

Recommendation Report for Planning Permission

REF NO: EP/67/20/PL

LOCATION: Land adjacent to 45 The Ridings
East Preston
BN16 2TW

PROPOSAL: 1 No. detached house & formation of associated new access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The construction of a 6 bedroomed detached dwelling in the garden area of an existing dwelling. A two storey property with accommodation also proposed in the roofspace.
SITE AREA	1155 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	9 dwellings per hectare.
TREES	Some tree loss is proposed to facilitate access onto the site. Those proposed to be removed are of relatively low quality and those of higher quality fronting the site are to be adequately protected.
BOUNDARY TREATMENT	2 metre close boarded fence and mature planting to southern, eastern and western borders.
SITE CHARACTERISTICS	A side garden of a large detached house with extensive grounds.
CHARACTER OF LOCALITY	A residential area in East Preston. The immediate locality largely comprises large 2 storey dwellings evenly spaced with no uniform character.

RELEVANT SITE HISTORY

EP/111/12/	Demolish 1 house (60 Sea Lane); partially demolish 1 house (45 The Ridings); construct 3 detached houses; alterations and extensions (45 The Ridings)	App Cond with S106 05-07-13
EP/129/16/PL	Demolition of existing dwellings & creation of 2 No 4 bed detached houses & 2 No 5 bed detached houses	ApproveConditionally 04-01-17

There is relatively recent planning history of approvals for new residential development on the site. The most recent EP/129/16/PL being granted by the Development Control Committee for the demolition of 45 The Ridings and construction of two houses along the frontage of The Ridings.

There have been a series of planning permission (at least 8 separate permissions) dating back to 1986 for a dwelling on this plot.

REPRESENTATIONS

East Preston Parish Council

Objection:

- Insufficient parking spaces.
- Too large/cramped appearance.
- Plans incorrectly annotated.
- Exceeds two storeys and therefore contrary to neighbourhood plan.

6 letters of objection from neighbouring properties raising the following points:

- Inadequate parking.
- Large house not in keeping.
- Traffic Management Plan required.
- Overlooking.
- Too small a space for two 6 bedroomed houses.
- Possible harm to trees.
- Loss of garden contrary to village design statement.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Wrong annotation to plan as raised by the Parish Council to be corrected.

Issues raised addressed in Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection. Development should be in accordance with building regulations.

WSCC Highways - No highway safety concerns. Sufficient space within the site for three car parking spaces.

ADC Tree Officer- No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

WITHIN BUILT UP AREA BOUNDARY.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QESP1	QE SP1 Quality of the Environment

SDSP2	SD SP2 Built-up Area Boundary
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
TSP1	T SP1 Transport and Development

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2	Design in Character Area One

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Policies EP1 and EP2 of the Neighbourhood Plan are considered relevant to 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 comply with relevant Development Plan policies in that the proposed scheme is of an acceptable design in character with surrounding dwellinghouses and it would not cause a significant detriment to residential amenity of neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are D DM1 and D SP1 of the Arun Local Plan. Additionally, Policies 1 and 2 of the East Preston Neighbourhood Development Plan apply.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale. Policy D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and

design.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 2 of the East Preston Neighbourhood Development Plan sets out the criteria for development within Character Area One. These ensure that proposals preserve the character of the street scene, and resist any increases in density that would alter this character. It also seeks to avoid apartment block development, and protect the view from the beach.

DESIGN

The design of the new house would be broadly similar to the existing dwelling 45 The Ridings and as such would fit in with the neighbouring dwellinghouses and with the character of the area. The streetscene is formed of evenly spaced dwellings which this new dwelling would match by infilling an existing large gap. The property 45 The Ridings has an unusually large side garden fronting onto the road. To develop this garden will bring the site in keeping with most development along the Ridings in terms of separation of dwellings.

There would be limited development within the roofspace with a single dormer window on the rear elevation which would not compromise the general appearance of the dwelling as a two storey property.

The development would accord with the Arun Design Guide chapter P 'Infill Development' in that the development would respect the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as chimneys, porches, windows and doors.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan and Policy 1 & 2 of the East Preston Neighbourhood Plan.

SPACE STANDARDS

The new dwelling would have an internal floor space of 318 sq.m. which is well in excess of the nationally described space standards for a six bedroomed 3 storey dwelling (138 sq.m.).

The rear garden would be 30 metres in length which would adequately provide sufficient external space for the dwelling and is in keeping with what is found elsewhere in the area and comply with guidance within the Arun Design Guide.

RESIDENTIAL AMENITY

The proposed house would have only obscure glazed bathroom windows along its side elevations facing the side elevations of 45 and 49 The Ridings at first floor level. The obscure glazing of these windows would be secured by condition.

The development would not project forward, nor would it project beyond the rear of the adjoining dwelling, 45 The Ridings and therefore would not lead to overshadowing or significant loss of light to that dwelling. The new dwelling would be 10 metres to the north of 49 The Ridings and therefore again would not cause an overbearing impact or loss of light to that dwelling.

The impact on residential amenity of neighbouring properties would be acceptable and in accordance with policy D DM1 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed new access point is considered, by West Sussex County Council Highways Department, to be acceptable on safety grounds. It is also worth remembering that there have been numerous permissions over the past 25 years for a single dwelling on this plot. None of these have yet to be implemented.

The proposed driveway and turning space shown has the potential for the provision of 3 car parking spaces which meets the requirements of the Arun Parking Standards Supplementary Planning Document.

The Local Highway Authority (LHA) note that the dimensions of the proposed integral garage do not match that set out in Manual for Streets (MfS) for a single car garage. Notwithstanding this, the LHA is satisfied that the plans demonstrate adequate parking provision.

The proposal is considered to comply with policy T SP1 of the Arun Local Plan.

TREES

A number of lower quality trees would be removed to provide access to the site. However the majority of the best quality trees would be retained in this scheme. Subject to conditions the Council's Tree Officer is satisfied to recommend approval for the scheme.

SUMMARY

The development is considered to be in character with surrounding development and to have an acceptable impact on neighbouring properties and is therefore 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.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION**APPROVE CONDITIONALLY**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Proposed Floor Plans, Roof Plan, Elevations Dwg.no. 935/PO1 Rev B dated Mar 2020
Site Location and Block Plans Dwg.no. 935/PO2 dated April 2020
Proposed Site Layout Dwg.no. 935/PO5 dated April 2020

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until 3 car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 All the windows at first floor level in the south and north elevations of the building shall at all times be and remain glazed entirely with obscure glass and fixed shut up to 1.7m from finished ground floor level.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy D DM1 of the Arun Local Plan.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in compliance with policy T DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until an electric vehicle charging space has

been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies in compliance with policy T SP1 of the Arun Local Plan.

- 8 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s).

At this meeting:

- All protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, dwg. no. TPP 03, Sept. 2016.
- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This needs to be a pre commencement condition so as to ensure that trees are adequately protected in accordance with policy ENV DM4 of the Arun Local Plan.

- 9 All activity at the site is to be carried out in strict accordance with: - Arboricultural Method Statement, David Archer Associates, April 2020.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 11 INFORMATIVE: The applicant is advised to contact the proprietor of the privately maintained lane to obtain formal approval for the proposed access works.