

Recommendation Report for Planning Permission

REF NO:	FG/101/25/PL
LOCATION:	4 South Drive Ferring BN12 5QS
PROPOSAL:	Erection of replacement dwelling together with reprofiling of the site and installation of new boundary to front of site. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
BOUNDARY TREATMENT	Open front boundary. Tall boundary walls and fences to the west, north, and eastern boundaries.
SITE CHARACTERISTICS	The site is an existing residential plot with a detached bungalow. The plot features a short rear garden and a large open front amenity space.
CHARACTER OF LOCALITY	The area is residential in character with an eclectic mix of dwelling scales, designs, and material palettes. The existing bungalow sits within a row of four bungalows, though they do not share any particular uniformity in their design.

RELEVANT SITE HISTORY

FG/103/24/NMA	Non-material amendment following the grant of FG/40/24/HH relating to the removal of the en-suite in bedroom 2, relocating the ground floor WC, replacing the entrance doors with windows and relocating the door to the southern elevation, retaining the bay windows to the lounge and bedroom 1 and entrance porch amendments.	Approve 26-07-24
FG/40/24/HH	Single storey front porch and side garage extension, roof extension to include habitable loft with 1 No. dormer, juliet balcony and rooflights, following demolition of existing front porch and side garage. Internal alterations.	ApproveConditionally 03-05-24

FG/40/24/HH - This application granted planning permission for a single storey front porch and side garage extension, alongside a roof extension that included a habitable loft with 1 No. dormer, a Juliet balcony and rooflights, following demolition of an existing front porch and side garage.

FG/103/24/NMA - This application granted permission for a series of minor alterations to the permission

granted under FG/40/24/HH.

REPRESENTATIONS

Ferring Parish Council - No response.

Ferring Conservation Group - Objection:

- Concerns that the added scale and mass appears imposing next to traditional neighbouring properties.
- Concerns regarding the loss of amenity space.
- Concerns of overlooking due to rear first-floor windows.
- Of the opinion that wood-burning stoves in new builds should be discouraged and if permitted, must comply with 2025 particulate regulations.

3 Objections from nearby occupiers:

- Concerns that the proposed dwelling is excessive in scale.
- Concerns of overbearing on neighbouring properties.
- Concerns of overshadowing of neighbouring properties.
- Concerns of overlooking due to first-floor north-facing windows.
- Concerns that the dwelling is out of character with the existing.
- Concerns the proposal is an overdevelopment.
- Concerns of harm to character of the area.
- Concerns regarding additional surface water and foul drainage.
- Concerns that no robust drainage strategy has been submitted.
- Concerns that boundary treatments are not specified.
- Concerns that demolition of the existing is not justified.
- If permitted:
 - First-floor north-facing windows should be obscure glazed and non-opening.
 - Working hours should be limited to weekdays 8:00-16:00.
 - Dust mitigation measures during demolition should be secured.

COMMENTS ON REPRESENTATIONS RECEIVED:

All comments noted.

- Matters of surface water and foul drainage for a development of this scale are to be dealt with at the Building Regulations stage.
- Boundary treatments have been specified within Dwg No. 2507.04 FP.
- It is not necessary to justify the demolition of the existing dwelling within this policy context and given the proposal seeks to replace it with another.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection:

- Subject to condition securing the development in accordance with the submitted Flood Risk Assessment.

Environmental Health - No objection:

- Condition regarding building services plant requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions added as appropriate.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

Flood Zones 2, 3, and 3b.

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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, The South Inshore & South Offshore Marine Plan 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.

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 in conflict with relevant Development Plan policies in that insufficient evidence has been

submitted to confirm that the proposals can be sustainably and viably drained without increasing flood risk elsewhere.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

In the absence of a completed S.106 agreement as described above, the development would not comply with any exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. Therefore, the statutory BNG requirements apply to the proposed development.

The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory BNG and a 10% increase in biodiversity relative to the pre-development onsite habitat has not been demonstrated.

Nonetheless, it is likely that the Statutory BNG condition could be discharged and had this application been recommended for approval, either the completion of the relevant S.106 agreement would have been awaited, or the Statutory BNG condition could have been applied and the matter resolved prior to commencement of the development.

CONCLUSIONS

PRINCIPLE

The site is located within the Built-up Area Boundary and is an existing residential plot. The principle of development is acceptable in accordance with Arun Local Plan (ALP) Policy SD SP2, subject to consideration of other relevant Development Plan policies.

