

Recommendation Report for Planning Permission

REF NO: EP/69/21/PL

LOCATION: 4 Beechlands Close and
east of 18 Beechlands Court
Montpelier Road
East Preston
BN16 1JZ

PROPOSAL: 1 No. 3-bed bungalow (resubmission following EP/10/21/PL). This site is in CIL Zone 4 & is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal includes the demolition of the garage and erection of 1 no. 3 bed bungalow in the front/side garden/hardstanding/parking area of the dwelling.
SITE AREA	207 sq m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	48 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	1.8m close boarded fence. Evergreen hedging to footpath boundary to approx. 2m.
SITE CHARACTERISTICS	A bungalow with a hardstanding area used for off street parking located at the end of the cul de sac. The existing flat roofed garage which would be demolished is located adjacent to a public footpath.
CHARACTER OF LOCALITY	A predominantly residential area. Beechlands Close is a cul-de-sac and is characterised by single storey dwellings in relatively spacious plots set back from the highway. Beechlands Court is at the end of Montpelier Road and is 2 a pitched roof storey building with parking and communal garden area.

RELEVANT SITE HISTORY

EP/10/21/PL	Demolition of an existing garage & erection of 2 No. 2 bed dwellings (resubmission following EP/115/20/PL). This site is in CIL Zone 4 and is CIL Liable as dwellings.	Refused 25-03-21
EP/115/20/PL	Side extension, loft conversion & detached garage to existing dwelling & erection of 2 No semi detached	Refused 27-11-20

houses. This site is in CIL Zone 4 & is CIL Liable as new dwellings.

EP/115/20/PL which included extensions to the dwelling was refused for the following reasons:

- 1) The two semi detached properties would by reason of the limited site area, scale and location result in a cramped and overdeveloped appearance out of keeping with its surroundings and give rise to an unacceptable overbearing harm and loss of light to occupiers of 4 Beechlands Close in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policy of the East Preston Neighbourhood Plan.
- 2) The proposal to extend 4 Beechlands Close by virtue of bulk and height would fail to satisfactorily respond to local character and appearance in conflict with policies D DM1, D DM4 of the Arun Local Plan and policies 1 & 3 of the East Preston Neighbourhood Plan.
- 3) The parking provision of 1 space per dwelling would fail to meet the Arun Parking Standards Supplementary Planning Document and result in an unsafe highway environment where there would be an unacceptable demand for on street parking contrary to policy TSP1 of the Arun Local Plan and Policy 1 (ii) of the East Preston Neighbourhood Plan.
- 4) Due to the inability to provide on site soakaways the site cannot be adequately and safely drained in conflict with policies W DM2 and W DM3 of the Arun Local Plan and Policy 9 of the East Preston Neighbourhood Plan.

EP/102/21/PL deleted the extension to the dwelling and garage and increased the residential curtilage to the proposed dwellings and was refused for the following reasons:

- 1) The two semi detached properties would by reason of the limited site area, height, scale and location result in a cramped and overdeveloped appearance out of keeping with its surroundings. There will also be unacceptable overbearing harm and loss of light to occupiers of 4 Beechlands Close in conflict with policies D DM1, D SP1 and QE SP1 of the Arun Local Plan, Part P of the Arun Design Guide and policies 1 and 3 of the East Preston Neighbourhood Plan.
- 2) The proposal is contrived in design and the limited and awkwardly shaped amenity space would result in a form of development which would be detrimental to the residential amenities of future occupiers and results in a form of development that does not enhance the quality of the environment for prospective occupiers contrary to policies DDM1(15) and QE SP1 of the Arun Local Plan and Part H of the Arun Design Guide.
- 3) Due to the inability to provide on site soakaways the site cannot be adequately and safely drained in conflict with policies W DM2 and W DM3 of the Arun Local Plan and Policy 9 of the East Preston Neighbourhood Plan.

REPRESENTATIONS

East Preston Parish Council - Objection

- Concern regarding lack of outside amenity space. Request all inner and outer dimensions of this building accord with ADC's amenity standards.
- Remain concerned about the likelihood a property capable of sleeping up to five people will require more than two parking spaces in an area where parking availability is already limited.
- In light of the concerns over amenity space, should permission be granted request an Article 4 is applied removing Permitted Development rights as extensions will further erode the limited amenity space.

Four Objections

- Over development of site.

- Beechlands Court will feel very cramped and over developed.
- Drainage problems both surface and mains.
- Loss of street parking in a road which is already narrow/full and two cars can barely pass and very little room for turning.
- Plans do not fully reflect the flats that are opposite and how near the new property will be and able to overlook residents sleeping accommodation. They will lose privacy.
- Where is everyone going to park whilst the works take place?
- If the bungalow is 3 bedrooms then potentially 6 people could be living there with only spaces for 2 cars where will the additional car parking be?
- The applicant does not live at 4 Beechlands Court.
- Loss of sunlight and overlooking to adjoining properties.
- Building work will be disruptive.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in conclusion section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - Objection. Insufficient information.

