

Recommendation Report for Planning Permission

REF NO: FG/220/18/PL

LOCATION: Land adjacent to Elm Lodge
Tamarisk Way
Ferring
BN12 5ER

PROPOSAL: Erection 1 No. dwelling with integral garage.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	Sub division of the plot of an existing detached chalet bungalow dwelling and the construction of a further chalet bungalow with a substantial two storey elements in the existing garden of the original dwellinghouse providing 3 car parking spaces using an access way from Tamarisk Way.
SITE AREA	460 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	A 3 metre hedge and 2 metre close boarded fence to the front and side boundaries of the existing dwelling.1 metre and 2 metre close boarded fencing to the rear boundary.
SITE CHARACTERISTICS	The existing site has a chalet bungalow with dormer roof extensions on a large site with a large garden to the front and sides with a driveway and attached garage to the rear. The proposed new dwelling would be located in what is effectively the primary amenity space of the dwelling house which is located to the front of the dwelling rather than to the rear.
CHARACTER OF LOCALITY	The original bungalow has been subject of a planning approval FG/186/18/HH for significant extensions and refurbishment. The site is within a residential area of primarily private housing estates consisting of a mixture of bungalows, chalet bungalows and two storey detached dwellings. The site overlooks open agricultural farmland to the front which is part of the Strategic Gap between Ferring and Worthing. The existing property is set back from the road side in a curve of the building line which, added to its proximity to farmland, provides an open character to the area.

RELEVANT SITE HISTORY

FG/31/71	2 Chalet Bungalows And Garages	ApproveConditionally 19-03-71
FG/78/68	Outline Application For 4 Bungalows And Garages	Refused 15-08-68
FG/186/18/HH	Demolition of existing porches and erection of single storey side extension and part single/part two storey side extension	ApproveConditionally 05-12-18
FG/51/05/	Extension to garage	ApproveConditionally 31-05-05
FG/76/02/	Proposed conservatory	ApproveConditionally 18-09-02

The existing property had a planning application approved to create extensions at ground and first floor level (FG/186/18/HH).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection on the following grounds:

- It is noted that ADC surface drainage commented that there is a history of surface water drainage problems at this location which affect the application site, neighbouring properties and road safety.
- Proposal needs to fit in to whole area not just newly approved extended original property at Elm Lodge.
- Development in the garden would destroy the harmony of the overall design concept of estate with an open pleasing aspect of significant character which is currently symmetrical with Magalla, Tamarisk Way opposite.
- Proposed infill cramped and unneighbourly development.
- Significant area of the garden of the site is occupied by a pond therefore not available for development which leads to a cramped appearance.
- Any such development would also jeopardise the longer-term prospects for the site opposite to become a target for development, potentially compounding the issues.
- Highway safety issues due to how close the vehicular exit from the new property would be to the Sea Lane/Tamarisk Way junction.
- Visibility at junction of Tamarisk Way with Sea Lane appears restricted in both directions as cited by WSCC.
- Proposal would exacerbate this situation and make it unsafe due to proximity of new driveway with no

onsite turning at new property. Potential flooding could adversely affect traffic safety.

- Adverse impact in terms of loss of light and open outlook to property to the north (78 Sea Lane).
- Works, foundations and/or pilings could risk the integrity of the natural drainage resource.

Ferring Conservation Group

Objection on the following grounds:

- Concern regarding drainage despite agreement of ADC Engineers
- Visual intrusion into street scene.
- Density of development would be inappropriate given densities of nearby properties on Sea Lane.
- Asymmetry of proposed new dwelling to bungalow opposite (Magalla).
- Large garden of the existing house is part of the spacious texture of Ferring and important to its character.
- Cramped appearance of dwelling adjacent to Elm Lodge.

Neighbour objections

49 emails and letters of objection including the following issues:

Design:

- Overdevelopment of plot.
- Back garden development.
- Cramped and unneighbourly development.
- A significant proportion of the plot is occupied by the pond.
- Construction of new dwelling in this location will unbalance symmetry of Elm Lodge and Magalia as currently exists at the entrance to Tamarisk Way. The openness this creates has been a feature of the area since the 1930's.
- Additional large house would be out of character with other dwellings and street scene. Views up and down Sea Lane affected. Loss of semi rural character of the area.
- Tamarisk Way is predominantly single storey bungalows that exist in harmony and have a symmetry of distance between them.
- Amendment to planning application only remedies the drainage issue and makes the development more cramped on the site.
- Development would set precedent for similar application opposite at Magalia further reducing the open character of the area.
- Infill housing cumulatively alters the ambiance and character of the area.
- Large garden area valuable amenity.
- Materials of construction are out of character in the local area.

