped area. Some planting to side. Garage compound to rear.
SITE CHARACTERISTICS	Currently site forms open unenclosed grassed area to side of garden to existing end of terrace dwelling.
CHARACTER OF LOCALITY	The area is predominantly residential characterised by relatively low density 2 storey terraced dwellings of matching appearance, size, height and dimensions in a spacious landscaped open setting. Dwellings have pantile roofs with brick and tile hung elevations.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

East Preston Parish Council

Eastern Close is a small, neat, well-designed L-shaped development immediately to the south-east of the Roundstone level crossing. It is a well-kept, good example of a very late 1960s development, pretty much uncorrupted. The proposed development will be in the east-west arm of Eastern Close, which is characterised by open-plan front gardens and a generally spacious feeling. The East Preston Village Design Statement specifically notes the special features of Eastern Close as Open frontages, especially along footpaths. The proposed development will encroach dramatically upon that feeling.

The proposed development will be overbearing to a number of the properties that face north in that arm of Eastern Close, casting unnecessary shadow over the front rooms and front gardens of those properties. This Council believes that this is also unneighbourly, resulting in an unacceptable relationship with adjacent properties, and for these two reasons this Application is contrary to Arun Local Plan Policy GEN7.

The proposed development will be an overdevelopment and result in an unnecessarily cramped form of development contrary to the layout of the existing development. This is also contrary to Arun Local Plan Policy GEN7.

Eastern Close borders East Preston Village Design Statement Character Areas Two and Four both of which recommend the retention of grass verges. The proposed plot will remove a large area of greenspace; this coupled with the need to remove trees for the proposed development, will have a detrimental visual impact upon the area.

Eastern Close is already prone to flooding, and further development in this area will further degrade the available natural drainage. This is a big concern to existing residents of Eastern Close, particularly those on the southern side of the east-west arm as they fear that water that may otherwise have drained through this plot of greenspace will run backwards across their front gardens and possibly across their thresholds.

Provision of specific parking to the plot will reduce the amount of on-street parking available to other residents. Not unusually in this day and age, the number of cars per household is greater than the original developers ever envisaged.

This Council is also concerned that the letter from Mr Delwyn Jones dated 14th June 2012 entitled Planning Obligation Completion includes an instruction to the Planning Office to Please issue planning permission. Presumably this is an advance instruction and does not imply that the consultation exercise has been pre-decided, but this Council would like confirmation of that.

East Preston and Kingston Preservation Society
Eastern Close is a well planned development. The blocks of terraced houses have been placed so as to provide adequate spacing between them, to light and privacy. This proposal to add an extra house at the southern end at the end of a terrace of 3 would unbalance the block and provide a block of 3 houses one side the path and 4 the other. A 1.8m high fence would be placed around an area that is now open grassland. The development would harm the appearance of the area and amenities of residents contrary to Policy GEN7 and East Preston Village Design Statement.

West Sussex Wildlife Protection Group
Land needs checking for wildlife.

13 Letters of Objection
Light quality and outlook will be significantly compromised. Parking in the Close is stretched at present, another house will generate more congestion. Flooding has been experienced in the past. Open pleasant outlook at present. Would devalue house. An existing street light would be an obstruction. Danger from construction traffic to children playing. Blocks of terraces have been placed so as to provide adequate spacing between them to provide light and privacy. Garden has been left to its own devices and is obstructing the footpath. Will enclose area making it less safe for children to play. Emergency Services access will be impeded. Overlooking, noise and disturbance.

Comments on Representations received:
Mainly agreed. The instruction from the solicitor is on a standard pro-forma instruction and does not indicate that in planning terms the proposal is acceptable.

The East Preston Village Design Statement has been endorsed by the Council as a material planning consideration, but cannot be afforded the same weight in the decision making process, as the adopted (saved) policies of the Local Plan. The site lies within Character Area 2 which does refer to open frontages being characteristic of the area giving a spacious quality to the street scene and the proposal would clearly conflict with this characteristic.

Comments on Other Letters of Representations
Given the 9m distance from the front elevation of Nos 7-9 Eastern Close and the side elevation of the proposed dwelling it is not considered any materially adverse overbearing effects would result. No windows (other than a secondary landing window) are proposed in the end elevation of the proposed dwelling so no undue overlooking or loss of privacy would result to adjoining properties.

Devaluation of property and danger from construction traffic to children are not material planning considerations. County Highways have no objection to the proposal on highway safety grounds. County Highways would need to be contacted regarding relocation of lighting column.

CONSULTATIONS

WSCC Local Development Divis.

Consultations responses received:

County Highways
No objection. A condition to prevent restricted visibility and obstructions over 600mm should be imposed. Lack of turn on site would not have a detrimental impact on highway safety. An informative should be attached relating to movement of street lighting.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area Boundary

The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage. Policies SP1, SP2, SP13 and DM7 would be relevant.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

	EPDS	East Preston Village Design Statement by E P

	Parish Council
XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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.

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 site lies within the built up area boundary where residential development is acceptable in principle subject to normal development control criteria being met.

The provision of an attached dwelling on an area which constitutes an open landscaped buffer strip between the terraces of dwellings would compromise the spacious setting of the existing development and result in a cramped and obstrusive form of development which would constitute a discordant feature in the street scene. Whilst the design would match the rest of the terrace the additional unit would result in an unbalanced elongated terrace which would be at odds with the terrace of 3 dwellings opposite. In addition, the provision of a close boarded fence to enclose the rear garden of the dwelling would result in the loss of a green and spacious setting to the existing dwellings and would be out of keeping with the open landscaped character and visual amenities of the locality.

The provision of a dwelling and fencing adjacent to the existing footpath would contribute to the feeling of the loss of open space in the locality and the sense of enclosure.

In terms of residential amenity given the 9m distance to the adjoining front elevations and the position of windows and layout of Nos. 1-6 Eastern Close. It is considered that there would be no materially adverse overlooking or overbearing effects to neighbouring properties.

The proposal would generate the need for commuted sum payments of £10,345 for affordable housing and an agreement has been submitted as part of the application in this respect.

The application is therefore 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 (the right to respect for 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 no negative 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).

RECOMMENDATION

REFUSE

1 The introduction of a dwelling and fencing forward of the side of the existing dwelling on an open landscaped area on this estate, which has been developed on the principle of 'open forecourts', would be contrary to the original conception of the layout and would detract from the pleasant open character and appearance of the estate in conflict with policy GEN7 of the Arun District Local Plan.

2 The proposed dwelling would result in an unbalanced appearance to the terrace and would result in a discordant form of development which would be out of keeping with the existing development and contrary to the open spacious character of the area. The proposal would therefore be detrimental to the character and visual amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan.