

Recommendation Report for Planning Permission

REF NO: FG/155/25/PL

LOCATION: Land between 11A The Grove and
30 Brook Lane
Ferring
BN12 5HZ

PROPOSAL: Erection of 1 No 1-bedroom self build house with associated parking & private outdoor amenity space. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the erection of 1 No 1-bedroom self build house with associated parking & private outdoor amenity space.
SITE AREA	149sqm.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is currently surrounded by 1.8m high fencing to the sides and rear of the site, with no boundary treatment to the front boundary.
SITE CHARACTERISTICS	The site is an area of land to the rear of 28 and 30 Brook Lane. The site is currently occupied by a single storey, flat roofed outbuilding.
CHARACTER OF LOCALITY	The site is located within a residential area, with a mix of single storey and two-storey dwellings.

RELEVANT SITE HISTORY

FG/13/23/PL	1 No 1-bedroom house along with associated parking & private outdoor amenity space (resubmission following FG/46/21/PL). This application is in CIL Zone 4 and is CIL Liable as a new dwelling.	Refused 05-04-23 Appeal: Dismissed 11-04-24
FG/46/21/PL	Development of 1 no. 2 bed house set over 2 floors, with first floor being partially contained within roof, along with associated parking & amenity spaces. This site is within CIL Zone 4 and is CIL liable as new dwelling.	Refused 17-05-21 Appeal: Dismissed 28-04-22

Planning history noted. Two applications have been made for a single dwelling on the site in 2021 and

2023. Both applications were refused and subsequently dismissed at appeal.

REPRESENTATIONS

Ferring Parish Council - Objection.

- The proposal is an overdevelopment of a small plot, with insufficient private amenity space, and results in a visually obtrusive and cramped form of development. This would detract from the more spacious local pattern of development and would be harmful to the street scene and the character of the area.
- The proposal conflicts with the design and spatial amenity policies of the Neighbourhood Development Plan (NDP), Local Plan (LP) and the National Planning Policy Framework (NPPF).
- The scale of the two-storey dwelling remains unacceptably close to common boundaries due to the size and shape of the site. This would be detrimental to both existing neighbouring occupiers and future residents, resulting in harm to outlook, privacy, and the quality of available amenity space.

18 No. objections were received from nearby occupiers raising concerns that:

- The proposals result in overdevelopment of the site.
- The plot is too small, and the development will be cramped and out of character.
- The amendments to the proposal have not meaningfully altered the nature of the site or the proposal.
- The proposed dwelling is too high.
- The garden does not comply with recommended size in the Arun Design Guide.
- The development would be too close to 28/30 Brook Lane.
- The residential amenity of 24 Brook Lane would be impacted by way of overbearing and loss of outlook.
- Residents of 24 Brook Lane have a right of access over the area to the north of the plan, which would be bounded by a wall, affecting visibility and safety.
- Sinking the house and garden may impact adjoining properties, and may have implications for drainage.
- The parking spaces proposed do not meet the standard requirements for the size of parking spaces and are impractical. The parking dominates the frontage.
- The dwelling would not provide a high standard of amenity for future occupiers. The bedroom would have no natural light or ventilation.
- The proposed gate is out of keeping with the character of the area.
- There would be loss of light to neighbouring properties.
- The development would contribute to vehicle congestion.
- The proposals would impact wildlife.

7 No. letters of support have been received stating that:

- The proposal makes use of an underused space on brownfield land.
- There is a shortage of building plots within Ferring.
- The proposal provides much needed housing.
- The proposal overcomes previous reasons for refusal.
- The property is well designed and fits well within the plot.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Comments relating to character, design, residential amenity, parking and transport are addressed in the conclusions.

Concern has been raised that sinking the property and amenity space may impact neighbouring properties and land physically or structurally. This matter is not a planning consideration, however, the construction of the property would be controlled by Building Regulations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No objection.

- Condition restricting hours of construction recommended.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - No objection.

- The applicant is advised to obtain formal consent from the proprietor of The Grove prior to carrying out access works.

- The proposed parking spaces do not confirm with the recommended measurements for parallel parking spaces.

- The proposals do not result in any unacceptable impacts on the highways network and there are no transport grounds to resist the proposal.

- Recommend conditions regarding provision of car and cycle parking.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

CIL Zone 4

DEVELOPMENT PLAN POLICIES

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

SDSP1A	SD SP1a Strategic Approach
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
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
ENVDM5	ENV DM5 Development and biodiversity
ECCSP2	ECC SP2 Energy and climate change mitigation

[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

SUPPLEMENTARY POLICY GUIDANCE:

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

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 not considered to comply with relevant Development Plan policies in that it results in harm to the character of the area and the residential amenity of neighbouring occupiers.

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.

CONCLUSIONS

PRINCIPLE

The site lies in the built-up area boundary where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan and policy 1A of the Ferring Neighbourhood Development Plan state that development should be focused within the Built-Up Area Boundary and will be permitted, subject to compliance with other development plan policies.