Drainage:

- Infrastructure is being strained as a result of additional houses beyond acceptable levels.
- Surface water drainage issues not adequately addressed due to development next to pond which is part of the South Ferring Drainage system. Flooding will still be a problem despite removal of ADC drainage engineers objection.
- Drainage from Sark Gardens relies on soakaways and open ditches which flow to the rear of properties in Tamarisk Way (now piped).
- The reason why there are so many private roads in Ferring is that Ferring Village was built without proper underground surface water drainage and poor road construction (as cited in studies carried out by Ferring Roads Association).
- 2018 was a dry year however flooding is likely to occur again when the high water table in the area re-asserts itself.
- Built form and hardstanding will reduce the area for rainwater to soakaway.
- Loss of a number of ditches and two roadside soakaways.

- Potential for decking to rot and end up clogging up the pond & drainage system.
- Stream on west side of Sea Lane runs into the pond in Elm Lodge which overflows onto the road after heavy rain.
- Climate change to cause periods of intense rainfall. Drainage channel to the north of properties on the north side of Tamarisk Way (now piped) may be overwhelmed due to surface water run off from the proposed development.
- Loss of trees and landscaping would exacerbate flood risk.

Highways

- Additional danger to road traffic and pedestrians caused by additional vehicles exiting Sea Lane where traffic speeds are high.
- Development would impair visibility at junction.
- The addition of an access from the newly created residential property so close to Sea Lane would cause a traffic hazard.
- It is acknowledged that there is a good safety record at the junction of Tamarisk Way/Sea Lane. The new development would introduce a traffic hazard that would cause accidents at this location.
- Kerbside parking and delivery vehicles serving the new property add to traffic hazard and increase visibility restrictions accessing and egressing Tamarisk Way.

Residential Amenity:

- 2 full length balcony windows facing Magalia and garden plus a further two in the approved extension of the existing dwellinghouse would cause an excessive and unacceptable intrusion to privacy and have an overbearing impact.
- Loss of amenity to the original dwellinghouse.
- Loss of light and overbearing impact to 78 Sea Lane immediately to the north of the application site.

Biodiversity

- Wildlife impact from overdecking of pond.
- Believed to be great crested newts, slow worms, frogs & toads present in ponds nearby.

Other issues

- More vehicles would cause additional air pollution.
- Light pollution from the new house.
- Noise pollution from inhabitants of new dwelling.
- An objection was made to application FG/186/18/HH at a site visit.
- Artist impressions provided by the applicant not an accurate representation of the development.

Additional representations from the applicant:

- The applicant has sought to demonstrate that the proposed additional dwellinghouse would not be out of character with other corner plots on Sea Lane.
- A plan suggesting that there should be a single straight building line considered for the entirety of Sea Lane which the proposed new dwelling complies with.
- The applicant attempts to make the case that before submitting the application there was no open aspect to Tamarisk Way prior to their cutting down of trees in the front garden of Elm Lodge.
- There were no neighbour objection to the transformation of Elm Lodge from application FG/188/18/HH and therefore there should be no objection to the current proposed additional dwelling.
- The applicant states that the proposed development alongside the proposed build out of a previously approved extension to Elm Lodge would have a minimal impact on the open aspect of the street scene.
- A series of studies purporting to show that there will be no impact on Elm Lodge's daylight as a result of the new dwelling.
- An email was received attempting to demonstrate that the density of development of the proposed

development was in keeping with surrounding properties

Email from the applicant dated 18th January in response to representations;

- Background not a material planning consideration.
- Sites for existing and proposed dwelling at Elm Lodge are larger than those of all the other properties on the north side of Tamarisk Way.
- No objection from WSCC Highways.
- Site in Flood Zone 1, low risk of flooding. Works include refurbishment of pond which will improve surface water drainage.
- Consider scheme to be on surplus garden land and to comply with Arun Local Plan and the National Planning Policy Framework.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objections from the Parish Council, Ferring Conservation Group, neighbours objections and additional comments from the applicants are addressed in the conclusions section to the report below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

WSCC Strategic Planning

Environmental Health

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

ADC Drainage Engineers

Amended original proposals

The proposed plans have been revised to provide easement to the pond to facilitate future maintenance works. The proposals have also been adjusted to remove the proposals for any infilling of the pond. I therefore remove my previous objection and request that should this application be approved the standard drainage conditions being applied.

