

Recommendation Report for Planning Permission

REF NO: FG/191/18/PL

LOCATION: Land north of 21 Ocean Drive
Ferring
BN12 5QN

PROPOSAL: Erection of 2 No. 3 bed chalet style dwellings with associated parking, landscaping & bin store.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the erection of 2 detached, 3 bedroom, 2 storey properties, within the side garden area of 21 Ocean Drive. Access to the site is proposed via the existing access serving No.21.
SITE AREA	0.09 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The garden area is enclosed by 1.8m high close boarded fencing.
SITE CHARACTERISTICS	The application site comprises a detached dwelling of 2 storeys with gardens to the front/rear and sides.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with detached properties of varying design and height set in small/medium plots set back from the highway with gardens mainly to the front and rear within a suburban environment.

RELEVANT SITE HISTORY

FG/101/85	Demolition Of Existing Derelict Double Garage Erection Of New Double Garage	ApproveConditionally 15-07-85
FG/171/07/	Single storey extension to rear of property	ApproveConditionally 13-12-07
FG/56/92	Erection of single and two storey extension	ApproveConditionally

PAA/214/17/

Erection of 2No. Dwellings.

Refuse Pre App
16-02-18**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Ferring Parish Council

Objection

- This proposal sub-divides an existing backland development site with restricted access.
- The agents have claimed that 21 Ocean Drive is a previous backland development and this sets a precedent for further buildings on the site but, while not an ideal development in itself, the host property has a good size amenity space and the restricted access serves only the single residency.
- Two further properties on this space would be an over-development and adversely impact the neighbouring properties in terms of overlooking and potential noise in such a confined space, especially when the increased traffic movements are taken into account.
- The access drive is narrow and will give rise to serious safety concerns for the increased vehicular and pedestrian traffic which will be generated by the additional family homes proposed in this application.
- There are no parking restrictions in the private street which can become congested particularly in summer periods with unrestricted public access and uncontrolled parking. There is insufficient splay to facilitate clear, safe entry and exit of the driveway especially when hampered by parked vehicles. Similar concerns at 44 Ferringham Lane produced a conditional minimum access width requirement on safety grounds and such conditions are equally applicable here.

27 Objections (including an objection from Ferring Conservation Group)

- Out of keeping in this already crowded area and will spoil the privacy of surrounding habitations.
- The drive is too small for further cars and the drive entrance to Ocean Drive will create danger to passing motorists and pedestrians with regular use.
- No Notice displayed in Ocean Drive.
- Will increase pressure on drainage.
- Detrimental to ambience of the area.
- This will adversely impact on road users. Driveway should be 4m wide.
- The limited road widths were acceptable 100 years ago. They are too narrow now.
- 35 Ocean Drive was not built in the garden of no.37. Number 33 occupies the northern end of the land which was divided in 1935. The main difference between these three properties and the application for No 21 is that all three properties have their own individual access onto Ocean Drive.
- Comparing the width of Ocean Drive and Telgarth Road with a narrow private driveway is a flawed argument. Both Ocean Drive and Telgarth Road have free access at either end and are able to support vehicles passing in both directions.
- Weekend traffic on Ocean Drive has increased beyond all recognition with a steady stream of vehicles driving to the Bluebird and beaches.
- Access and exit of vehicles in and out of the multi property site onto Ocean Drive is a serious cause for concern.
- 16a Ocean Drive is not "an infill" property, but was constructed at the same time as Number 16, following the demolition of a single property on the site early in the 1960's.

