

Recommendation Report for Planning Permission

REF NO: FG/129/21/PL

LOCATION: 2 The Poplars
Ferring
BN12 5QL

PROPOSAL: Demolition of existing semi detached dwelling and erection of new detached dwelling. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of a 2 bed semi-detached bungalow with a detached two storey dwelling. This will have a double bedroom, living area and bathroom on the ground floor with a single bedroom, en-suite and large landing upstairs. The large landing window faces west and allows access into a flat green roof. The other first floor windows either face west (front) or are in the roof.
	It is proposed to part set the new house and front/rear gardens into the ground (by 1m) utilising retaining walls to reduce overall height and keep the overall ridge less than the ridge of the April Close dwellings behind. A single parking space will be provided on the north side (reflecting the existing) with cycle storage beyond and a bin store on the south side. New landscaping is indicated to boundaries.
SITE AREA	0.0133 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	No change.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Low picket fence to front with close-boarded fencing to the sides (low height at first but rising to around 2m). Existing fence and hedging to rear.
SITE CHARACTERISTICS	The site comprises a detached dwelling of 1 storey with gardens to the rear and sides. Single parking space on north side.
CHARACTER OF LOCALITY	Part of a residential street of predominantly bungalows albeit some have windows in their roof areas (either to first floor loft accommodation or as high level windows to ground floor areas). The majority of properties surrounding the site have relatively shallow rear gardens and as such it is evident that their sometimes larger front gardens are used for amenity purposes.

No. 1 The Poplars on the north side is a matching single storey dwelling currently joined with no. 2. It has a low gable and a conservatory at ground floor facing the site. To the south lies the deep front garden of no. 3, a semi detached bungalow with a full hipped roof. It has velux windows in the roof. Behind the site is 2 April Close, a bungalow with a gable end projecting towards the boundary. There are some two storey properties on The Poplars and April Close but these are not seen in the same context as the site.

REPRESENTATIONS

No response from Ferring Parish Council.

Two letters of support from 1 and 3 The Poplars. No. 3 states they are concerned that the planted roof on the first floor could become a balcony in the future and they request a condition to prevent this.

COMMENTS ON REPRESENTATIONS RECEIVED:

Although a condition could be imposed, it is noted that access to this area is inherent in the design as doors are shown onto the planted roof and as such, without re-design, any condition would be difficult to enforce.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection subject to a condition to secure EV charging. The applicant has demonstrated sufficient cycle storage on-site and have no concerns with highway safety.

ADC DRAINAGE ENGINEERS - Due to the scale, location and type of application, have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Current/Future Flood Zone 1;
Tree Preservation Order TPO/FG/1/12 (but not affected); and
CIL Zone 4.

DEVELOPMENT PLAN POLICIES

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

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

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, 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. The relevant policies of the Ferring Neighbourhood Development Plan are referred to in this report.

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 the resultant dwelling would be out of character with the single storey and traditional built form of surrounding development and will also result in overlooking and a loss of privacy to an adjacent dwelling.

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

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 in the built up area boundary where development is acceptable in principle as per policy SD SP2 of the Arun Local Plan (ALP) and policy 1A of the Ferring Neighbourhood Development Plan provided it is in accordance with other policies of the ALP covering such issues as loss of character/design, highway safety/parking, residential amenity, space standards, biodiversity and climate change.

CHARACTER, DESIGN & VISUAL AMENITY:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

The National Design Guide is a material consideration and states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing.

The Arun Design Guide was adopted in January 2021 and is a material consideration in the determination of applications. Section J refers to new building design and states new development must ensure that the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the existing area. New development should also generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties.

The constrained size of the plot is acknowledged as is the need to be creative in order to gain additional accommodation. It is acknowledged the dwelling is in a poor state of repair and that the layout is no longer functional.

However, at the same time, the character of the area is clear with traditionally designed bungalows and very few instances of roof level accommodation. The application is accompanied by a comprehensive Design & Access Statement (DAS) but although this states the design is informed by its context, in practice it is not clear how the design has been arrived at. The roof features a part cutaway with flat roof on the south western corner, a front gable and has pitches that do not meet at the ridge (i.e. one lower than the other). None of these features are immediately apparent in the streetscene. It is noted that there is a page of pictures of dwellings in the local area within the DAS and that some have similarities with the chosen design but it is unclear where these are located or what design cues have been taken from dwellings in the immediate locality.

The overall height has been reduced by lowering the existing ground level and whilst the ridge is higher than no. 1 (by 1m), this is acceptable due to the heights of the dwellings to the rear and nos. 3/4 to the south. However, there are no other examples of lowered ground levels nearby whilst the highly

noticeable nature of the first floor itself is out of character when compared to dwellings in the immediate street scene and surrounding the site which are either single storey or only have velux windows in their roof pitches. There are no concerns with the building line, site layout or the plot coverage.

Overall, the dwelling will represent an incongruous addition to the existing predominantly single storey and traditionally designed character of the streetscene and immediate surroundings in conflict with ALP policies D SP1 & D DM1 and the Arun Design Guide.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either front to back or side to side but it is normally expected that side windows are discrete, serve secondary rooms/areas and can be obscure glazed without harm to the amenity of future occupiers. Indeed, the Design Guide states that windows and doors should normally be placed in front and rear walls to minimise overlooking of neighbours.

