

Recommendation Report for Planning Permission

REF NO: FG/46/21/PL

LOCATION: Land between 11a The Grove and
30 Brook Lane
Ferring

PROPOSAL: Development of 1 no. 2 bed house set over 2 floors, with first floor being partially contained within roof, along with associated parking & amenity spaces. This site is within CIL Zone 4 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed 2 storey 2 bedroom dwelling has a footprint of 7.6m by 8.7m and a ridge height of 6.7m and eaves of 4.9m. The elevations comprise smooth render and tile hanging.
	The proposal has 2 parking spaces to the site frontage and a side garden measuring 2.2m wide by 7m deep.
SITE AREA	120 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	83 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	One tree is located in the centre of the site frontage which is not indicated for retention, but it is not of significant visual amenity value.
BOUNDARY TREATMENT	Close boarded fence along side and rear boundary to approx. 2m.
SITE CHARACTERISTICS	Garage is located in side corner of site. Site is part hard surfaced, part covered in gravel and is used for car parking. and storage. Access to dwelling to rear adjoins site.
CHARACTER OF LOCALITY	Predominantly residential comprising a mix of dwelling type and materials . Properties fronting Brook Lane are 2 storeys. Those in The Grove are bungalows. The corner 2 storey property is divided into 2 units.

RELEVANT SITE HISTORY

FG/27/62	Conversion Into Two Flats	ApproveConditionally 09-03-62
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REPRESENTATIONS

Ferring Parish Council - Objection

- No objection in principle to the further development of this site, but the plans as presented constitute overdevelopment.
- Primary concern is the eastern elevation where the dwelling appears to extend tight to the boundary with no access available to maintain the building without incursion over the neighbouring private garden.
- Inadequate parking and outside amenity space.
- The size and footprint of this proposed dwelling cannot be accommodated within the confines of the small plot available.

16 Support

- Sympathetic form of development which fits to the site.
- Should be designed to be eco friendly.
- The property design seems very acceptable and not too imposing.
- Windows don't overlook neighbour's properties.
- The land for proposed development is an unused piece of land at present used for storage of building materials and garden waste.
- There is demand for housing.

35 Objections

- Plot is very small.
 - This building is too big and too close to those immediately next to it.
 - The pathway at the end of my property is used for access for contractors to service tree trimming and keeping the area clean and tidy. The new build will obstruct this area plus the extra parking will also obstruct the pathway.
 - Further traffic is unacceptable in an already congested area.
 - This plan is a gross over-development of a garden.
 - The proposed development by reason of its size, depth, width, height and the position on a plot too small for purpose will have an unacceptably adverse impact on our home life and the continued use and enjoyment of our garden and home. Such close proximity of the entire width of the rear elevation of this two-storey property which has been shoehorned right back along the west boundary of our garden will be claustrophobic, overbearing and intrusive.
 - This proposal contravenes Arun Council's Design Guide as follows:
 - It fails to provide the recommended 10.5 m depth for new build gardens.
 - It fails to provide 21m separation between habitable rooms.
 - It fails "to have minimal impact to users and occupiers of nearby property. For example by avoiding significant loss of sunlight, privacy and outlook"
- This proposal fails to meet West Sussex County Council's Highways Authority standards. One of the spaces does not meet the minimum specification". An average-size vehicle will protrude into the road causing a line of sight hazard when exiting the drive to 24 Brook Lane's rear parking,
- The ground floor windows to the north elevation open out and intrude into the 8ft wide access road to our rear parking, rendering it unusable if the windows are opened. If the windows open inwards, the available internal living space will be reduced accordingly.
 - This proposal will contribute towards continuing problems between neighbours for years to come when there is no access to the rear of the property to carry out repairs.
 - Do not believe that this property can be built entirely from within the plot itself.
 - The application should not have been validated as not all plans have a scale plan so its not possible to ascertain dimensions.
 - There is no ditch for surface water so will have to go to foul sewer.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments made are addressed in the conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

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:

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
ENVDM5	ENV DM5 Development and biodiversity
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 policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Ferring Neighbourhood Plan have been taken into account when considering this proposal.

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 conflict with relevant Development Plan policies in that it would result in a cramped form of development out of keeping with the character of the surrounding area

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The proposed development is situated within the built up area boundary where the principle of development is acceptable is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan. The key policies are considered to be D DM1, D SP1 and T SP1. Ferring Neighbourhood Development Plan Policies 1A and 10 are relevant.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan. Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including character , appearance, density and scale.

