

Recommendation Report for Planning Permission

REF NO: FG/168/18/PL

LOCATION: 4 Sea Lane
Ferring
BN12 5DS

PROPOSAL: Erection of 2 bedroom single storey dwelling to rear of existing property

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to provide a detached single storey 2 bed dwelling, with two parking spaces. The proposed dwelling would be located on land forming the rear garden serving no.04 Sea Lane. Access to the site is proposed via the existing access serving No.4 by allowing the demolition of the existing detached garage and single storey side addition to the main dwelling.
SITE AREA	0.0234 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	43 dwellings per hectare
TOPOGRAPHY	Predominantly flat, land to rear section of garden is slightly raised.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high fencing to no. 6 and no. 2. Rear of Regency Court 2m high close boarded fencing. Side garden to Regency Court hedging. Fencing/shrubs to 1.8m on boundary with no. 6. To site to rear 1.8m close boarded fencing.
SITE CHARACTERISTICS	No.4 is a brick built bungalow with Pan tile roof. Flat roofed garage in front garden area. Single storey property at No. 6 Sea Lane. Regency Court, a two storey residential scheme is located to the rear of the site.
CHARACTER OF LOCALITY	Predominantly residential characterised by varying styles and age of properties.

RELEVANT SITE HISTORY

FG/148/08/	Erection of new bungalow with access off Ferring Street.	ApproveConditionally 18-12-08
------------	--	----------------------------------

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council: raise no comment

06 letters of objection:

The area is already overdeveloped

The area is heavily congested with traffic which is hazardous

The dwelling if built would bring more noise to no.06 Sea Lane due to its proximity to the boundary and habitable rooms

A boundary dispute appears to involve no.04 & no.06

It would represent the overdevelopment of a land locked site

The proposed access route is considered too close to the neighbouring property no.06.

The access drive width is noted to be 2.8m which would reduce to 1.5m if the true fence line was reinstated

Access to the site would be via a narrow drive considered as unacceptable

Ferring Conservation Group, Objection:

The site layout would be cramped

The vehicle access is too narrow at 2.8m for allowing a service vehicle to pass.

There is also a problem of bringing additional traffic onto an already busy and congested road

The applicant refers to the need for Arun DC to offer a five-year supply of building sites, but this is not the only consideration

The area is already overcrowded.

Increasing housing density without improvements to the infrastructure is not a sustainable policy

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are addressed in the conclusion section.

CONSULTATIONS

Conservation Officer

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection subject to informative.

Southern Water - We object the discharge of surface water into foul system.

WSCC Highways -

- Sea Lane is a C-classified road subject to a speed limit of 30mph.

- The site appears to promote sustainable transport.

- WSCC does not consider that the proposal for a single dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Recommend conditions to ensure the provision of the vehicle parking and turning and cycle storage.

The councils conservation officer:

- The site is set within the immediate setting of the Ferring Conservation Area

- The Conversation area forms the core of the village focused around St Andrews Church
- The area retains an informal approach to layout and design, varying building lines, styles of architecture and gaps between buildings
- the area also covers a small area and is surrounded by 20th Century Development
- development to immediate west and south-west and within the conservation area are modern nature and screen the site from within the conservation area.
- the proposed development is considered to have a neutral impact upon the character and appearance of the conservation area.
- if minded to approve - condition on the materials to be used.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and to be addressed in the conclusion section of the report.

POLICY CONTEXT

Designation applicable to site:
Built Up Area Boundary

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HDM1	H DM1 Housing mix
TSP1	T SP1 Transport and Development

Ferring Neighbourhood Plan 2014 Policy 10	Sustainable water management
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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 relevant Ferring Neighbourhood Plan have been considered.

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 in accordance with Policy SDSP2 of the Local Plan and Policy 1A of the Ferring Neighbourhood Plan provided it is suitable to the urban setting whilst subject to being compliant with other relevant development plan policies.

This Application follows an earlier approval in December 2008 (FG/148/08) for a bungalow in a similar position, however, with a different orientation and different point of access to the main public highway. The previous approval sets the principle of development of a single dwelling at this site, its design, scale and siting. However, the orientation of the dwelling and the sites access onto the public highway and therefore its impact upon the street scene and the amenity of neighbouring occupiers are the factors to be assessed in this report.

CHARACTER & VISUAL AMENITY:

Local residents and the Ferring Conservation Society consider the proposal to be an overdevelopment, to be cramped & unneighbourly and also harmful to both the streetscene and local character.

