

Recommendation Report for Planning Permission

REF NO: FG/37/22/PL

LOCATION: 61 Sea Lane Gardens
Ferring
BN12 5EG

PROPOSAL: 1 No dwelling. This site is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a 2/3 bedroom detached dwelling measuring approximately 12.5m by 8.5m. The proposed building is a 1.5 storey property with a ridge height of 6m and an eaves height of 3.5m. The application includes parking to the site frontage. The materials are referred to generally on the elevation plans and include plain tiles, white smooth render lower and tile hung to first floor. The site is an irregular corner garden plot to the east of 61 Sea Lane Gardens.
SITE AREA	267 sqm/0.026 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	39 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site is surrounded by mature hedging and tree. There is 1 TPO tree to the northern boundary of the site (3/71/15). It is identified as an Ash Tree (T1).
BOUNDARY TREATMENT	Fencing and hedging.
SITE CHARACTERISTICS	The site is located within an area of detached dwellings situated between the junctions of Sea Lane Gardens and Greenways Crescent. It forms an irregular garden plot belonging to No 61. Sea Lane Gardens. It has a pleasant, low density character with extensive tree cover. No. 36 (opposite) is a similar shaped plot and measures approx. 72m in length and at its widest point 18.5m deep down to 7.5m, forming a long wedge plot between Sea Lane Gardens and Sea Lane. The proposed plot is of a similar wedge shape depth but narrower at its smallest end at approximately 5m in depth, additionally it is 26m in length.
CHARACTER OF LOCALITY	Predominantly residential. The site is located within an area of detached dwellings on the north side of Sea Lane Gardens and between Greenways Crescent. It has a low density character with plots most plots being of a good size.

RELEVANT SITE HISTORY

FG/116/14/HH	Demolish existing garage and replace with timber framed black PVCu clad garage, erection of gate at drive entrance and erection of close boarded fence fronting Sea Lane Gardens.	ApproveConditionally 02-10-14
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REPRESENTATIONS

Ferring Parish Council - Objection:

- Overdevelopment of the site.
- Out of character with Sea Lane Gardens and with the general spacious plots in this location and would afford minimal amenity space for the type of dwelling.
- Highway safety concerns, poor visibility.
- No control of screening which is of importance to neighbours.
- Turning on site will reduce parking.

11 Objections:

- Severe overdevelopment of the site.
- Contrary to policies (Parish Council & public) of infilling of gardens.
- Access on to Sea Lane Gardens on a blind corner where cars are regularly parked on the bend.
- Proposed plans have no turning space.
- Further pressure on local infrastructure.
- Loss of privacy.
- Incorrect drawings.
- Negative impact of amenity for occupiers and surrounding residents.
- Loss of trees/ hedging to site, no under ownership of applicants.

Ferring Conservation Group - Objection

- The new dwelling would have virtually no garden or private amenity space.
- Cramming in another house does not respect the existing character of Sea Lane Gardens and Greenways Crescent, where house density is low, houses are well separated, and there is a semi-rural atmosphere - particularly in the southern stretch of Greenways Crescent.
- The physical and social infrastructure of Ferring is already under great strain - from traffic congestion and parking to GP services.

COMMENTS ON REPRESENTATIONS RECEIVED:

The main concerns raised by the Parish Council and local residents relate to overdevelopment of the site and adverse impact on the street scene. It is considered that the proposed dwelling will be set forward from the road when compared to No. 61, however this is similar to No 36 opposite. It is also noted that it would not be afford a similar private amenity space like No 36 and the resultant plot size would be dissimilar to any others in the immediate area, giving rise to a cramped form of development. It would have a road frontage where county highways have not highlighted it as unsafe.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - Advice

- No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

WSSC Highways - Advice

- The intensity of use would not alter as there would be an access point per dwelling.
- Using Arun DC's parking guidance, a 3-bed dwelling in this location (parking behaviour zone 2) would be anticipated to attract the demand for 2 car parking spaces. The proposed includes a hardstanding area large enough to accommodate such a demand. A turn on site may be possible with the use of a multi-point manoeuvre.
- The parking provision should be EV enabled, the specific details of this EV provision can be secured via a suitably worded planning condition.
- A timber shed will be used to provide a secure and covered cycle store. The specific details of which should be secured via a suitably worded condition.
- Does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

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
QESP1	QE SP1 Quality of the Environment
ENVDM4	ENV DM4 Protection of trees

[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

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011 -2031, West Sussex County

Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Arun District Local Plan was adopted on 18th July 2018.