CHARACTER AND VISUAL AMENITY

The site is located within a residential area with a variety of dwelling types and designs. There are single and two-storey dwellings and detached and semi-detached properties within the immediate vicinity, and the area is not characterised by a particular property type or style. However, properties along The Grove are generally detached bungalows, which are set back from the road and there is a sense of spaciousness.

The Arun Design Guide Part P requires infill development to respond positively to the character, appearance and layout of surrounding buildings. The guidance states that in most cases, new schemes should emulate 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 windows, doors and walls. The proposal is contrary to this guidance, in that does not replicate the established pattern of the existing development in the locality. The proposed dwelling is situated

closer to the highway than surrounding dwellings, and the size, shape and situation of the plot does not reflect the pattern of development within the surrounding area. The dwelling also occupies a greater proportion of the plot than neighbouring dwellings on The Grove, and is a two storey dwelling.

With reference to backland development the Part P of the ADG states that proposals should avoid over-development and should be of a subservient scale to surrounding buildings with frontages to the street. The proposals remain an overdevelopment of the site. The location of the proposed dwelling has been altered as part of the current proposal, however, the size of the footprint of the building has not been amended since the previously refused application. Although the area within the red line boundary on the site plan has been increased, this does not correspond to any increase in the size of the plot/curtilage on which the dwelling will be located, as the additional strip of land to the north of the site would remain an area of hardstanding over which the area of land to the rear of 24 Brook Lane is accessed.

The planning inspector for the latest appeal on the site, APP/C3810/W/23/3323503, noted that proposed footprint to plot ratio would be higher than most nearby properties. They stated that "Due to the design and size of the proposed dwelling and the orientation of the plot, the bulk of the external amenity space would need to be to one side of the property. In this instance, the proposed external amenity space is modest in size and would not maintain the current sense of spaciousness. Given the proposed dwelling's siting close to the road and limited space either side of the property, it would appear cramped within the street scene." Given that the distance from the highway, and the overall percentage of the plot which the dwelling would occupy has not altered, there appears to be no reason to disagree with the inspector's assessment, and the proposal would remain in conflict with ALP policies D DM1 and D SP1, and with Part P of the ADG.

The site, by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without significant damage to the character of this established residential area. The proposal would result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to ALP policies D DM1 and D SP1, Part P of the ADG and paragraph 135(b) and (c) of the NPPF.

SPACE STANDARDS AND AMENITY OF FUTURE OCCUPIERS

The proposed dwelling has two storeys and complies with the Nationally Described Space Standards for a 1 bed dwelling with a single bed space. It is noted that a double bed is shown on the floor plans. However, the size of the bed could be amended without making any practical difference to the size of the property and the type of bed which is ultimately placed in the property and the number of occupants would not be controlled via the planning system, and could be altered at any time. Therefore, although the proposed floor plans show a double bed, the internal space is of an appropriate size, in accordance with ALP policy D DM2.

It is noted that several of proposed property's windows would be obscurely glazed. This includes the bottom half of ground floor windows on the front elevations, the ground floor windows on the south elevation and all of the upstairs windows. This would mean that the occupants bedroom would be served only by obscurely glazed windows. Although the road is relatively narrow in this location, the potential overlooking impacts on the rear garden of 32 Brook Lane are not so severe that the LPA would seek to secure the obscure glazing via condition. Whilst the situation shown on the plans would not provide a high standard of amenity, there is no reason that these windows must be obscurely glazed, and therefore the lack of light to the upstairs bedroom is not included as a reason for refusal.

ADG 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. The external amenity space proposed is small, measuring 6.5m by 3.4m. The amenity space does not comply with the recommended size in the ADG, which suggests that rear gardens should have a minimum depth of

10.5m. However, a smaller amenity space is acceptable in this instance, as the proposal is for a small dwelling.

In the current proposal, all of the amenity space associated with the dwelling would be located to the north of the property. The reasons for refusal of the previous application, APP/C3810/W/23/3323503, included harm to the amenity of future occupiers as a result of the lack of private amenity space. In their decision, the inspector concluded that the area of the amenity space was in itself sufficient, but that the fact that this space, which was located to the south of the dwelling, would be entirely overlooked by the rear windows of properties on Brook Lane meant that the dwelling would not benefit from sufficient private amenity space. Whilst the amenity space remains small, repositioning the amenity space to the north of the dwelling, removes the concerns about the overlooking of the amenity space, and the revised design has overcome this reason for refusal, in that the amenity space would be sufficiently private.

The design provides adequate internal and external amenity space, in accordance with ALP policy D DM2, the ADG and the NPPF, and would provide an acceptable level of amenity for future occupiers.

NEIGHBOURING RESIDENTIAL AMENITY

The dwelling is situated to the rear of 28/30 Brook Lane within an area which would previously have formed the rear garden of the property. The proposed dwelling would be situated to the south of its plot, against the southern boundary. The height of the proposed dwelling is 5m, which has been reduced from 6.4m under the previous application. This has been achieved by reducing the pitch of the roof, and sinking the property and its amenity space into the ground by approx. 0.6m. The distance between the side elevation of the proposed dwelling and the rear elevation of properties at 24, 28 and 30 Brook Lane would be 6.2m, which does not meet the recommended distance of 14m.

