

Recommendation Report for Planning Permission

REF NO: FG/196/18/PL

LOCATION: 12 West Drive
Ferring
BN12 5QZ

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to demolition of the existing single storey 3 bedroom bungalow and detached garage and its replacement with a larger chalet style 3 bedroom property which includes a first floor bedroom and integral garage.
SITE AREA	695 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	14 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. There is evidence of removal of trees in the rear garden.
BOUNDARY TREATMENT	Site frontages have some hedging/planting. Rear garden is enclosed by planting/fencing approx. 2m high.
SITE CHARACTERISTICS	Detached bungalow with white painted elevations and tiled roof with a detached pitched roof garage to the side set back behind the dwelling. Adjoining property no 10 has a dormer window facing onto the application site and secondary windows at ground floor in the side elevation.
CHARACTER OF LOCALITY	Predominantly residential. The site is located within an area of detached dwellings of varying design on the west side of West Drive, set back from the road and backing onto Oval Way at the rear. It has a low density character with plots of similar sizes.

RELEVANT SITE HISTORY

FG/124/83	Lean-To Aluminium Greenhouse	ApproveConditionally 28-09-83
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

2 Objections - The attic area includes a window overlooking dwelling to rear. As the tree in the rear garden was felled within days of purchase by the new owners, this window will give views into the house and garden and help to destroy the privacy our property. If light is required in the attic space, might we suggest a Velux window in the roof would solve the problem for both sides.

COMMENTS ON REPRESENTATIONS RECEIVED:

The attic window would be almost 10m from the rear boundary and the dwellings to the rear are a minimum of 14m from the boundary. A gap of 24m is therefore provided which exceeds the generally accepted separation distance of 21m . Any overlooking would not therefore result in a material loss of privacy.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection

The application is for a single replacement dwelling outside of the Lidsey catchment, therefore we have no conditions to request. The design and construction of drainage should be compliant with building regulations.

County Highways - No Objection. Conditions suggested relating to car and cycle parking provision

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. It is not considered reasonable to impose conditions relating to car and cycle parking provision when this is a replacement dwelling with an integral garage and parking included in the application.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[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 Local Plan 2011 - 2031, 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 Ferring Neighbourhood Plan has been made and the relevant policies considered in the determination of this application.

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 would have no materially adverse effect on the character or visual amenities of the locality or residential amenities of 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. The development represents a one for one replacement. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

Arun Local Plan 2011-2031.

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards) and T SP1 (Transport and Development) of the Arun Local Plan 2011-2031. These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- 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.

Ferring Parish Neighbourhood Plan.

Policies 1A (Spatial Plan for the Parish) and 10 (Sustainable Drainage Systems) of the Ferring Neighbourhood Plan 2014 (NP) are relevant to consideration of this application. Policy 1A, supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.

Policy 10 requires Sustainable Drainage Systems to be considered. The drainage for the proposal would be controlled by Building Control Regulations.

DESIGN AND VISUAL AMENITY

The proposed replacement dwelling would be set back approx. 12m from the front boundary which would be in keeping with the adjacent properties and would be virtually the same as the existing dwelling. The proposed set back position reflects that of the adjacent properties and would be in keeping in the street scene. The new proposed dwelling will include a first floor bedroom and attic and would therefore replicate the first floor accommodation present at 14 West Drive aswell as other properties with rear dormers in the street.

The proposed dwelling would be 2 storey with a pitched roof with a gable end front elevation facing the road and a low eaves height. The design is similar to other properties in the road which is defined by single storey and chalet style dwellings of varying design. The proposal does not have a materially harmful impact on the character and appearance of the locality The overall height is lower than 14 West Drive, and generally comparable with property heights in West Drive. The footprint of the dwelling is increasing significantly in both depth and width and the distance to site boundaries is reduced. A gap of 1m is retained to the north and 1.7m to the south. These separation distances would reflect those which are characteristic in the street scene and the extent of plot coverage is directly comparable with other dwellings in West Drive. Therefore the proposal would not compromise the spatial characteristics of the area.

The site is reasonably well screened from the road frontage, but this is likely to be removed with the creation of a double access to the road frontage. It is not considered necessary to impose a landscaping condition to ensure replacement planting since this would be unduly onerous on a one for one replacement dwelling application.

The agent submitted a revised plan prior to a decision being reached which related to the addition of a small veranda to the rear elevation which will comprise timber posts with a small hipped roof. This would be no closer to the adjacent dwelling than the side elevation of the existing dwelling and would have no materially adverse effect on the residential amenities of the adjacent dwelling to the south.

The proposal is therefore considered to accord with policies DSP1 and DDM1 of Arun District Local Plan.

RESIDENTIAL AMENITY

The new dwelling will increase the distance to the boundary with no 14, but reduce the distance to the boundary with no 10 to 1m. These distances are considered adequate to prevent any materially adverse overbearing impacts. The dwelling footprint is increased, but the replacement dwelling would not extend significantly forward or behind the neighbouring properties. No 10 has a side facing dormer, but a gap of 4m, which increases to 5m roughly in the position of the neighbouring dormer, would be retained. This would ensure that there would be no materially adverse loss of light to this window.

The proposal introduces a rear attic window which will result in overlooking of the neighbouring gardens to the rear. However, given the distance to the rear boundary of almost 10m and the minimum 14m gap to the rear elevation of the dwelling there will be no resultant harmful loss of privacy. It is also material to note that the neighbouring property number 14 has a rear facing dormer.

There are no windows proposed in the side elevations of the dwelling although roof lights are incorporated within both roof slopes. These would be located in the forward part of the side elevations and serve a stairwell and bathroom and would not therefore result in any materially harmful overlooking to neighbouring dwellings.

The proposal is therefore considered to accord with policy DDM1 of the Arun Local Plan.

The proposal has a gross internal floor area of 166sqm. Policy DDM2 of the Local Plan requires adherence to the Nationally Described Space Standards. According to these standards the minimum gross internal floor area for a 3 bedroom 2 storey dwelling is of 102 m2. The proposal would therefore comply with this standard and policy DDM2 of the Arun Local Plan.

ACCESS AND PARKING

Adequate on site parking is proposed with the provision of an integral garage and parking in front of the dwelling. County Highways have not raised concern about the proposal. It therefore accords with policy T SP1 of the Arun Local Plan.

SUMMARY

For the reasons set out above the proposal is considered to accord with Arun Local Plan policies SD SP2, DDM1, DDM2, QE SP1 and TSP1 and is therefore compliant with policy 1A of the Neighbourhood Plan which supports proposals inside built up area boundaries provided they are suited to an urban setting and accord with provisions of the neighbourhood plan and with other relevant development plan policies.

The application is therefore 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

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 Street Scene Elevations, Location & Block Plans 2919-03 revA and Proposed Floor Plans & Elevations 2919-02 rev H.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 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(s)/extension 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 DDM1 of the Arun Local Plan.
- 4 **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.