

Recommendation Report for Planning Permission

REF NO: FG/145/19/PL

LOCATION: 31 South Drive
Ferring
BN12 5QU

PROPOSAL: Demolition of existing detached dwelling and replace with new two storey detached dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish the existing detached dwelling, and replace with a new, two storey dwelling.
SITE AREA	1146m squared.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property features low walling to its front elevation, with low fencing and foliage to its rear elevation.
SITE CHARACTERISTICS	The site is populated by a two storey, detached dwelling.
CHARACTER OF LOCALITY	The locality is host to a wide variety of building types, designs and scales.

RELEVANT SITE HISTORY

FG/166/18/HH	Demolition of rear sun room & erection of single & two storey extensions, replacement front elevation porch & garage extension & replacement of existing flat roof with pitched roof over existing two storey, north-west accommodation.	ApproveConditionally 14-12-18
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Noted. Application FG/166/18/HH approved significant alterations and extensions to the dwelling, however, in view of the age of the dwelling, permission is now sought to demolish the dwelling entirely, and replace anew.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Parish Council - No objection.

1 letter of objection:

- The large roof void and the high level windows show that there will be a loft conversion.
- The gable ends give the dwelling the bulk and appearance of a 3 storey property.
- The proposal will be dominating in appearance, and overshadow neighbouring dwellings.

2 letters of support:

- The rebuild appears to be in keeping with other properties in the area.
- There will be a reduction in overlooking from a window looking at the front garden.

Letter of support from agent:

- The loft space could comfortably be converted, as it would fall within GPDO criteria.
- The proposal has the same ridge height as the existing dwelling, and has a roof shape which reduces the bulk of the proposal on its Eastern and Western sides.
- The design allows properties to the North to retain their view of the coastline, between the dwellings.
- The increase in footprint when compared to the host dwelling, or the previously submitted application FG/166/18/HH is a front porch, and an orangery.
- The property does not overlook the property to the East, due to its siting within its respective plot.
- The proposed dwelling is in line with the neighbouring dwelling.
- Similarly styled replacement dwellings can be found in close proximity to the dwelling.
- The proposed new dwelling will meet 21st Century building criteria.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. The comments raised will be addressed in the conclusion section of the report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

- none

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
ECCDM1	ECC DM1 Renewable Energy

ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary

[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

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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 it is not considered to result in any harmful impact upon the character of the locality, or the residential amenities of neighbouring dwellings.

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

PRINCIPLE

The application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D SP1 and D DM1 of the Arun Local Plan. Additionally, Policy 1A of the Ferring Neighbourhood Development Plan.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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.

Arun Local Plan 2011-2031 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.

Policy 1A of the Ferring Neighbourhood Development Plan states that proposals within the Built Up Area Boundary will be supported, subject to accordance with other relevant development plan policies.

DESIGN AND VISUAL AMENITY

The application seeks to demolish the existing dwelling, and replace with a new 5 bedroom dwelling. The property faces North, towards the street scene, and would be sited approximately 6m from the street scene, which is comparable to the two dwellings to the West of the property. Changes to the roof shape allow for the host dwellings impact upon the street scene to be reduced further. This is because the installation of a North to South ridge line will alleviate the visual bulk of the host dwelling when viewed from the street scene.

The proposal does not extend any further East or West when compared to the existing dwelling, with the largest extension being at the rear. The materials proposed under the application are largely comparable to those found within the area, although further details regarding their colour etc. will be requested via condition. The proposed dwelling will result in a change in character to the application site, however, when considered in the context of the local area, it cannot be considered to result in any harm to the character of the locality. This is largely due to the area being host to a wide variety to dwelling designs, styles and types.

It is noted that there have been concerns relating to the scale of the proposed dwelling, and the potential for creation of accommodation within the roofspace. The proposed dwelling has a roof height of which matches that of the existing dwelling, which is considered to mitigate any concerns of its scale. With regard to its conversion, and use as accommodation, this would likely come under Permitted Development rights, however a restriction will be imposed relating to the erection of dormer windows on its Eastern and Western roof slopes. This is in order to prevent the construction of bulky, unsightly extensions, which may cause harm upon the locality.

The proposed development is not considered to result in any significantly harmful impact upon the character of the locality, and is therefore in accordance with D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to result in any significantly harmful impact upon the residential amenities of neighbouring dwellings, by way of overshadowing, or overbearing impact. This is due to the proposed dwelling being sited no closer to its Eastern, or Western boundary, when compared to the existing dwelling. To the East, the area of land sited immediately adjacent to the proposed development is not private amenity area, and largely serves as a driveway, and entrance to the property.

Furthermore, with regard to overlooking of adjacent dwellings, the proposed dwelling is not considered to result in any harmful overlooking of the adjacent property to the East. This is due to this adjacent

property being sited a significant distance from the proposed dwellings in order to allow for there to be no harmful views. To the West, it is noted that there are two obscure glazed windows, which will be conditioned to be retained as such. Additionally, the proposed balcony is considered to provide direct views towards the dwelling to the West, as such, it will be conditioned that obscure glazing panels are installed on this Western elevation in order to prevent such views.

The proposed development is not considered to result in any significantly harmful impact upon the residential amenities of neighbouring dwelling, and is as such, in accordance with D DM1(3) of the Arun Local Plan.

TRANSPORT

The proposed development is not considered to have a significantly harmful impact upon the transport network, or parking within the area. The property replaces one of a similar accommodation capacity, and retains a large parking area to its Northern elevation. Furthermore, there is a bus stop within approximately 2 minutes walk of the dwelling, providing transport links to Worthing, and Angmering.

As such, the proposal is considered to accord with D SP1 of the Arun Local Plan.

WATER

The application is not considered to have any specific drainage concerns, as such, any system should be built in accordance with Building Regulations. Southern Water were consulted on the application, and requested an informative relating to the connection of the dwelling to the foul water drainage system.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is 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

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.

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:

- Block Plan - Rev. A - 26/11/19
- Replacement Dwelling - Ground & First Floor Plans - 2014/27/20 - Rev. A - 31.10.19
- Replacement Dwelling - Proposed Elevations - 2014/27/21 - 13th November 2019

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 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 building (including details of their colour) 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 enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 The windows at first floor level in the Western elevation of the building, shown as obscure glazed on plan reference 'Replacement Dwelling - Proposed Elevations - 2014/27/21 - 13th November 2019' shall remain glazed entirely with obscure glass and be fixed to be non-opening below 1.7m, in perpetuity.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies D DM1/D DM4 of the Arun Local Plan.

- 5 Prior to use of the balcony, 1.8m high obscure glazing panels shall be installed on the Western elevation of the proposed balcony, and be retained in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 7 **INFORMATIVE:**

A formal application for connection to the public sewerage system is required in order to

service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: <https://beta.southernwater.co.uk/infrastructure-charges>

- 8 **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.