More information required in respect of access details for the proposal and parking provision to meet Arun's parking standards.

Environmental Health - No Objection.

Conditions requested in relation to construction and noise.

Drainage Engineer - No Objection

Would not normally provide comments or request conditions on a development of this scale (single unit outside of Lidsey Treatment Catchment). Given the consultation on the application, site history and previous objections to developments of similar scale (but two units) the following comments are provided as an informative:

There is inadequate garden space provided on site to be able to utilise infiltration as a means of surface water drainage in the red line boundary. (Building Regulations state soakaways must be located a minimum of 5m from any buildings.)

Not utilising infiltration due to lack of space is inappropriate, this proposal unduly prejudices drainage design and is likely to not allow for the hierarchy for sustainable drainage to be followed. There are no ordinary watercourses within or adjacent to the site, if infiltration is unviable due to inadequate space the water would have to go to foul sewer, it is unlikely this would be acceptable to Southern Water. All new (or alterations to) surface water drainage must be designed and constructed in accordance with Building Regulations.

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
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>East Preston Neighbourhood Plan 2014 Policy 1</u>	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 3	Design in Character Area Two
East Preston Neighbourhood Plan 2014 Policy 9	Access to the Beach

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Policies 1, 3 and 9 of the East Preston 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 conflict with relevant Development Plan policies in that it would be detrimental to the character and appearance of the area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 119) and gives weight to proposals that develop under-utilised land (para 120(d)).

CHARACTER & DESIGN

Policy D DM1 of the Arun Local Plan (ALP) requires that the Council have regard to certain aspects including:

(1) Character - seeking that development reflects or improves upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

(2) Appearance/attractiveness - requiring development to demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area;

(13) Density - This should make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness.

(14) Scale - This requires the scale of development to keep within the general confines of the overall character of a locality

Furthermore, policy D SP1 "Design" requires development to seek to make efficient use of land and reflect the characteristics of the site and local area in terms of layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy QE SP1 of the Arun Local Plan sets out that all development should contribute positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents to the District.

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 and (ii) all development proposals to meet the adopted car parking standards.

Policy 3 of the East Preston Neighbourhood Development Plan sets out criteria for the design of proposals within Character Area Two. These are to ensure that a consistent low building height is protected, with no more than 1.5 storeys.

The provision of a bungalow on this limited sized plot would lead to a cramped/overcrowded design. The footprint of the dwelling and lack of space to site boundaries would be out of character with the more spacious layout of the adjacent bungalows and dwellings which are set back from the road frontage and well integrated into the street scene.

The layout and position of the dwelling appears cramped, contrived and would fail to appear integrated

with existing larger neighbouring properties and plot widths. The dwelling would be too close to the road frontage in Montpelier Road providing a poor relationship and would not contribute positively to the street scene. It would be prominent and obtrusive and lack sufficient space for any meaningful landscaping to assist in the integration of the dwelling in the street scene.

Part P of Arun Design Guide refers to infill development and requires any proposed scheme to meet the following criteria;

- The development to be in harmony with the prevailing character, building pattern and architectural style of the area.
- That it is developed in a site that is large enough to accommodate proposed uses and vehicular access, parking and turning, while retaining gardens and open spaces of an adequate size.
- Provides a cohesive and unified response to the existing scale, form, massing and design details of surrounding development.
- Ensures that any deviations from the prevailing character of the area form a high quality design response which complements its surroundings and is appropriate to the scheme's location in the existing street hierarchy.
- Avoids tandem developments as a matter of principle.

This proposed infill does not match the spacing, layout, pattern and plot width in the area or provide a cohesive and unified response to its siting and the prevailing character. It has no space to its east side boundary, front (north) boundary and the area to the west of the property would be occupied by car parking. The rear garden is an irregular shape with a tight pinch point and a maximum depth of 4.2m.

In respect of single storey development the site is viewed in context from both Montpelier Road which is largely two storeys in height. It is accessed from this road and has a frontage to it. In terms of street scape from Montpelier Road, it is not in keeping. The reduced height of the dwelling means the proposal is no longer in conflict with policy 3 of East Preston Neighbourhood Plan which seeks to ensure development does not exceed 1.5 storeys in height. However, the main design issue is the amount/footprint of development on the relatively small site area and its proximity to the site frontage.

The development would not accord with the adopted Arun Design Guide chapter P 'Infill Development' in that it would not respect the established pattern or scale, plot width, boundary treatment and building line along the edge of the plot. It would be enclosed by fencing to the sides and rear garden area which faces onto Beechlands Close.

The development of a bungalow is therefore considered to not be in keeping with the character and appearance of the immediate locality in conflict with policies D DM1, D SP1 of the Arun Local Plan and Policy 1 of the East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including, Impact, which requires development to have minimal impact to users and occupiers of nearby property and land.

