

Recommendation Report for Planning Permission

REF NO: FG/219/18/PL

LOCATION: 11 Ocean Drive
Ferring
BN12 5QJ

PROPOSAL: Demolition & erection of 1 No. dwelling with associated parking & turning.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Replacement of an existing bungalow with a 2 storey dwellinghouse including an internal storeroom for bicycle storage and 3 external car parking spaces in the front garden.
SITE AREA	540 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre close boarded fence to the boundaries of the rear garden. 1 metre hedging and wooden slat fencing to front garden.
SITE CHARACTERISTICS	A bungalow with a brown clay tile roof and white rendered elevations, a large front and rear garden and a driveway to the side with a detached garage behind the dwelling house.
CHARACTER OF LOCALITY	A residential area close to the sea front in Ferring comprising a variety of bungalows, chalet bungalows and two storey dwellinghouses close to the shopping parade on Ferringham Lane in Ferring.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection on the following grounds:

- Development out of keeping with the character of the area.
- Overlooking and loss of privacy to neighbouring properties.
- Contrary to National Planning Policy Framework (NPPF).
- Recently approved planning approval for a two storey dwelling to the north (9 Ocean Drive) of the site out of character and adversely dominates the street scene.
- Infrastructure including unlit private streets never designed to cope with intensification of development as proposed.

9 letters of objection (including Ferring Conservation Group) citing the following issues:

- Principle of replacing bungalows with 2 story dwellings is unacceptable.
- Out of character with the existing village.
- Additional traffic would occur causing unacceptable impact on traffic in the locality.
- Dwarfs existing and neighbouring bungalows.
- Footprint covers whole width of site.
- Light and noise pollution increased.
- Loss of privacy to properties at the rear.
- 9 Ocean Drive had similar application for a two storey dwelling refused.
- 12 Ocean Drive also unsympathetically modernised.
- No publicity (yellow) notice displayed in Chalet Close.
- Commercial re-development of small bungalows.

COMMENTS ON REPRESENTATIONS RECEIVED:

A yellow notice was displayed in Chalet Close as part of the public consultation.

Commercial motives behind application is not a material consideration.

All other issues raised are covered in the Conclusions section.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection.

Due to the scale and location of development we have no conditions to request. Surface water drainage design and construction should be completed in accordance with building regulations.

WSCC Highways - No objection.

Ocean Drive is a privately maintained road therefore these comments are for advice only. The privately maintained roads meet the publically maintained highway at various points along Sea Lane

Visibility at junction of Beehive Lane with Sea Lane appears restricted in the trailing direction. However, an inspection of data supplied to WSCC by Sussex Police over a period of the last five years reveals that there have been no recorded injury accidents within the vicinity of the junction. Therefore there is no evidence to suggest that the existing junction is operating unsafely or that a replacement dwelling would exacerbate an existing safety concern.

Visibility at the point of access onto the publicly maintained part of Ferringham Lane appears sufficient for the anticipated road speeds in this location. The replacement dwelling is not anticipated to result in a material increase in vehicle movements on the publicly maintained highway.

Parking and turning

Three parking spaces will be provided on the site frontage and a single integral garage will be provided on site. This is not anticipated to cause a highway safety concern in this location. This is anticipated to be

sufficient parking provision for a dwelling of this size and location. There appears to be sufficient space for vehicles to turn on site and exit in a forward gear.

The LHA does not consider that the proposal for a replacement 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.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The proposed internal storeroom is not intended to be a garage but is intended to be used for the storage of bicycles.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
TSP1	T SP1 Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

Ferring Neighbourhood Plan policies have been taken into account with then 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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of the adjoining properties and it would have a significant 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

PRINCIPLE

The key policy considerations in the determination of this application are policies D DM1, D DM2, D SP1, QE DM1 and T SP1 of the Local Plan, policies 1A and 10 of the Ferring Neighbourhood Plan and the NPPF.

The key issues are:

- 1) The impact on the character of the area due to the introduction of a further two storey dwellinghouse in the street scene.
- 2) The impact on the privacy of neighbouring properties.

DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects of design including character, appearance/attractiveness, density and scale relative to this application;

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.

The mass and scale of the 2 storey building is significantly larger than the existing bungalow dwelling and that of neighbouring properties on Ocen Drive. It would be fully two stories in height and would have a ridge height 1.5m higher than the existing bungalow and 0.8m and 1.4m higher than the ridge of the two neighbouring buildings.