West Sussex County Highways

Access and visibility

The plans indicate that a new access to the site is proposed for Tamarisk Way. The applicant should obtain formal approval from the proprietor of the private lane to carry out any site access works.

Visibility at junction of Tamarisk Way with Sea Lane appears restricted in both directions. 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 the addition of a single dwelling would exacerbate an existing safety concern.

Parking and turning

The proposed plans indicate that two off-street parking spaces will be provided for the proposed dwelling and an integral garage. The revised plans demonstrate internal garage dimensions of 3 x 6m, as recommended by the LHA in our previous response. The garage can now be counted as a third parking space for the proposed dwelling. This level of parking provision is anticipated to be sufficient for a dwelling of this size and location. A turn on site would be preferred however there is clearly insufficient space on site to accommodate this. However, neighbouring properties have similar arrangements and operate without evidence of safety concern.

Sustainability

The site is located within walking distance of bus stops providing access into Worthing; however, the roads leading to the bust stops are unlit and there are no footways. No local shops or services are located within a short walking distance of the site. As such, it is anticipated that there will be reliance upon the private car in this location. Cycling is a viable option within the vicinity and as such details of secure and covered cycle storage can be secured via condition.

Conclusion

The LHA does not consider that this proposal 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. If the LPA are minded to approve the application, the following conditions and informative relating to cycle parking and the layout of car parking spaces should be applied.

ADC Environmental Health

No objection subject to conditions relating hours of construction and light spillage avoiding statutory nuisance

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in the Conclusions section below

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN
CLASS C ROAD

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
TSP1	T SP1 Transport and Development
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM2	W DM2 Flood Risk
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
WDM3	W DM3 Sustainable Urban Drainage Systems

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

Ferring Neighbourhood Plan 2014 Policy 10

A Spatial Plan for the Parish

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.

Policies 1A and 10 of the Ferring Neighbourhood Plan are considered relevant to 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, the visual amenities of the locality and 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 site lies within the built up area boundary where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan and Policy 1A of the Ferring Neighbourhood Plan state 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 key policy considerations in the determination of this application are policies D DM1, D DM2, D SP1, and T SP1 of the Local Plan, policy 10 of the Ferring Neighbourhood Plan and the NPPF.

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.

Para. 122 and para.123 of the National Planning Policy Framework (NPPF) support development that makes efficient use of land.

Density

The Government within National Planning Policy encourages the efficient use of land. Whilst the density of the proposal is higher than that found on the immediate set of properties neighbouring the application site along Sea Lane, it does accord with the density of development along Tamarisk Way.

Building Line

The proposed development would be located within the build line on the Sea Lane and Tamarisk Way frontages and this is considered acceptable and in character with the street scene.

Design/materials

The prominence of the proposed dwelling in the street scene would be exacerbated by its modern design and materials which do not fit in with the traditional cottage style reds and browns of neighbouring properties set by clay tile roofs, hanging tiles and red brick. The proposed materials of construction are not atypical of other developments within the Ferring Area. In addition planning approval for similar materials and a dwelling of a similar scale was granted at Elm Lodge (FG/84/18/HH) and therefore the proposed materials would not significantly alter the character of the local area.

Siting

Due to the necessity to locate the property a prescribed distance from the pond the proposed dwelling and its large two storey gable ends and large roof dormers of the proposed dwellinghouse, would have a cramped appearance on the site in relation to the existing dwelling Elm Lodge. The cramped dwellings would be visible from a considerable distance from the south along Sea Lane and would have an unacceptable impact on the visual amenities of the surrounding area.

Character

The house design of properties fronting Sea Lane are of varying character and therefore, in this regard, what is proposed has an acceptable impact on the street scene. A number of objectors raise concern that the gap currently in existence between Elm Lodge and Sea Lane will be erased as a result of the siting of the property. Whilst this is true the impact that this will have on the character and appearance of the locality is acceptable. This is due to the fact that the site benefits from screening from a fence and general vegetation as well as noting that there are a number of cases along Sea Lane, in close proximity to the application site, where dwellings are a similar distance from the Highway.

In summary, the impact on the visual amenity in the area including the street scene on Sea Lane and

Tamarisk Way is acceptable and complies with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including impact on neighbouring residential amenity.

