

Recommendation Report for Planning Permission

REF NO: FG/20/17/PL

LOCATION: 19 Oval Waye
Ferring

PROPOSAL: 1 No. replacement dwelling & associated works

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to demolition of the existing 2/3 bedroom dwelling and garage and its replacement with a 3 bedroom dwelling of slightly larger footprint.
SITE AREA	515.5 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	19 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open frontage. Fencing and hedging enclosing rear garden approx. 1.8m high
SITE CHARACTERISTICS	Detached chalet style dwelling with painted rendered elevations and a tiled roof. There is a large bay window to the front with a hipped roof covered by plain concrete roof tiles. There is a flat roof PVCu conservatory on the side (west) elevation and a detached single pitched roof garage close to the side boundary.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly detached chalet style dwellings of varying design. There are mainly two storey detached properties in this section of Oval Way with detached bungalows situated further to the north.

RELEVANT SITE HISTORY

FG/181/14/CLP	Application for a lawful development certificate for a proposed rear & side extension.	PP Required 06-02-2015
---------------	--	---------------------------

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: $\frac{\text{GEN7}}{\text{GEN12}}$

The Form of New Development Parking in New Development

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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; Walbarton; 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

Whilst an NDP is under preparation it will be afforded limited 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).

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 visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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

The proposed dwelling will replace an existing dwelling in a similar position on the site. The replacement dwelling would occupy a significant portion of the footprint of the existing dwelling, but would increase the rear ward projection by 2.4m and the width by 1 m to the east and 2 m to the west. Whilst the replacement dwelling will extend farther to the west, this is currently occupied by a single storey PVCu conservatory. Consequently, development has already been established in this portion of the site. The existing detached garage would be replaced by an integral garage.

The new dwelling will be significantly wider than existing but only slightly higher, approximately 0.7m. However, the property is surrounded by two storey detached dwellings of a similar size to that being proposed and therefore is unlikely to appear out of character with surrounding properties. The design would be in keeping with the variety of dwelling styles in the locality.

The existing dwelling is located in close proximity to the road close to the bend of Oval Way. The immediately surrounding properties of Nos. 21, 26 and 30 are set farther back from the road than the proposal. This set back is also observed for two storey detached properties to the north of the property in Oval Way. Whilst No. 17A is situated in close proximity to the road, it is a detached bungalow and so is not directly comparable to the proposal. The two storey dwelling would be larger than the dwelling it replaces, but would be no closer to the road frontage, retaining a gap of 4m between the front elevation of the dwelling and the road. It would also retain a gap to both side boundaries. On the site frontage this distance is 4.9m to the east and 2.4m to the west.

It is considered that the proposed development would be acceptable on the residential amenities of neighbouring properties because it is set further forward of the immediately neighbouring properties Nos. 21 and 17A. This means that there is no direct overlooking and any effects such as overshadowing or overbearing will not be at harmful levels. Although the proposal extends towards the west, the sizeable rear garden of 17A creates an acceptable separation distance between these properties and means that the increased height and width of the dwelling will not cause any harmful effects to this property. The proposed first floor layout with the rear first floor windows located on the western portion of the rear elevation has been designed to minimise the impact on the dwelling to the east. The dwelling is angled towards this boundary, but first floor windows are not proposed in the section of the roof closest to this boundary.

The proposal accords with the external space provisions set out in policy DDM3 of the emerging local plan. The rear garden exceeds 10m in length and the area of 100 sq m exceeds the standards.

In terms of the Nationally described Internal Space Standards the 185 sqm internal area meets the stipulated requirements for a 1 bedroom, 6 person house.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 Location, Block Plan 16/058/101, Site Survey P925-1, Existing Plans P925-3,4,5, Plans, Elevations & Sections 16-058, Site Survey, street scenes & sections P925-2, Proposed Street Scene 16/058/102.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No construction works shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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 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 GEN7 of the Arun District Local Plan.

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level in the north, west or east elevations of the dwelling hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede traffic flow.

- 7 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 8 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.