

Recommendation Report for Planning Permission

REF NO: FG/54/22/PL

LOCATION: Land rear of 1 Sea Drive
Ferring
BN12 5HD

PROPOSAL: 1 No new dwelling. This application 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 3 bedroom detached dwelling measuring approximately 11m by 8m. The building is a 2 storey property with a ridge height of 7.4m and an eaves height of 4.4m. The application includes a garage and 2 tandem parking spaces along the side boundary with cycle parking and bin storage along the other side boundary. The materials are referred to generally on the elevation plans and include zinc roofing, render and cladding to elevations. The site is a roughly rectangular shape which tapers slightly to the rear.
SITE AREA	0.13 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	76 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	Close boarded fencing and mesh fencing to approx. 2m high to Sea Lane road frontage. Hedging to approx. 2m high to north boundary with no 108.
SITE CHARACTERISTICS	1 Sea Drive is being demolished. It was a 2 detached storey chalet bungalow with a front elevation width of 19.5m on Sea Drive and a side elevation width facing onto Sea Drive of 12m. The property had a two storey gable end element adjacent to 3 Sea Drive, a first floor in the roof and ground floor extension to the front and sides set on a large plot with gardens to the side & rear. It has an in and out driveway with 2 accesses onto Sea Drive which is a private road. The property occupies a corner plot on Sea Drive and Sea Lane and the proposal involves development within the rear garden which has a frontage to Sea Lane. The shed and summerhouse within the area would be demolished.
CHARACTER OF LOCALITY	The site is in the built up area boundary next to the strategic gap between Ferring and Goring. The character of the area is of a mix of dwelling types and design including 2 storey detached houses, apartment blocks and maisonette

developments. The area has a mixed character with a variety of dwellings styles and sizes.

RELEVANT SITE HISTORY

FG/90/21/HH	Erection of addition of second floor, part single, part two storey extension and wrap around terrace	ApproveConditionally 28-10-21
FG/198/16/PL	Demolition of existing house with erection of 2 storey building comprising of 8 No. residential 2 bedroom flats & associated external works	ApproveConditionally 31-08-17

REPRESENTATIONS

Ferring Parish Council - Objection.

- Overdevelopment of the site.
- Diminishes the plot size of 1 Sea Drive on which the redevelopment of that dwelling was substantially based.
- Creates an unsafe vehicular access driveway with insufficient turning space.
- Detrimental to the street scene through over density for the location.
- Positioned too far forward on the site creating a harmful visual impact.
- Detrimental to the visual outlook of the adjacent property in Sea Lane.
- Creates harmful overshadowing and overlooking of the adjacent property in Sea Lane.

36 Objections

- The development does not respect the character of this part of Sea Lane.
- The massing of the two buildings would be unsightly in the street scene and from the fields of the Goring Gap.
- Both houses would be left with very little garden space.
- The development would create a road safety hazard.
- It is not clear how vehicles parked in the garage or the two parking spaces in front of it could enter and leave in forward gear.
- Ruins aesthetics of village.
- Vehicular access will involve vehicles entering or leaving at a blind spot bend on Sea Lane.
- The proposal doesn't follow the established building line of Sea Lane.
- It will block the outlook of surrounding buildings.
- There doesn't appear to be enough space for such a proposal.
- There are covenants about building in back gardens in Sea Drive.
- Adverse impact on neighbouring amenity.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations are addressed in the Conclusions section of this report.
Covenants are a private legal matter and not a relevant planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection.

Conditions requested relating to construction and contamination.

County Highways - No Objection.

Considering the scale of the proposed development, the addition of one three-bedroom dwelling would not give rise to a material intensification of movements to or from the site.

This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The applicant proposes three car parking spaces, comprising two parking bays and a single garage. Under Arun Parking Standards, a dwelling of this size and location should provide at least two car parking spaces. The parking provision is acceptable. The garage does not meet the minimum internal specifications for single-bay garages of 3m x 6m as set out in Manual for Streets.

On-site turning does not appear achievable, so vehicles may have to exit the site in a reverse gear. However, this is not anticipated to result in an adverse highway safety impact, owing to sufficient visibility either side of the access.

Conditions requested in respect of car parking, visibility and charging points.

Drainage Engineer - No Comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Class C road

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
ECCSP1	ECC SP1 Adapting to Climate Change
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD3	Parking Standards
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, the South Inshore & South Offshore Marine Plan 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 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."

The proposal is considered to conflict with relevant Development Plan policies in that there would be a materially adverse effect on visual amenity and the character of the area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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 site lies in 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 of the Arun Design Guide. 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.

Parts J (Building Design) (section J.01, Form and Character) and H (Welcoming Streets and Spaces) of the Arun Design Guide are also of relevance.

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. The site has been separated from the existing dwelling by temporary fencing but is part of the rear garden to 1 Sea Drive and was mainly laid to lawn.

The character of the area is mixed with a block of flats on Sea Drive further east and a mixture of large detached houses and maisonettes. Dwellings generally are set in large plots with space to all boundaries and are set a uniform distance back from road frontages. The proposed plot size is smaller than most of the plots adjoining, but it is comparable with that at no 108 to the north.