Policy D SP1 of the Arun Local Plan sets out 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.

Ferring Neighbourhood Development Plan Policies 1A and 10 are relevant. Policy 1A highlights that the presumption in favour of development within the Built-up Area Boundary, provided that they accord with the provisions of the Neighbourhood Plan and with other relevant Development Plan Policies. Policy 10 highlights the importance of sustainable drainage design and that schemes that demonstrate effective sustainable drainage design features will be effective in managing the risk of surface water flooding within and beyond their boundary will be supported.

Policy T SP1 sets out that that the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. It also sets out to achieve appropriate levels of parking in line with Arun's Parking Standards Supplementary Planning Document January 2020.

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.

CHARACTER, DESIGN AND VISUAL AMENITY

The applicant seeks planning permission for the erection of a new dwelling. Within the wider area there are a variety of dwelling styles ranging from 2 storey detached, semi-detached dwellings along with detached and semi-detached bungalows/chalet bungalows. Within close proximity to the application site there are a number of differing styles of bungalows/chalet bungalows and it is acknowledged there is no one particular style of dwelling that characterises the area as a whole. However the size of the site and its position would result in a cramped form of development which sits at odds in the street scene and is obtrusive and overly dominant in relation to its boundaries. It would sit on the north side boundary, rear east boundary and would be set in only 2.7m from the site frontage and 2.1m from the southern boundary.

The proposed development is considered unacceptable by reason of conflict with the above policies. All properties along The Grove are set back more than 2m from the road frontage and all have rear gardens of varying size and there is a regular development pattern with dwellings fronting the roadway and plot sizes exceeding that proposed. The application site not only lacks a comparable site area it also has insufficient depth. The lack of depth results in the dwelling providing no space to the rear boundary and none to the side. The extent of development coverage within the site would be out of keeping with the surrounding development and leave little opportunity for landscaping to establish along site boundaries. The inadequate plot depth results in a dwelling sited close to The Grove frontage in a prominent position visually narrowing the approach into The Grove and appearing overly dominant, particularly given the lack of space to site boundaries, 2 storey height of the dwelling and prominent position of car parking.

The Arun Design Guide part P requires infill development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality infill development which enhances amenity for surrounding and new residents. The guidance states that in most cases, new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as windows, doors and walls. The proposal is clearly contrary to this guidance. It does not replicate the established pattern of the existing development in the locality. With reference to backland development the guidance goes on to state that Proposals should avoid over-development and should be of a subservient scale to surrounding buildings with frontages to the street.

The Guide recognises that infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, but this should not lead to overdevelopment and over-intensification of building plots - for example by building in the gardens or curtilage of existing dwellings. Development must also avoid adverse impacts on the privacy, noise pollution and overshadowing of existing or proposed dwellings. Proposed building scales and development densities should address the characteristic urban development patterns of previous backland developments in the area. The proposal does not reflect adjacent plot sizes.

Infill development should provide sufficient access to new dwellings and incorporate appropriate car and cycle parking as per the Arun District Parking Standards including space standards and inclusive design. These issues are considered in more detail below. As discussed above this proposal does not retain sufficient space around the building in keeping with the character and does not complement the appearance of the development as a whole. It does not respect the scale of existing buildings or contribute to a sense of cohesion and unity. Therefore, the proposed dwelling is considered to conflict with policy D SP1, D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the ANDP policies specifically refer to

residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127).

The proposal makes limited and unacceptable provision for private amenity space given its limited depth and the amount of development in relation to the plot size. The only amenity area is located to the side of the dwelling where privacy would be difficult to achieve and it is located adjacent to the parking area which is not a pleasant aspect for users of the area. Arun Design Guide (part H) suggests that outdoor residential amenity space should fulfil a variety of functions and accommodate a range of activities and should be of an appropriate size and shape and integrated with surrounding uses. It should ensure that amenity is not compromised by proximity to parking or refuse areas.

The proposed garden space would not accord with policy QE SP1 in that it would not have a negative impact on the residential amenity of future occupiers. The side garden does not provide sufficient amenity space and it is difficult to see how any private side garden area could be achieved given its proximity to the road. The Arun Design Guide Part H refers to residential amenity and outdoor space and policy D DM1 refers to the need for compliance with the Arun Design Guide. The Guide states amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5 metres. The garden depth proposed does not accord with the generally expected 10.5m garden length referred to in the guidance. At its widest point the width is 2.7m and the depth is 7m. This is way below the standard. The garden area itself would be used for sitting out, drying clothes entertaining and relaxing and it is too small and exposed for this purpose especially since a 2 bedroom dwelling is capable of family occupation. The side garden would not have the privacy usually associated with rear garden areas. This would be in conflict with policy D DM1(3) of Arun Local Plan. Part P of Arun Design Guide in respect of backland development states developments should maintain usable and appropriate external amenity space for existing and proposed properties. It is advisable that the usable rear, external amenity space is at least the same size as the footprint of the property. This proposal is not in accordance with this guidance.