Paragraph 130 of the National Planning Policy Framework ensures that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The bungalow would not overlook the front of 4 Beechlands Close and despite its proximity, given its low height, it would not cause a loss of light or have an overbearing impact on the front windows of that property.

The rear ground floor windows of the bungalow would have poor levels of light, given the limited garden depth and proximity to boundary fencing and would suffer from an overbearing impact from the proximity of 4 Beechlands Close. The outlook from the front bedroom would also be poor facing onto the bin storage area.

The new dwelling would therefore fail to be in accordance with policy D DM1 of the Arun Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 of the ALP requires internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs in accordance with the Governments Technical Housing Standards (Nationally Described Space Standard).

A 3 bed single storey dwelling, for up to 4 persons requires 74m². The floor area of 72.76sqm is below this and the dwelling is not in accordance with the standards. A single bedroom should have a floor area of 7.5m², one of the bedrooms is below 7sqm, again in conflict with this standard.

With regards to external amenity space Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. The garden depth to the westerly plot meets the generally accepted 10.5m garden length which is referred to in Arun's Design Guide.

However, the proposal makes limited and unacceptable provision for private amenity space given its limited width and dog legged shape. It has 3.5m width to the side. The rear depth is 4.18m below the accepted standard. Arun Design Guide (part H) suggests that outdoor residential amenity space should fulfil a variety of functions and accommodate a range of activities and should be of an appropriate size and shape and integrated with surrounding uses. Is not considered that sufficient useable space is provided. The depth is limited with insufficient space available to provide for outdoor seating, drying clothes and recreation, particularly when the proposal is for a 3 bedroom unit of accommodation which it is anticipated would be occupied by more than one person.

The proposed garden space and lack of internal floor space would not accord with policy QE SP1 in that it would not have a negative impact on the residential amenity of future occupiers or policy D DM1(15) which requires development to comply with the Arun Design Guide.

PARKING AND HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

In respect of parking, it is supportive of development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and Arun Parking Standards and which considers the impact of development upon on-street parking.

Regard should also be had to paragraph 111 of the NPPF which refers to refusal on highways grounds only if there would be an unacceptable impact on highway safety.

The garage serving the host dwelling would be demolished, but there is ample space available for parking in the front garden area of the dwelling. The proposed dwelling requires a maximum of two off street car parking spaces and is compliant in terms of parking provision and acceptable in terms of access. The space available is 9.5m long by 2.8m wide which could accommodate 2 cars in tandem. The 20% provision for visitor parking could be accommodated on street. Provision of electric vehicle charging points (indicated on the site plan) and cycle parking can be conditioned in line with requirements. A bicycle rack is indicated on the site plan, but cycle parking should be covered.

This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal therefore accords with policy T SP1 (d) of the Arun Local Plan and policy 1 (ii) of the East Preston Neighbourhood Plan.

The previous application for development of the site did not include a highway reason for refusal.

FLOODING AND DRAINAGE

There has been comment from the Council's drainage engineers based on there being insufficient space on the site to locate soakaways meaning that the site can only be drained by discharging surface water into the mains sewer - a practice prohibited by Southern Water who manage the local sewer.

Engineers do not generally provide comments or request conditions on a development of this scale and therefore their comments are being treated as informatives only and cannot be included as a reason for refusal.

All new (or alterations to) surface water drainage must be designed and constructed in accordance with Building Regulations. Compliance with policies W DM2 and W DM3 of the Arun Local Plan and Policy 9 of the East Preston Neighbourhood Plan cannot therefore be considered further.

IMPACT ON WILDLIFE

The site does not fall in or adjacent to any designated sites of biodiversity or geological importance. The proposal includes retention of an adjacent hedge and includes some tree planting.

Policy ENV DM5 (Development and biodiversity) requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. The proposal makes no provision for this and would increase the amount of development on the site thereby reducing the biodiversity on the site in conflict with this policy, but enhancements could be conditioned.

SUMMARY

The proposed development of a 3 bed bungalow is considered to be out of character with surrounding development and would have an unacceptable impact on the residential amenity of neighbouring properties and future occupiers. It is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

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

REFUSE

- 1 Given the size, footprint, forward position and lack of distance to site boundaries the bungalow would result in a cramped and overdeveloped appearance out of keeping with its surroundings in conflict with policies D DM1 and D SP1 of the Arun Local Plan, Part P of the Arun Design Guide and policy 1 of the East Preston Neighbourhood Plan.
- 2 The proposal is contrived in design and the limited and awkwardly shaped amenity space and lack of internal space would result in a form of development which would be detrimental to the residential amenities of future occupiers and results in a form of development that does not enhance the quality of the environment for prospective occupiers contrary to policies D DM1(15) and QE SP1 of the Arun Local Plan and Part H of the Arun Design Guide and the Nationally Described Space Standards.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.