Policy D DM1 of the ALP 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of

dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, 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. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

The applicants statement confirms that the access as approved under application FG/148/08 is no longer viable therefore this application proposed the demolition of the existing detached garage and the lean to single storey extension to the host dwelling (n.04 Sea Lane) would allow for a shared drive and access to the plot at the rear of the site.

Policy D DM4 relates to applications to alter existing buildings and states that:

"When considering applications for extensions and alterations to existing buildings, the Council will require that:

- a. the extension or alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials;
- b. the extension or alteration is visually subservient to the main building and provide a high standard of amenity;
- d. in streets characterised by relatively small gaps at first floor level between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary and;
- e. the extension or alteration does not compromise the established spatial character and pattern of the place but is instead a positive addition."

No.04 Sea Lane is a dwelling of no particular architectural merit, therefore the loss of a principle garage building and the alteration to the main dwelling is not considered to be of an huge loss to the architectural integrity of the building.

In respect to the impact of the Ferring Conservation Area as stated by the Conservation Officer the rear development at Regency Court conceals the impact of the proposed dwelling upon the Conservation Area Character therefore the proposal would have a neutral impact on the street scene, residential character and Ferring Conservation Area Setting.

The proposal is considered to contrary to ALP policies D DM1, D SP1 & DDM4 and Policy 1A of the Ferring Neighbourhood Plan .

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

Furthermore, Policy D DM4 (c) requires that extensions or alterations do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties.

Given the concerns of the neighbouring occupiers at No.6 Sea Lane, Officers consider that the new layout with an access drive abutting the shared boundary and the introduction of vehicle movements to the rear portion of the site would provide for an unacceptable level of disturbance and an unneighbourly relationship to the detriment of the occupiers of No.6. Sea Lane. In addition the officers consider that the reorientation of the footprint from the previous approval under FG/148/08 allows for a dwelling with an uncharacteristic outlook to Neighbouring No.6 Sea Lane.

SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

The assessment is on the basis of the internal layout for a; single storey, 2 bedroom, for up to 4 person occupation. As such, the required space standard is 70m². The proposed floor area is 65.44m² and therefore the dwelling is in accordance with the standards.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users.

The proposal includes a private garden area which is of a similar size and depth to that serving neighbour Regency Crt, whilst the reduced amenity space serving the host dwelling No.4 Sea Lane would be in equally modest proportion in keeping with the surrounding area form residential garden proportion.

PARKING PROVISION & ACCESS:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

NPPF Para 108 states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development

should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The proposal provides 2 off-street parking spaces for the proposed dwelling and 2 for the existing and accords with the WSCC parking space standards. It is noted that the WSCC parking demand calculator indicates a likely demand, based on the requirements of both houses, of 5 spaces i.e. an additional visitor space share between two. It is noted that residents consider there to be only limited space within the locality for on-street parking. However, it is not considered that the occasional parking of an extra car would adversely affect the safety of the local highway.

The proposal would utilise the existing access onto Sea Lane with no planned alterations. it would appear that the additional dwelling would not exacerbate an existing safety concern, therefore the existing access would serve the site well.

The new on site access arrangement would result in the removal of the existing garage and side extension to 4 Sea Lane to enable the access drive to serve the proposed dwelling. This would measure 2.8m at the narrowest point. Highways indicate this is not of an particular concern, however, the applicant should be aware that access for fire appliances may need to be demonstrated in order to meet building regulations.

The officers consider the new access on highway safety ground is acceptable.

DRAINAGE & WATER

Policy 10 of Ferring Neighbourhood Plan states development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they include one or more of the following sustainable drainage design features as appropriate for the ground conditions:

- permeable driveways and parking areas
- water harvesting and storage features
- green roofs
- soakaways
- other suitable and effective technical solutions recommended by a flood risk assessment

The officers note the hierarchy for sustainable drainage should be followed, in addition prior approval is required to demonstrate the proposed connection to the public sewer is achievable.

SUMMARY

The resulting development would be contrary to policies SDSP2, D SP1, D DM1, D DM4, T SP1 of the Local Plan and Policy 1A & 10 of Ferring Neighbourhood Plan .

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 and design would introduce an unacceptable level of disturbance and an unneighbourly relationship to the detriment of the occupiers of neighbouring No.6 Sea Lane. The proposal is therefore contrary to Arun Local Plan policies D DM1, D SP1 & DDM4 and Policy 1A of the Ferring Neighbourhood Plan and the National Planning Policy Framework.
- 2 **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.