EXISTING PLANNING PERMISSION

As identified earlier within this report, the existing dwelling benefits from a householder planning permission, which remains extant, for a single storey front porch and side garage extension, alongside a roof extension that included a habitable loft with a dormer, a Juliet balcony, and rooflights. If this permission were implemented, the resultant scale and massing of the dwelling would not be dissimilar to that of the current proposal. The existing permission is a material consideration.

CHARACTER AND DESIGN

The proposal seeks the demolition of the existing dwelling, and its replacement with a 1.5 storey dwelling with side garage, timber front porch canopy, front gable roofed dormer, Juliet balcony, two rear dormers with gable roofs, front and rear rooflights, two front bay windows, and a two-storey gable ended component on the western side.

The dwelling would feature white render to ground floor, white/off-white cladding to first floor and garage, and grey-white timber barge boards and aluminium windows. It would also have a raised decking to the front and rear of the dwelling, a permeable gravel and resin bonded gravel driveway, a 1m tall natural timber picket fence to the front boundary alongside a 1.25m tall timber access gate, native planters and lawn to the front, and a 1.8m tall privacy screen on the west side of the front decking.

The footprint of the dwelling would be comparable to that of the existing dwelling, though it is noted that the existing side garage illustrated on the plans appears to have recently been demolished.

The scale and massing of the proposal would be greater than that of the existing dwelling, but it would not be out of character with the locality. The dwelling sits within a row of four modest bungalows which exhibit limited uniformity of design, but the southern side of South Drive, and further east and west of this short row of bungalows, there is a large variety of building materials and a widely mixed design character. Although the existing dwelling would be lost, the proposed dwelling would not be at odds with the character of the area.

The proposal is in accordance with ALP policies D SP1 and D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

The proposal would increase the overall scale of the dwelling, particularly at the western end. However, the footprint would remain largely consistent with the existing structure. While the increased height and massing may cause some overbearing and overshadowing effects, particularly the garden of No. 52 Ocean Drive, these impacts are not significantly adverse. This is partly due to the reduced height on the eastern side of the proposed dwelling and the separation distance, albeit limited, between the first-floor element and the northern site boundary, and between the first-floor element and the main dwelling at No. 52.

The proposed first-floor rear windows do give cause for concern regarding overlooking impacts, particularly due to the close proximity of the rear garden at No. 52 Ocean Drive, however, the proposal has sought to ensure all first-floor rear facing windows are obscure glazed and fixed shut up to 1.7m in height from finished floor level. This is with the exception of the westernmost frame of the westernmost first-floor rear window which would be obscure glazed up to 1.7m, but openable in the event of emergency and need for egress in such an event. Conditions would have been attached to ensure these windows remain obscure glazed and non-openable up to 1.7m, with the exception of the westernmost window frame, which must remain obscure glazed, but can be opened in the event of emergency.

All other first-floor openings are to the southern elevation and look out over the front amenity space of the site and the road. Neighbouring front gardens are publicly visible from the street and the windows would, therefore, have no adverse impact on these spaces.

Subject to conditions, there would have been no unacceptable adverse overlooking impacts on neighbouring dwellings.

The proposal is in accordance with ALP policies D DM1 and QE SP1.

QUALITY OF ACCOMMODATION

The proposal is a 2-bedroom dwelling over two storeys. It has adequate bedroom dimensions and a Gross Internal Floor Area well above the minimums required by the Nationally Described Space Standards.

The proposed rear garden is limited and below the requirement outlined within Section H.04 of the Arun Design Guide, but the property also benefits from a significant front amenity space, and it is material that

the existing dwelling has a rear garden of comparable depth. The amenity space afforded to the property provides a sufficient level of residential amenity to its occupiers.

The proposal is in accordance with ALP policies D DM2 and QE SP1.

ENERGY EFFICIENCY

ALP policy ECC SP2 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. The proposal includes solar panels and would otherwise be subject to Building Regulations in respects of utilising energy efficient materials. A condition securing the provision of the solar panels would have been attached.

The proposal is in accordance with ALP policy ECC SP2.

BIODIVERSITY AND ECOLOGY

The proposal has claimed the self-build exemption for Statutory Biodiversity Net Gain (BNG) and as such, has not been required to submit relevant BNG assessments such as a metric or pre- and post-development biodiversity values. However, following a recent appeal decision received on 12/09/25 (APP/C3810/W/25/3363266), it has been made clear that a completed S.106 agreement is required to secure self-build developments as such. A S.106 agreement to this effect was submitted during the lifetime of the application but was not completed prior to this recommendation for refusal, following a further objection from the ADC Drainage Engineers.