The ground floor windows are all acceptable as they are screened out by boundary treatments. The front first floor windows face out over a communal park area and as such do not cause any harm. Those to the northern flank are velux windows and will be around 1.8m above floor level plus face out over the neighbours roof so will not result in any harm. However, those on the southern flank are large windows to a large landing area and face directly out over no. 3's large front garden area. In addition, they allow access onto a green roof which could be used as a balcony.

Given the small size of 3's rear garden and the west facing nature of its front, the front garden takes on more importance as an amenity space and as such, it is necessary to protect this space from overlooking. Indeed, online aerial photography (Bing Maps) shows that no. 3 has a front patio area and also has had a gazebo in place in the garden at one time.

Due to the position of the dwelling, there is only likely to be potential for a loss of light to 2 April Close which is behind and to the east of the site. However, this will be at the end of the day when the sun is already lower in the sky. The application is accompanied by a Daylight & Sunlight Assessment and this concludes that the building envelope will not result in any significant impact on the surrounding properties in terms of daylight or sunlight and that rooms in the building envelope would receive adequate levels of daylight and sunlight. There is no reason to doubt this assessment which has been prepared in accordance with appropriate national guidance.

A condition could be imposed to obscure glaze the landing window and prevent overlooking but it is not clear what effect this would have on light levels in the first floor area. In any case this elevation shows doors to the flat roof thus leading to the potential of it being used as a balcony. The window and the potential use of the flat roof would cause harm to the living conditions of 3 The Poplars by allowing clear views over their large front garden and to a lesser extent their front windows and the proposal is in conflict with policies D DM1 and QE SP1 of the Arun Local Plan and the Arun Design Guide.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The required internal space standard for a 2 storey, 2 bedroom, 3 person house is 70m² but the scheme proposes a general internal area of 77m² so complies with the requirement.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;

The proposal has a very shallow rear garden (1.4m deep) and a front garden of between 2.18m and 2.78m. This is at odds with the Design Guide but is acceptable given that it is not significantly different from the present situation and whilst the resultant outdoor areas are slightly smaller in area (by 8m²), this is because the internal accommodation is being improved. The Design Guide is guidance not policy and allow for flexibility on a site by site basis.

ROAD SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. Proposals will be supported where they explain how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. The Council also has a Parking Standards SPD.

The advice of WSCC Highways is summarised above and set out in full on the Council's website. They have no concerns with the proposal from a highway safety perspective. They do comment that there is an under provision of parking but do not consider this to be harmful to highway safety.

According to the Arun Parking SPD, the proposal generates a need for 2 parking spaces and 1 cycle space. The proposed layout only allows for 1 car space but it is material that the dwelling has the same number of bedrooms as existing which had only 1 space. The proposal demonstrates cycle storage provision for 2 cycles which is double the requirement.

The proposal is acceptable in respect of policies relating to highway safety & parking and therefore in accordance with ALP policies T SP1 & T DM1, the Parking Standards SPD and the NPPF.

BIODIVERSITY:

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site. The application is not accompanied by any ecological appraisal but existing residential curtilages tend to have low potential as habitat for protected species and this is compounded in this situation by the high urban density and small residential gardens. The 17m² green roof would assist with demonstrating biodiversity net gain and a condition could be imposed to secure bat or bird boxes on the new dwelling. This would then satisfy the policy requirements.

CLIMATE CHANGE:

ALP policy ECC SP2 requires residential development be energy efficient and should incorporate

decentralised, renewable and low carbon energy supply systems. The DAS has a large section on sustainability and states that sustainable measures will be implemented throughout the design, material choices and proposed construction systems including low impact Structural Insulated Panels (SIP's) manufactured in the UK and an FSC accredited timber framed construction thus resulting in a shorter construction period. It is also proposed to use photovoltaic panels, air source heat pumps and sustainable drainage systems including the green roof. However, a condition would still be necessary to secure the provision of renewable energy measures in order to ensure compliance with the policy.

SUMMARY:

Although there is no in principle objection to residential development in this built up area location, the proposed replacement dwelling will be harmful to the character of the streetscene & immediate surrounding area and will result in a loss of privacy and harm to the living conditions of the neighbouring property to the south.

Although the proposal represents sustainable development, in accordance with paragraph 11d of the NPPF, the Council concludes that there are significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, outweigh the limited benefits of the proposal and therefore outweigh the presumption in favour of such sustainable development. As such it is recommended that it be refused for the following two 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 is a CIL Liable development. It is in Zone 4 and should permission be granted then a CIL amount of £7,676.95 would be payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). The Parish Council would receive a 25% share of this money

subject to whether any relief is claimed.

RECOMMENDATION

REFUSE

- 1 The development by reason of its two storey scale and modern design results in a incongruous addition in the streetscene resulting in harm to same and also to the character and appearance of the immediate locality in conflict with policies D DM1 & D SP1 of the Arun Local Plan, the Arun Design Guide and the NPP (2021).
- 2 The proposed south facing first floor windows and accompanying accessible flat green roof will affect the living conditions of 3 The Poplars by allowing clear elevated views over their large front garden and front windows and the proposal is in conflict with policies D DM1 and QE SP1 of the Arun Local Plan, the Arun Design Guide and the NPPF (2021).
- 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 provide pre-application advice in respect of any future application for a revised development.