It would occupy the full width of the plot bar 1 metre at either side unlike the existing bungalow and neighbouring dwellings which generally have single storey garages or driveways to the side. The proposal would be at odds with the spacious feel of the neighbourhood and would be incongruous as a result in the setting of the street scene.

The proposed dwelling would have an unacceptable mass, height and scale in relation to the plot size that would dominate neighbouring dwellings and would be incongruous in the street scene contrary to policies D DM1 and D SP1 of the Arun Local Plan and policy 1A of the Ferring Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including impact on neighbouring residential amenity.

The proposed dwelling features obscure glazed top hung windows in the side elevation serving a stairwell to the south elevation (facing the bungalow at 15 Ocean Drive) and a toilet/bathroom to the north elevation facing the first floor side elevation of 9 Ocean Drive. The rear and front windows at first floor on the new dwelling would only obliquely overlook the most rear and most forward part of the neighbours gardens and as a result no significant loss of privacy would be likely.

The rear garden would remain at 20 metres long therefore any loss of privacy is not considered significant to the garden areas of the properties on Chalet Close to the rear of the site. No. 3 Chalet Close would have a rear elevation in excess of 26 metres from the new rear first floor elevation of the proposed property. A separation distance of 20 metres is usually considered acceptable for separation distance between rear elevations of two storey properties.

The first floor rear elevation windows of the proposed development would obliquely overlook the rear of a large garden of a backland property no.21 Ocean Drive at a distance of 9 metres. The main dwelling house would be in excess of 48 metres away, an acceptable separating distance to ensure no unacceptable loss of residential amenity would occur.

The dwellings to the front of the property (12 and 14 Ocean Drive) are over 40 metres away set back on their plots.

The Council uses the 45 degree rule to assess the impacts of developments on neighbouring properties. Development should not encroach upon a 45 degree line drawn from the centre of the closest primary habitable room window found on the front or rear elevations of the neighbouring properties.

The built form of the proposed dwelling does not intersect a 45 degree line drawn from the centre of habitable room windows at no.9 and no.15 Ocean Drive to the north and south of the property.

The side elevation of development would predominantly face the side elevation of 9 Ocean Drive to the north and would not have a significant overbearing impact or cause a significant loss light to that property because there are only secondary obscure glazed windows in that elevation at ground and first floor level.

The proposed two storey property would be to the north of the bungalow at 15 Ocean Drive with a separation distance of 7 metres from the side elevation of the proposed new property to the neighbouring bungalow and therefore there would be no loss of sun light or day light, privacy or overbearing impact caused by the development to that neighbour.

The impact of the proposed dwelling on its neighbours would be acceptable and would not be considered to have an adverse impact on residential amenity and would therefore comply with policy D DM 1 of the Arun Local Plan and policy 1A of the Ferring Neighbourhood Plan.

SPACE STANDARDS

Policy D DM2 of the ALP seeks to ensure adequate internal space standards in new dwellings in accordance with guidance within the Nationally Described Space Standards part of National Planning Policy Guidance.

The proposed dwelling has in excess of 217 sq. m. of internal space which is in excess of 124 sq.m. specified within the Nationally Described Space Standards. The proposal therefore complies with policy D DM2 of the Arun Local Plan with respect to internal space standards.

PARKING AND HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development does not have a severe impact on the highway network, provides adequate parking and promotes sustainable transport.

Regard should also be had to paragraph 109 of the NPPF 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 scheme provides sufficient space for the parking of 3 cars. Using the West Sussex Car Parking Demand Calculator it is estimated that the car parking requirement on the driveway is for 3 car parking spaces.

The dwellings in this area are served by a grass verge which is used as a pedestrian pavement.

West Sussex County Council Highways Department have assessed the scheme and considers that the proposal would not have a severe impact on the highway network and have no objection to the scheme.

It is therefore considered that the proposal is in accordance with policy T SP1 of the Arun Local Plan.

SUMMARY

For the above reason it is recommended that the application is refused for the following reason:

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 proposed dwelling by reason of its scale and height would be an incongruous feature in the street scene and have an unacceptable impact on the character and appearance of the area contrary to policies D DM1 and D SP1 of the Arun Local Plan and policy 1A of the Ferring Neighbourhood Plan.
- 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.