In the absence of such a completed agreement, the self-build exemption cannot be claimed. Had the application been recommended for approval, the completion of the S.106 agreement could have been awaited to resolve this matter. Additionally, should a further submission or appeal pursuant of this development be received, the S.106 agreement could be completed at these stages.

In the absence of a completed S.106 agreement as described above, the development would not comply with any exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. Therefore, the statutory BNG requirements apply to the proposed development.

The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory BNG and a 10% increase in biodiversity relative to the pre-development onsite habitat has not been demonstrated.

The NPPG indicates that it would generally be inappropriate to refuse an application on the grounds that the biodiversity gain objective would not be met as the BNG condition is a pre-commencement matter to resolve. Decision makers, therefore, need to consider more broadly whether the condition is capable of being successfully discharged. In the context of the site, it is a residential dwelling with amenity space surrounded by similar urban development. The site is of low ecological value and there are no known constraints that would prevent the condition from being discharged. The only matter of note is that the site is, and would remain, a private residential garden. This means that the value of on-site biodiversity post-development would be capped to a set value and any on-site proposals could not be secured and maintained long-term. As such, off-site credits may be the only option to achieve the 10% net gain, which would still be compliant with the requirements.

ALP policy ENV DM5 requires developments to achieve a Biodiversity Net Gain of some value on site irrespective of the Statutory BNG requirements. Given the limited ecological value of the site, and its area, this would be achievable through condition and relevant ecological enhancements measures. The proposal could, therefore, have been compliant with ALP policy ENV DM5.

TRANSPORT AND PARKING

The proposed relocation of the access is a minor relocation and would not pose any significant highway safety risk. The new driveway and replacement garage would provide ample parking opportunity for a minimum of 3 No. vehicles to be parked, in line with the Arun Parking Standards SPD.

As a new 2-bedroom dwelling with garage and driveway, albeit a replacement, the proposal is required to provide 1 No. EV charging point, and 1 No. bicycle parking space in accordance with the Arun Parking Standards SPD and ALP policy T SP1. These would have been secured by way of condition.

The proposal is in accordance with ALP policy T SP1.

FLOOD RISK & DRAINAGE

The site is within Flood Zones 2 and 3a.

Current mapping also identifies the site as being within the 5% Annual Exceedance Probability (AEP) flood event. Flood Zone 3b is defined as the 3.33% AEP event, not the 5% AEP, however, no such 3.3% AEP mapping exists for this area. That being said, the 5% AEP event is the less extreme of the two flood events, meaning the extent of flooding would be greater in the 3.3% AEP event. Therefore, since the site resides within the 5% AEP flood mapping layer, it can be confidently assumed that the site also resides within Flood Zone 3b (the 3.3% AEP event).

These flood zones also cover the access and egress east or west along South Drive. The principle of 'more vulnerable' development within Flood Zone 3b is opposed by planning practice guidance (See Paragraph 079, Table 2, of the NPPG. Flood Zone 3b is designated as a current functional floodplain and has at high risk of being flooded.

By virtue of being within an area at risk of flooding, the proposal is required to provide a Sequential Test as outlined by ALP policy W DM2 and Paragraph 175 of the NPPF. No such Sequential Test has been provided, but the proposal has been supported by a Site-specific Flood Risk Assessment. The Site-specific Flood Risk Assessment has confirmed that the proposals would be safe for the lifetime of the development by ensuring sufficient freeboard between finished floor levels and modelled flood events and providing sleeping accommodation at first-floor only. The Environment Agency have been consulted and have raised no objection to the development subject to condition.

The existing dwelling is a single storey bungalow with 3 No. bedrooms. There is currently no option for safe refuge on site nor ease of escape during a predicted flood event. The proposal would not result in a significant increase in the footprint of the dwelling and would result in a first-floor level to the property that would provide an area of safe refuge in a flood event. It would also remove sleeping accommodation from the ground floor and relocate it to first-floor. Whilst 'more vulnerable' development is principally opposed within Flood Zone 3b, the proposal would, on balance, result in a significant improvement in respects of the existing flood risk to the site.