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."

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 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.

In this case the key other Arun Local Plan policy considerations are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards) and T SP1 (Transport and Development), W DM3 (Sustainable Urban Drainage Systems) of the Arun Local Plan.

Part P (Infill Development) of the Arun Design Guide is also of relevance. This Guidance seeks 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.

The NPPF gives a presumption in favour of sustainable development unless the adverse impacts of

doing so would significantly and demonstrably outweigh the benefits (para 11(d)), generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

DESIGN AND VISUAL AMENITY

The applicant seeks planning permission for the erection of a new dwelling. At the time of the Officer's site visit it was noted that the application site was mainly laid to a gravelled parking area for the host dwelling. It is surrounded by a 1.8m high close boarded fence with hedging/trees to the roadside, with an access point at the junction of Sea Lane Gardens and Greenways Crescent. The plot is an irregular 'wedge' shape not dissimilar to No 36 Sea Lane Gardens, however, it is notably shorter in length (72m vs 26m)

Policy D DM1 and Part P of the Design Guide state that development should emulate the established pattern of building height, scale, plot width, and building line along the edge of the plot, and continue the rhythm of the street. The proposed dwelling would be set back a maximum of 4.4m from the southern boundary, 5.3m from the northern boundary, 1m from the western boundary and 11.6m from the eastern boundary. Its garden space to the north of the building, would be a maximum of 5.9m deep. Given the limited space and awkward plot shape, no definite rear garden space exists, however, it is noted within the Design and Access Statement that the 'rear' garden will be located to the south of the property (adjacent to the front door) and be 4.4m deep. Design guidance recommends that private amenity space should equal at least the footprint of the dwelling. This is possible on site if the entire space surrounding the footprint is included, however given its relationship with the boundary fences this will not be a high-quality space.

With the exception of No 36 (in part), the proposed space about the building does not reflect that of the adjacent properties and would not be in keeping with the spatial pattern of the area. It will have a higher density over that of its neighbours. In relation to the street scene, the proposed dwelling would be situated forward of the building line set by all other dwellings to the north side of Sea Lane Gardens. Apart from the host dwelling, other dwellings on Sea Lane Gardens have a 'traditional' frontage, which are mostly deep and open plan, some lower-level fences are found. The frontage to No 61 is currently the anomaly to this rule and it is proposed to have the front of the dwelling (southern elevation) behind the existing 1.8m fence. It is felt that this would therefore be incongruent within the street scene.

The new proposed dwelling will replicate the chalet bungalow design of the host dwelling. The proposed dwelling would be 1.5 storey with a pitched roof with barn ends fronting the north, south and east. The design is traditionally styled and includes plain clay tiles to the roof and the first floor, whilst the lower half of the dwelling is to be rendered. The design detailing and materials are comparable to the host dwelling No. 61 and other dwellings in the area. The overall height is equal to that of the host dwelling. The visual character of the proposed dwelling will be complementary to the area.

The site is reasonably well screened from the road frontages by planting and a 1.8m fence, more so from Greenways Crescent which has a thicker hedge/tree coverage fronting the roadside, giving the appearance of a country lane. It is noted that to the north of the site is a TPO'd Ash tree, this has not been denoted on plans and as such no comment in relation to its location in relation to the proposed dwelling can be made. Retention of screening has been proposed however comments have been raised as to the ownership of this hedging buffer, indeed plans show the buffer outside of the application site, as such it cannot be controlled by the applicant. This may provide additional screening in the immediate term, but it cannot be controlled by condition and cannot therefore be considered to be justification for the sites screening from the road.