Policy D DM2 of the ALP requires internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs in accordance with the Governments Technical Housing Standards (Nationally Described Space Standard). The 'National Space Standards' states that a 2 no. bed four person two storey dwelling should provide an internal floor area of 79m². The proposed floor area of approximately 89 sqm exceeds this and therefore the dwelling is in accordance with the standards.

In terms of the impact of the proposal on adjacent residential properties given the height of the dwelling (4m to eaves and ridge height of 6.6m) and its proximity to the boundary the proposal would be overbearing on the adjoining garden to the east and the garden to the south which has a shortened rear garden length and therefore affords occupiers little opportunity to utilise other areas of the garden.

The proposed dwelling also includes a first floor window to serve the bedroom in the east elevation. This window would directly overlook adjoining gardens resulting in an unacceptable material loss of privacy. Whilst the window could be conditioned to be obscure glazed and non opening up to 1.7m above internal floor level this would result in a bedroom with no outlook which would provide poor amenity for the occupant. Part P of Arun Design Guide in relation to backland development states developments should demonstrate an understanding of any potential effects on the character and amenities of the neighbouring urban area. As a general rule, backland developments should be subservient to existing properties, and their layout should seek to maximise the outlook of neighbours. This proposal does not accord with this guidance. The outlook of adjacent properties would be harmed.

The proposal therefore results in an adverse impact on neighbouring residential properties in conflict with policy D DM(3) of Arun Local Plan.

PARKING & HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

In respect of parking, it is supportive of development which incorporates appropriate levels of parking in line with Arun Parking Standards and which considers the impact of development upon on-street parking.

Regard should also be had to paragraph 109 of the NPPF which refers to refusal on highways grounds only if there would be an unacceptable impact on highway safety.

The plans demonstrate two parking spaces for the proposed dwelling, which is anticipated to be sufficient for a dwelling of this size and location and meets the parking requirements for a 2 bedroom dwelling in this location as required by the Arun Parking Standards. However, each space should meet minimum specifications of 2.4 x 4.8m as set out in Manual for Streets and one of these spaces does not meet this minimum specification. It measures 2m by 4.6m. It is acknowledged that a small vehicle could utilise this and it is considered acceptable and would be unlikely to result in car parking demand overspilling onto adjacent roads to the detriment of residential amenity. It is not therefore considered that in highway regards there is any conflict with the adopted development plan policies or with the NPPF. Provision of parking could be conditioned.

The plans demonstrate cycle storage to encourage sustainable transport methods in accordance with the parking guidance and policy T SP1 and provision could be controlled by condition. An electric vehicle charging point is required and details have been submitted confirming provision, this could be controlled with the imposition of a condition.

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

DRAINAGE

The Councils Drainage Engineer has not commented on this application but due to the scale and location no conditions are considered necessary in respect of drainage. Surface water drainage should be designed and constructed in accordance with building regulations.

As such the proposal would comply with Policy W DM3 of the Arun Local Plan and policy 10 of Ferring Neighbourhood Plan.

BIODIVERSITY

Policy ENV DM5 (Development and biodiversity) of Arun Local Plan requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. No enhancements are proposed but these could be conditioned to ensure compliance with policy ENV DM5.

SUMMARY

This proposal is considered to represent an overdevelopment of the site which adversely impacts on the character of the area and provides insufficient amenity space and parking for future occupiers. The application is therefore recommended for refusal 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The site, by virtue of its size and shape, is considered unsuitable and insufficiently large to accommodate a dwelling and private amenity space satisfactorily without significant damage to the character of this established residential area. The proposal would result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policies D DM1 and DSP1 of the Arun Local Plan and Part P of Arun Design Guide.
- 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 DDM1 (3), (15) and QE SP1 of the Arun Local Plan and Part H of the Arun Design Guide.
- 3 The proposal results in an unneighbourly form of development which would be detrimental to the residential amenities of adjacent properties to the east and south in conflict with policy D DM1(3) of Arun Local Plan and Part P of Arun Design Guide.
- 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 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 reasons for the

refusal, approval has not been possible.