While the proposal is in conflict with Paragraph 175 of the NPPF and ALP policy W DM2 due to the lack of a Sequential Test, it is material that if this application were refused, an established and lawful residential dwelling would remain on the site. Further, the existing dwelling features 3 No. bedrooms at ground floor and no safe area of safe refuge. As such, the proposal would result in a substantial betterment of the flood risk on site.

Paragraph 032 Reference ID: 7-030-20220825 of the NPPG states 'The Exception Test should only be applied as set out in Table 2 and only if the Sequential Test has shown that there are no reasonably available, lower-risk sites, suitable for the proposed development, to which the development could be steered'. Table 2 is clear that 'More Vulnerable' development should not be permitted within Flood Zone

3b and as such, no Exception Test should be applied. However, given the material considerations and reasons outlined above the lack of a Sequential Test is not sufficient reason to refuse the development, and in the absence of a completed Sequential Test, the Exception Test should not be applied.

The proposal has been supported by a proposed surface water drainage scheme and a supporting evidence base. The submitted evidence base concludes that infiltration on site is not viable, that there are no watercourses or surface water sewers adjacent to the site that could be connected to, and that the existing dwelling discharges to the foul sewer. The proposed drainage scheme, therefore, seeks to reconnect to the foul sewer as its discharge location.

The Council's Engineers have reviewed the submitted Flood Risk Assessment and Surface Water Drainage details and provided two in principle objections. Fundamentally, there remains insufficient evidence to rule out infiltration as an appropriate method of draining the development, and the scheme subsequently proposes to discharge to the foul sewer, an unrecognised discharge location for surface water and one that is specifically ruled out within point 1.10 of the General Requirements of the National Standards for SUDS (NSfS). Discharge to the foul sewer is also lacking evidence that the relevant Statutory Undertaker (believed to be Southern Water) would agree to this discharge location, and Southern Water's surface water management policy DS001 v0.3, dated 1 July 2024, clarifies that when previously developed (brownfield) sites are redeveloped, no historic right of connection will exist, and any sewer connections will be treated as new. They also state in the new applications policy, that they will "refuse any request for a connection for surface water into foul only sewer network".

It is material that the existing dwelling discharges its surface water to the foul sewer, and that the site benefits from an extant Householder planning permission for a number of extensions/alterations following the demolition of existing built form. However, the evidence base submitted in support of this full planning permission for a replacement dwelling has proposed discharge to the foul sewer without comprehensive, robust, and definitive evidence that the proposals cannot make use of infiltration drainage, a more sustainable, preferable, and recognised method of surface water disposal. It also lacks sufficient evidence to confirm that, even if all other means of surface water disposal were ruled out, that a connection to the foul sewer would be possible when considering Southern Water's policy (DS001 v0.3).

The scheme has also not evidenced that the site is not at risk of fluvial flooding, assuming the flood risk of the site to be tidal only, and therefore, it has not been demonstrated that the drainage designs would be suitably operational during the relevant fluvial flood event. Furthermore, the discharge rate proposed has not been derived from an assessment of Greenfield Runoff rates and may be unduly high. Compliance with standard 3 of the NSfS has not been demonstrated.

The lack of a Sequential Test for flood risk is not a reason to refuse the development as discussed above. However, the proposal has not been supported by sufficient surface water drainage information to rule out infiltration as an appropriate method of surface water disposal, and the proposal seeks to discharge to an unsustainable and unrecognised discharge location (the foul sewer). The submitted drainage scheme also fails to sufficiently address standard 3 of the NSfS which seeks to protect people and property on the development from flooding of the surface water drainage system, mitigate any increased flood risk to people and property adjacent to or downstream of the development, and to minimise the impact on sewer capacity.

It has not been evidenced that the proposals could be sustainably or viably drained and that they would not risk increasing flood risk elsewhere. The proposal is in conflict with the National Standards for SUDS, ALP policies W DM2 and W DM3, and paragraphs 181, 182, and 187(e).

SUMMARY

Insufficient information has been submitted to confirm that the proposals can be sustainably and viably

drained without increasing flood risk elsewhere in conflict with relevant standards, Local Plan policies, and the NPPF. As such, the proposal is recommended for refusal.

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 liable, therefore, developer contributions towards infrastructure would have been required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 Insufficient information has been submitted to confirm that the proposals can be sustainably and viably drained without increasing flood risk elsewhere in conflict with the National Standards for Sustainable Drainage Systems, Arun Local Plan policies W DM2 and W DM3, and NPPF Paragraphs 181, 182, and 187(e).
- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 at this time, and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.