- The height of the buildings will be imposing significantly impacting on light in adjacent garden.
- Additional families will create additional noise impacting on my use and enjoyment of adjoining garden. The height of the buildings will result in being further overlooked and total loss of privacy in neighbouring garden.
- This infill, will result in over development and looking like a modern housing estate.
- Additional compensatory lighting usage will have an environmental impact and increase energy costs.
- The title deeds on properties backing onto this development only allow for one dwelling per plot.
- The land is currently a garden defined as a piece of ground, usually close to a house, for the growing of fruit, flowers or vegetables. A garden should not be used for the building of more houses.
- In order to prepare this application thus far, the applicant has taken down a substantial walnut tree, a large gum tree and about 30 metres of 6' x 5' hedge. We have already noticed a serious decline in small bird life in the area. Must we lose more grassland, shrub and trees if this application is granted?
- This area is only accessed by a single drive. At this point Ocean Drive itself is 5.5m wide. The driveway to the applicant's potential site and his personal premise in total is 4.5m wide. This is made up of a hard surface of 3.25m.
- The family living in no 21 run a business from this address. They own a van, 5 cars, electric scooters and a moped. There are regular daily deliveries to this address, business and personal, causing traffic.

COMMENTS ON REPRESENTATIONS RECEIVED:

Notices have been displayed in accordance with procedure. One was posted in Ocean Drive.

Covenants restricting the number of dwellings per plot are a private legal matter.

The current permitted use of the premises is as a single dwelling.

The access to the site is not comparable with 44 Ferringham Lane. It is shorter in length, wider than 4m and the proposal is for 2, not 4 houses.

Other comments are addressed in the conclusion section of this report.

CONSULTATIONS

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

Ocean Drive is a private highway not maintained by WSCC. These comments are for advice only. The accesses onto the Publicly Maintained Highway are all established and serve the entire Ferring Estate. The addition of two residential dwellings over the existing arrangement would not be anticipated to generate a severe material increase in vehicular movements over that currently generated .

Drainage Engineer - No Objection. Condition requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within 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
WDM3	W DM3 Sustainable Urban Drainage Systems
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
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

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.

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 considered to conflict with relevant Development Plan policies in that there would be a

materially adverse effect on the residential amenities of existing and proposed occupiers of the dwellings and adjoining properties.

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.

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 local character.

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

- (1) Character which should reflect and address the character of the site and the surrounding area.
- (2) Appearance/attractiveness which should be of a high standard.
- (13) Density which should take account of the density of the site and its surroundings.
- (14) Scale which 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" requires development proposals 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.

The existing access would allow for a shared drive and access to serve the existing dwelling and the 2 proposed dwellings.

The proposed dwellings would result in development of the existing main garden area serving 21 Ocean Drive which is an extended dwelling with limited space to the rear and side. The area to the front is used for car parking. The side garden is the main amenity area serving the existing family property at 21 Ocean Drive and is commensurate with a dwelling of the footprint of no 21. The proposal to provide 2 dwellings in this area would result in an unacceptable amenity space to serve the existing extended property, effectively building on the only usable garden area and depleting the family dwelling of its garden.

The side area to the south would be 9m at its deepest point. In addition the amenity area surrounding the proposed dwellings would also be uncharacteristically limited and would result in a cramped form of development which is out of keeping in the locality. The properties to the rear in Chalet Close have smaller plot sizes, but these properties are bungalows and have a different pattern and layout

surrounding the end of a cul-de-sac. The infill dwellings would have no road frontages and would not provide a reasonable gap to site boundaries. They are as a minimum 5.4m (plot1) and 2.4m (plot2) to the northern boundary, 3.4m to the eastern boundary, 2.3m to the southern boundary and 4m to the eastern boundary. These distances are indicative of overdevelopment, and excessive footprint, particularly given that the properties adjoining the site have limited gaps to the site boundaries too. The proposed dwellings would be capable of family occupation and have limited garden space to serve them. The garden length to plot1 is below the 10m generally accepted guideline.

The development would result in an a cramped form of development which is out of character with the general pattern and form of development in the locality.

The dwellings are proposed to be of full 2 storey height without reduced eaves lines and would appear bulky and out of keeping in relation to their respective plot sizes and the scale of development on adjoining sites generally. The host dwelling is 2 storeys high and currently benefits from a relatively large garden area. If this is removed, as proposed, the host dwelling would also become overly dominant in relation to the plot size.

For the reasons cited above the proposal is contrary to ALP policies D DM1 & D SP1 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."