The proposal is therefore considered to conflict with policies D SP1 and D DM1 of Arun District Local Plan and Part P of the Design Guide.

RESIDENTIAL AMENITY

The new dwelling will be 21m from No. 61, the site is surrounded on the other three elevations by roadways. Policy D DM1 requires that there is minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance. As the proposed dwelling is located to the east of No. 61 and adjacent to its new driveway area, No. 61 is still expected to be afforded a good level of amenity and it is not expected to result in material residential amenity harm from overshadowing or overbearing, this also applies to neighbouring occupiers.

The proposed building is a 1.5 storey property with an equal ridge height to that of No 61. The bulk of the elevations have been sympathetically designed, not only to be in-keeping but also to reduce the overall scale of the proposal by including barn-ends to gables.

Apart from the planting surrounding the site, no other landscaping has been recommended as part of this application.

In terms of overlooking, the proposed western elevation facing No 61 will have minimal glazing and includes one high level window to the living space and an obscured rooflight to the en-suite. Given the good separation distances between other dwellings no views which would cause harm to the amenity of neighbours are proposed.

The existing dwelling has various openings to its western elevation, including a first-floor dormer. The distance between this elevation and the proposed boundary shared with the new dwelling is approx. 11.4m. The only significant amount of private amenity space proposed to the new dwelling is directly adjacent to this boundary. Given the extensive level of glazing to the western elevation of No.61 and its elevated level it would cause an unacceptable relationship and adversely effect the privacy of the private amenity space of the proposed new dwelling.

The proposal is therefore considered to conflict with policy D DM1 of the Arun Local Plan.

SPACE STANDARDS

The proposal has a gross internal floor area of 103sqm. Policy D DM2 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 D DM2 of the Arun Local Plan.

ACCESS AND PARKING

Parking standards for a three-bed dwelling in this area results in the requirement of 2 spaces. Adequate onsite parking is proposed to the eastern side of the dwelling. Concerns have been raised about the lack of turning space within the site and it is accepted that turning with 2 cars on the drive would be difficult. Given the low traffic along the road and similar existing neighbouring layouts, it is not anticipated that vehicles reversing from the site onto the road would cause a 'severe' or unacceptable highway safety concern. On this basis no highway objections are raised. The proposal is therefore considered to accord with policy T SP1 of the Arun Local Plan.

QUALITY OF THE ENVIRONMENT

Policy QE SP1 requires new development to contribute positively to the quality of the environment, including impact on neighbours and natural environment. It is considered that the placement of the proposed dwelling on this awkward plot would give rise to overdevelopment of the site and potential harm to a protected tree, which in turn would negatively impact neighbouring occupiers and the natural environment at detriment to the locality. As such, this conflicts with Policy QE SP1 of the Arun Local Plan.

SUDS

Policy W DM3 sets out that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process, in order to increase the levels of water capture and storage and improve water quality. No details have been submitted in relation to SUDS it therefore conflicts with policy.

SUMMARY

For the reasons set out above the proposal is considered to conflict with Arun Local Plan policies D SP2, D DM1, QE SP1 and is therefore not 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.

Although the proposal represents sustainable development, in accordance with paragraph 11d of the NPPF, the Council concludes that there are significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, outweigh the limited benefits of the proposal and therefore outweigh the presumption in favour of such sustainable development. As such it is recommended that it be refused for the following reasons.

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 site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the

surrounding residential area, contrary to policy D SP1 and D DM1 of the Arun District Local Plan.

- 2 The proposal is contrived in design and the limited and awkwardly shaped site area and amenity space would result in a form of development which would be detrimental to the residential amenities of existing and future occupiers contrary to policies D DM1(3), (15) and QE SP1 of the Arun Local Plan and Part H of the Arun Design Guide.
- 3 As no details for a SUDS have been identified the proposal would give rise to a substantial surface water run-off/reduce the floodwater storage capacity thereby increasing the likely incidence of flood conditions in the locality. The proposal therefore conflicts with policy W DM3 of the Arun District 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.