

Recommendation Report for Planning Permission

REF NO: FG/210/18/PL

LOCATION: 10 The Poplars
Ferring
BN12 5QL

PROPOSAL: Demolition of existing dwelling & erection of new single storey dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish the existing dwelling, and replace with a single storey dwelling.
SITE AREA	Approximately 127sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is bordered by low fencing to the sides, but is open plan to its front elevation.
SITE CHARACTERISTICS	The site is populated by a single storey bungalow.
CHARACTER OF LOCALITY	The area is residential, and is populated by predominantly similarly designed single storey bungalows. Opposite the site is a large public open space, with large, mature trees.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council - No comment.

1 Letter received from owner of neighbouring dwelling:

- The applicant has not discussed a Party Wall Agreement with the neighbour.
- It seems reasonable that a walkway or gap be provided between the two dwellings.
- Noise, building deliveries and works should be restricted.
- Damage caused to the road should be repaired.
- Special safety works should be employed to contain potential asbestos.
- Foul drainage runs to the rear of the existing dwelling, and is very old.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Party Wall Agreements, damage to the road and possibility of asbestos being present are not a planning matter. A discussion was had with the Environmental Health Department, and it was considered reasonable to restrict the hours of building works as standard. The Planning department cannot insist on changes being made where they do not constitute a reason for refusal.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

DDM2 D DM2 Internal space standards

QEDM1 QE DM1 Noise Pollution

SDSP2 SD SP2 Built-up Area Boundary

[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.

The relevant policies in the Ferring NP have been considered in determining 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 is not considered to have a detrimentally harmful impact upon the character of the locality, or the residential amenities of

local occupiers.

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 proposal seeks to demolish the existing dwelling and replace with a dwelling of a similar scale. Therefore, it is considered that the principle of a residential unit in this location is acceptable. 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. The relevant policies in this instance are considered to be D DM1 of the Arun Local Plan, and Policy 1a of the Ferring Neighbourhood Development Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy 1A of the Ferring Neighbourhood Development Plan states that proposals within the Built Up Area Boundary will be supported, subject to accordance with other relevant development plan policies.

DESIGN AND VISUAL AMENITY

In terms of design it is considered that the dwelling fully responds to the context of the site, reflecting the architectural styles and scale of nearby properties as well as using materials to reflect those found within the locality. Whilst the siting of the proposed dwelling within its residential plot is different to the existing dwelling, the proposed development is considered to remain in keeping with the spatial pattern, and layout of the locality, and does not come forward of the established building line in this area.

The proposed development comprises of a detached dwelling of similar and sympathetic design within the locality. The size of the dwelling itself responds to those present in the locality, as it matches that of #12 The Poplars. The size and design of the proposal and the use of traditional materials is in keeping with the character of the area. The proposed development seeks to erect a single storey bungalow, which is in keeping with the area, which is populated by predominantly single storey dwellings of varying designs.

The application is considered to be in accordance with D DM1(1) of the Arun Local Plan.

The proposed bedroom sizes are in accordance with those prescribed in the nationally described space standards and therefore in compliance with policy D DM2 of the ALP.

RESIDENTIAL AMENITY

The proposed dwelling is of a similar scale as the existing dwelling, and is considered to be sited adequate distance from the site boundaries (and therefore, adjacent dwellings), in order to not result in materially adverse overbearing and overlooking results to adjoining residential properties. The height increase of the dwelling is 0.35m at its maximum ridge height, which remains approximately the same distance from neighbouring dwellings as existing; this increase is not considered to result in any significant overshadowing. The proposed development features windows, however, these windows do not provide any views that are currently unavailable from the existing dwelling. The views from the

proposed dwelling are at ground floor level; therefore, they are no different to those available from the garden at current.

The application is considered to be in accordance with D DM1(3) of the Arun Local Plan

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is 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

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:

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 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 and samples of such materials and finishes to be used for external walls and roof 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 D DM1 of the Arun Local Plan.

- 4 No construction activities shall take place, other than between the hours of 8:00am - 18:00 Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, bank and public holidays.

Reason: In the interests of the residential amenities of adjoining properties in compliance with policies D DM1(3) of Arun Local Plan.

- 5 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.