While there are a significant number of large detached 2 storey properties in the area the variety of house types means no one house type is predominant and the proposed development of a contemporary dwelling is considered to be in keeping with the mixed style of adjoining development. The design detailing and materials are comparable to other dwellings in the area. The overall height is equal to that of the host dwelling. The visual character of the dwelling will be complementary to the area.

The prominent position of the dwelling on the plot would sit at odds with the pattern of development in the

locality and result in an overly dominant form of development which would not be in keeping in the street scene. The spacious character of the area and established set back from the site frontage would be adversely compromised. The dwelling would be overly dominant and would sit 4m forward of the neighbouring dwelling in Sea Lane. Whilst it is accepted that the host dwelling is closer to the site frontage with Sea Lane this is acceptable as the dwelling sides onto this road and the elevation is limited in width. The main frontage for the existing dwelling is onto Sea Drive and it conforms with the pattern of development. The proposal would be readily visible when traversing in both directions along Sea Lane and would appear to jut forward and adversely impact the established character and appearance of the local area as a result. It would introduce a damaging large flank wall into the views when looking Southwest along Sea Lane.

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 dwelling would not be sufficiently set back from the Sea Lane boundary and would not emulate the established building line and set back. The dwelling would be forward of the building line set by all other nearby development to the west side of Sea Lane. Apart from the host dwelling, other dwellings on Sea Lane have a 'traditional' frontage, which are mostly deep and open plan. This would be incongruent within the street scene. Given the limited space to the front of the dwelling and limited plot depth, to provide a dwelling of the size proposed results in development unacceptably close to the site frontage. The Design guidance recommends that private amenity space should be a minimum of 10m in length. This is only possible on this site if the dwelling is close to the Sea Lane frontage and the 11m distance to the rear boundary is not maintained across the site as it tapers to 8.8m to the northern part of the rear boundary.

The character of the area is reasonably varied, however, it has an open and spacious character. The dwelling is in the back garden of the host dwelling, and is of a similar scale and appearance to the existing dwelling at 1 Sea Drive. The construction of a dwelling in the rear garden is at odds with the layout of the area and results in a harmful impact upon the character, and appearance of the area. The establishment of a separate dwelling, and the resultant associated intensification of the plot have a harmful impact on the character of the locality and application sites relationship with the area. The proposal conflicts with J.01 of the Arun Design Guide with relation to its form and character.

The proposal conflicts with policies D SP1 and D DM1 of Arun District Local Plan and Parts J and P of the Design Guide.

RESIDENTIAL AMENITY

The dwelling will be 2.4m from the side boundary with no 108, 11-8.8m from the rear boundary with the garden of 3 Sea Drive and 4m from the southern boundary. It would be 14m from the rear elevation of the host dwelling and 4m from the side elevation of no 108. The site plan demonstrates the dwelling is positioned to accord with the 45 degree rule in respect of the lounge window to no 108. Policy D DM1 requires that there is minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance. Given the distances to boundaries and position of the dwelling on the plot it would not result in material harm to residential amenity in respect of overshadowing or overbearing effects to neighbouring occupiers.

Part H of the Design Guide suggests a distance of Back/Front to Side should be a min. 14m between habitable rooms and the side gable of adjacent property. The proposal provides a 14m gap in accordance with this guidance.

The proposal complies with policy D DM1 of the Arun Local Plan in respect of impact on residential amenity.

SPACE STANDARDS

The proposal has a gross internal floor area of 141 sqm. 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 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. The garage has been discounted from parking provision given its size being below that outlined in Arun Parking Standards. Adequate onsite parking is proposed to the southern side of the dwelling. Concerns have been raised about the lack of turning space in the site and it is accepted that turning with 2 cars on the drive would be difficult. Given the visibility available it is not anticipated that vehicles reversing from the site onto the road would cause a 'severe' or unacceptable highway safety concern. No highway objections are raised by County Highways. The proposal is accords with policy T SP1 of the Arun Local Plan.

BIODIVERSITY

Arun Local Plan policy ENV DM1 and NPPF indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area. No ecological report has been submitted setting out the biodiversity present and appropriate mitigation for any loss and how biodiversity gains can be made. In order to ensure compliance with policy enhancements could be conditioned.

SUDs

The site lies in an area at low risk of flooding, Flood Zone 1. 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. Policy 10 of Ferring Neighbourhood Plan also requires drainage to be considered. No details have been submitted in relation to SUDS the proposal therefore conflicts with policy. The lack of this detail could be covered by condition.

CLIMATE CHANGE

ALP policy ECC SP2 requires residential development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. The DAS refers to sustainable measures being implemented throughout the design, but a condition would still be necessary to secure the provision of renewable energy measures in order to ensure compliance with the 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 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 on the character and visual amenities associated with the development that, when assessed against the NPPF as a whole, outweigh the limited benefits of the proposal and outweigh the presumption in favour of such sustainable development. 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.

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 depth and position, 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 prominent form of development which would be detrimental to the character and visual amenities of the surrounding residential area, contrary to policy D SP1 and D DM1 of the Arun Local Plan and Arun Design Guide.
- 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 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.