Para. 127 f) of the National Planning Policy Framework states that new housing developments should provide 'a high standard of amenity for existing and future users'

The original dwelling on the application site would have a front elevation separated by between 4-6 metres from the rear elevation of the new dwelling which would cause an overbearing impact on and a loss of daylight and morning sunlight to existing primary habitable room windows including sole bedroom windows at first floor level, and a conservatory, bedroom & dining/living room windows at ground floor level.

The proposed dwelling would have a negative unneighbourly impact on these windows. The current application proposes the removal of the conservatory however this is not within the red line of the application site nor included within the description of the application.

The proposed new dwelling would be approximately 13 metres from the side elevation of 78 Sea Lane which contains primary habitable room windows at ground and first floor level which would be caused an overbearing impact and loss of daylight and sunlight, particularly in the winter months as the proposed new dwelling would be located due south of these windows. The Council considers a distance of 20 metres between facing habitable room windows to be acceptable.

In addition the proposed new dwelling would suffer from a loss of privacy as there is a sole primary habitable room windows serving a bedroom at first floor level in the southern elevation of 78 Sea Lane which would directly overlook the rear amenity area and two double full length doors opening onto the garden amenity area serving the dining room and family room of the proposed dwelling,

The chalet bungalow opposite (Magalia) has a similar layout to the existing dwelling, Elm Lodge such that the primary garden space is located to the front of the dwelling facing onto Sea Lane. The cumulative impact of a bank of fenestration at first floor level on the south elevation of the proposed dwellinghouse facing Magalia including 2 large first floor Juliet balcony doors and additional fenestration to the bedroom 3 and the master bedroom at a distance of 15 and 18 metres respectively from Magalias garden area would be unacceptable. Magalia's primary garden area is currently not overlooked at all. The proposal would have an unacceptable overbearing impact and cause a loss of privacy to the east and north facing elevations and rear amenity space of Magalia, Tamarisk Way.

The proposed new dwelling would have an unacceptable impact on the residential amenity of neighbouring properties in terms of a loss of light, overbearing impacts and loss of privacy and would fail to maintain a high standard of amenity for future users Elm Lodge, Elm Lodge itself, Magalia, Tamarisk Way and 78 Sea Lane contrary to policy D DM1 (3) of the Arun Local Plan and the National Planning Policy Framework.

SPACE STANDARDS

Internal

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 200 sq. m. of internal space. 102 sq.m. is specified within the Nationally Described Space Standards for a 3 bedroomed dwelling. The proposal therefore complies with policy D DM2 of the Arun Local Plan with respect to internal space standards.

External

External Space Standards are not subject of specific policies within the Arun Local Plan or Ferring Neighbourhood Plan. The proposed dwellinghouse would have a rear garden facing toward 78 Sea Lane to the north with a maximum depth of approximately 7.5 metres. However given the additional garden space to the east elevation of the development and potential amenity space created as a result of overdecking the pond, it is considered that the amount of outdoor amenity space provided is acceptable.

DRAINAGE AND FLOODING

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.

It is acknowledged that there has been significant complaint and warning with respect to drainage and flooding issues at the site. Drainage is however a technical issue and subject to conditions imposed requiring monitoring and mitigation measures it is the view of the Arun District Council Drainage Engineers that the proposed development would be acceptable and adequately addresses flooding issues.

The proposal is therefore compliant with policy W DM3 of Arun Local Plan and policy 10 of Ferring Neighbourhood Plan.

PARKING AND HIGHWAY SAFETY

Arun Local Plan 2011-2031 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 including an internal garage. Using the West Sussex Car Parking Demand Calculator it is estimated that the car parking requirement is for 3 car parking spaces.

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 subject to conditions relating to the provision of cycle storage and layout of car parking areas.

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

BIODIVERSITY

Policies ENV DM1 and ENV DM5 relating to the natural environment and development and biodiversity apply to this development.

The applicants have filled in the biodiversity checklist and indicated that no protected species exist in the

site

The development should have regard to Natural England's standing advice for protected species in the event of the development being approved. Relevant informatives would be applied to any approval of planning permission.

NOISE, LIGHT AND AIR POLLUTION

The proposed development would be unlikely to have any significant impact upon noise, light and air pollution over and above existing dwellinghouses in the vicinity of the site and it is therefore considered to comply with policies QE DM1, QE DM2 and QE DM3 of the Arun Local Plan.

SUMMARY

For the above reasons 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 new dwelling would have an unacceptable impact on the residential amenity of neighbouring properties including the host dwelling in terms of a loss of light, overbearing impacts and loss of privacy contrary to policy D DM1 (3) of the Arun Local Plan and the National Planning Policy Framework.
- 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.