The proposed dwellings would increase vehicular activity along the access road which currently only serves one dwelling. The increased activity would focus noise and activity levels in the garden area much closer to the site boundaries of adjacent dwellings and result in a material increase in noise, particularly given the limited distances to the boundary of the proposed properties which are a minimum 5.4m (plot1) and 2.4m (plot2) to the northern boundary, 3.4m to the eastern boundary, 2.3m to the southern boundary and 4m to the eastern boundary. This is accentuated by the short rear garden depth of properties in Chalet Close and at 17 Ocean Drive. The car parking for plot 1 would provide unacceptable noise and activity levels adjacent to the rear gardens and elevations of 17 Ocean Drive which has a short depth of only 4m and the rear garden of 19 Ocean Drive which would have vehicle movements along its side and rear and has a relatively short garden length of 7m.

The 3.4m gaps to the boundary with Chalet Close and 4m gap to the boundary with 17 Ocean Drive would result in a material adverse overbearing effect to these properties and their gardens. Plot 1 is 6.9m to ridge and 4.4 and 3m to eaves height. Plot 2 is 6.6m to ridge and 3.6m to eaves.

With regard to overlooking, Plot 1 has a bedroom window facing over the garden area of 11 Ocean Drive which is 9m from the boundary and would result in direct overlooking and a material loss of privacy to the garden of this dwelling. The other windows in both plots would serve either bathrooms and en-suites and could be conditioned to be obscure glazed and non opening below 1.7m internal floor level. This would therefore ensure that no materially adverse overlooking would result from these windows.

Overall, the proposal conflicts with policy DDM1(3) of Arun Local Plan.

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; 2 storey, 3 bedroom, for up to 4 person occupation. As such, the required space standard is 84m². The proposed floor area for both plots is approx. 100m² and therefore the dwellings are 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 private garden areas to both dwellings, although that serving plot 1 is not 10m in depth and the reduced amenity space serving the host dwelling No.21 Ocean Drive would not be adequate to satisfactorily serve a family residential dwelling.

However a 3 bedroom property is fit for family use and would therefore require the provision of a safe and private outside area for children to use. There is no main garden area to serve the existing dwelling. There is a failure to provide adequate amenity space due to the amount of external space within the site being taken up by the proposed building and the car parking provision. The remaining space to the side and rear is extremely limited and does not constitute a usable amenity area.

Further, the site is not located in close proximity to a park or greenspace which could supplement the limited amenity space available.

The Local Planning Authority has recently been supported at appeal with the dismissal of a replacement dwelling at 5A Tuscan Avenue, Middleton where the Council, like in this instance, identified the insufficient provision of an outside amenity area.

In conclusion, the proposal would not provide adequate living conditions for future occupiers, having regard to the provision of usable outdoor space. It would therefore conflict with Policy D DM1 of the Local Plan and the Framework, particularly paragraph 127.

PARKING PROVISION & ACCESS

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

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 on highway grounds where 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 each of the proposed dwellings and retains the

existing for the host dwelling and accords with the WSCC parking space standards. 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 Ocean Drive with no planned alterations. It would appear that the additional dwellings would not exacerbate an existing safety concern, therefore the existing access would adequately serve the site. The access is acceptable on highway safety grounds in accordance with policy TSP1 of Arun Local Plan.

DRAINAGE

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 sustainable drainage design features.

This could be achieved with the imposition of an appropriate condition as requested by the Council's Drainage Engineer.

The proposal is therefore compliant with policy WDM3 of Arun Local Plan and policy 10 of Ferring Neighbourhood Plan.

SUMMARY

The resulting development would be contrary to policies D SP1 and D DM1 of the Local Plan and Policy 1A of Ferring Neighbourhood Plan.

The application 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 development by virtue of its site coverage, height, layout and proximity to site boundaries will be unneighbourly and provide insufficient amenity space for existing and future occupiers. The proposal would therefore be detrimental to residential amenity contrary to policies DDM1 and QE DM1 of the Arun Local Plan and the National Planning Policy Framework.
- 2 The site by virtue of its size and shape, is considered unsuitable to accommodate two dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the visual amenities of the surrounding residential area, contrary to policies DDM1 and DSP1 of the Arun Local Plan.
- 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 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.