The inspector for APP/C3810/W/23/3323503 stated that the previously approved dwelling would appear oppressive to residents of Nos. 28 and 30 when using the rooms to the rear of their properties, and garden area. They concluded that the proposal would have a harmful effect on the living conditions of 28, particularly with regard to outlook. Although the property is 1.4m lower than the previous proposal, the dwelling would be 3m closer to 28 and 30 Brook Lane. It is noted that further information has been submitted in respect of these concerns within the Planning Statement. Appendix A to the statement contains visuals showing the views from neighbouring properties. That these images demonstrate that the proposal would not be harmful is disputed. The images show that the property will be a prominent feature of the views from all rear windows of 28 and 30 Brook Lane, in particular the ground floor windows. The proposed dwelling would also be oppressive when using the property's rear garden. It is noted that the applicant has submitted additional information, stating that the rear window of 28 Brook Lane serves a utility room, and so the impact on this room would not be harmful to the amenity of the occupiers. There are two large windows on the rear elevation of the ground floor flat, and it is not clear that this statement applies to both of these windows. It is also noted that the side elevation of the ground floor flat has one small obscurely glazed window plus some glazing around the door, meaning that the front and rear windows form the main outlooks from the property. Therefore, regardless of their current use, the rear windows of the flat are important for the amenity of current and future occupiers. The additional information does not alter the view that the proposed dwelling would appear oppressive, when viewed from the rear windows of 28 and 30 Brook Lane, and the garden to the rear, and would result in a loss of outlook.

The proposals result in harm to neighbouring occupiers, in conflict with ALP policy D DM1, Part P of the Arun Design Guide and paragraph 135(f) of the NPPF.

TRANSPORT AND PARKING

ALP policy T SP1 requires development to reduce the need to travel by car by identifying opportunities to improve access to public transport services whilst making provision for safe access to the highway

network. Arun District Council has adopted a Parking Standards SPD (Jan 2020) (APS). Principle 1 at para 2.12 stresses that parking provision should be sufficient to accommodate demand whilst exploiting the potential for sustainable travel, minimizing adverse effects on road safety, and avoiding increased on-street parking demand. The APS state that two parking spaces should be provided for one bedroom dwellings in this area. The site is located within the built up area boundary and is located within walking distance of local services and bus routes.

The proposed plans shows two parking spaces to the front of the dwelling. It is noted that neither of these spaces conforms to the recommended size for a parallel parking space, at 4.4m long rather than the recommended 6m. Given the limited length, it may be impractical for both spaces to be used at once. However, the proposal is for a small one bed room property, and is located within walking distance of local services and bus routes. The provision of a single parking space would be acceptable in this instance. The proposal shows the location of secure and covered cycle parking, in accordance with the APS, and this could be secured via condition.

The proposals are in accordance with T SP1 in that the dwelling is sustainably located and provides sufficient off-road and cycle parking.

ECOLOGY

ALP policy ENV DM5 requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. No enhancements are proposed, but had the LPA been minded to grant permission, these could have been conditioned to ensure compliance with ALP ENV DM5. The application is not liable for statutory Biodiversity Net Gain.

CLIMATE CHANGE AND ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected and would be controlled at the Building Regulations stage. The proposal does not include details of any decentralised, renewable, and low carbon energy supply systems proposed. However, the proposal does state that the dwelling will be energy efficient, and that its size and sustainable location contribute to its overall sustainability. Were the LPA minded to grant permission, further details of energy efficiency measures and decentralised, renewable or low carbon energy supply systems could be required via condition, to ensure that the proposal is in accordance with ALP policy ECC SP2.

SUMMARY

The Council cannot currently demonstrate a 5 year housing land supply (HLS) and therefore the NPPF presumption in favour of sustainable development (para 11(d) (ii)) applies. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

NPPF paragraph 124 highlights the need for planning decisions to promote effective use of land, and the proposal would provide an additional dwellinghouse in a sustainable location. However, the resultant dwelling would be cramped and out of character with the surrounding area in conflict with ALP policies D SP1 and D DM1, the ADG and paragraph 135 of the NPPF. The proposal would also be overbearing and

result in a loss of outlook, harming the amenity of neighbouring occupiers in conflict with ALP policy D DM1, the ADG and paragraph 135 of the NPPF. In this instance, when assessed against the Framework as a whole, the harm arising from the proposals significantly and demonstrably outweighs the benefits associated with the provision of a single dwelling.

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

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.

RECOMMENDATION

REFUSE

- 1 The site, by virtue of its size and shape, is considered unsuitable and insufficiently large to accommodate a dwelling and private amenity space satisfactorily without significant damage to the character of this established residential area. The proposal would result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policies D DM1 and D SP1 of the Arun Local Plan, Part P of Arun Design Guide and paragraph 135(b) and (c) of the NPPF.
- 2 The proposal results in an unneighbourly form of development that would be detrimental to the residential amenities of adjacent properties by reason of loss of outlook and being overbearing, in conflict with policy D DM1(3) of Arun Local Plan, Part P of Arun Design Guide and paragraph 135(f) of the NPPF.
- 3 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 and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.