

Recommendation Report for Planning Permission

REF NO: FG/162/17/PL

LOCATION: 1 Upper West Drive
Ferring
BN12 5RB

PROPOSAL: Demolition of existing detached garage & erection of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is to provide a single detached 2 bedroom bungalow. It would be located in the area of the existing garage and would utilise the existing driveway and access. Demolition of the utility room extension to the existing dwelling would also be required.
SITE AREA	280 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	36 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	A large preserved sycamore tree is located on the road frontage adjacent to the driveway
BOUNDARY TREATMENT	Fencing and hedging to 2-3m in height
SITE CHARACTERISTICS	Existing double garage with pitched roof. Mock tudor in appearance. Timber shed behind.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design.

RELEVANT SITE HISTORY

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

21 Objections - Overdevelopment.

Proposal:

- * Will change character and appearance of area. Continual infilling destroys the character of the village. Roads are already congested. There are no footpaths.
- * Too close to adjacent properties. Back garden is too small.
- * Increases surface run off. More concrete more risk of flooding.
- * Unneighbourly.
- * Leaves only 1m gap to side boundaries.
- * Would compromise protected Sycamore tree.

*would add to the problems of on street parking with the loss of the garage.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are agreed

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Arboriculturist

Environment Agency

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Arboricultural Officer -- Objection based on likely adverse impact on a mature Sycamore which is the subject of a TPO.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN12	Parking in New Development
GEN28	Trees and Woodlands

[Publication Version of the Local Plan \(October 2014\):](#)

D SP1 Design
ENV DM4 Protection of Trees
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards

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

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policies 1A 'Spatial Plan for the Parish' and 10 Sustainable Drainage Systems of Ferring Neighbourhood Plan are considered relevant

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 would have a materially adverse effect on the visual amenities of the locality and fail to provide acceptable residential amenities to future occupiers as well as endangering the health of a protected tree.

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 site lies within the built up area boundary where the principle of residential redevelopment is acceptable. This application is to provide a single storey dwelling within the side garden of an existing dwelling where a garage and driveway are currently located.

DESIGN AND VISUAL AMENITY

This residential area is characterised by mainly detached dwellings of varying design within medium sized plots. The application host dwelling is located on a corner plot and fronts Upper West Drive. Its plot size is similar to those to the west. It has no rear garden with the main garden area being located to the south side. The proposed severance of part of the site to create an additional plot to the north will result in a reduction in plot size to serve the existing dwelling and an uncharacteristically small plot serving the new dwelling. 1 Upper Drive is a large detached house and requires a reasonable garden/amenity area. It is considered that the reduced curtilage would be sufficient to satisfactorily serve the existing dwelling. However the new plot would be significantly smaller than surrounding plot sizes and would not be in keeping with the character of the area.

Further, the proposal would appear cramped in relation to the street scene. The proposed dwelling has a relatively large footprint and would be located forward of 1 Upper West Drive. The existing detached garage appears as an ancillary structure and has space around it and does not appear overly dominant in the street scene. The increased footprint of the building together with its close proximity to the adjacent host dwelling and its 3m projection beyond the front elevation of the host dwelling and the adjoining property to the south would result in a discordant and overly dominant form of development which would appear visually cramped and out of keeping. It would not maintain the set back pattern of development from the road frontage which is characteristic of development in the locality.

Policy 1A (Spatial Plan for the Parish) of the Ferring Neighbourhood Plan 2014 (NP), supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the relevant development plan policies. Given the above it is considered that the proposal would conflict with this spatial policy.

RESIDENTIAL AMENITY

The proposal accords with the Nationally described Space Standards. It has a gross internal floor area of 63sqm which meets the requirement for a 3 person 2 bedroom dwelling and is acceptable in terms of the amenity of future residents in this respect. However it comprises a detached dwelling and therefore in accordance with the external space standards policy DDM3 of the emerging local plan a rear garden area of 85 sqm with a minimum depth of 10m is required. The proposal does not have a rear garden area length of 10m, it is only 6m at its deepest point and the 80 sqm is below the standard too and does not therefore accord with this policy. It therefore fails to provide adequate outdoor space for future

occupiers adversely affecting their residential amenity.

Given the single storey nature of the development and the separation distance to the southern boundary and the presence of boundary screening it is not considered that the proposal would materially adversely impact on the dwelling to the south. The host dwelling to the north has no primary ground floor windows in the side elevation and a 2 m gap would be provided between both dwellings. The proposal would not therefore result in any materially adverse loss of residential amenity to this dwelling either.

The neighbouring property to the south has a dormer window in the side elevation of the property which faces onto the application site and would result in direct overlooking of the application dwelling's limited rear garden area. The space would not therefore have privacy as would usually be expected and the residential amenities of future occupiers would be adversely affected.

IMPACT ON PROTECTED TREE

The proposal would be located close to the existing preserved mature sycamore tree on the site frontage, approximately 5m from the trunk of the tree. The footprint of the dwelling adjoins the canopy of the tree and a window is proposed facing the tree and the road frontage. There are no windows in the side elevation of the kitchen and since this is the only window in this part of the room it is likely that there will be constant pressure from future occupiers to prune the tree and remove it. The tree makes a significant contribution to the street scene and the proposal would ultimately result in the loss of the tree and, on this basis, a dwelling in the position proposed cannot therefore be supported.

SUMMARY

The proposal is 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.

RECOMMENDATION

REFUSE

- 1 The proposal by virtue of its layout, position and footprint, is considered to represent an overdevelopment of the site which would result in an unduly cramped form of development which would damage the character and visual amenities of the surrounding residential area and provide an unsatisfactory amount of outdoor amenity space for occupiers of the dwelling contrary to policies GEN7 of the Arun District Local Plan, DDM3 of the Emerging Local Plan, policy 1A of the Ferring Neighbourhood Plan and the National Planning Policy Framework.
- 2 It has not been satisfactorily demonstrated that the provision of a dwelling in such close proximity to the preserved sycamore tree will not impact on its Root protection Areas and will not result in pressure to prune or fell the tree in the long term. There is therefore the prospect of the loss of this tree which is of significant value to the local landscape and subject to a Tree Preservation Order. The proposal is in conflict with policies GEN7 and GEN28 of the Arun District Local Plan and the National Planning Policy Framework.
- 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 reason 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.