

Recommendation Report for Planning Permission

REF NO: FG/6/19/PL

LOCATION: 20 Rife Way
Ferring
BN12 5JU

PROPOSAL: New dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.01 of a Hectare (Approx)
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development. A tree was noted to the rear of the application site which is visible from the highway, however it is considered that while it has some amenity value it is not considered to be significant.
BOUNDARY TREATMENT	The site is partly enclosed by low level hedging to the front which wraps around the sideboundary of the site along St Maur's Way, leading to a small section of closeboarded fencing.
SITE CHARACTERISTICS	The application site comprises a corner plot currently forming part of the application site relating to dwelling number 20. This area currently forms amenity space (garden).
CHARACTER OF LOCALITY	Residential area with primarily comprised of semi detached and terraced residential dwellings with off-street parking.
None.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council: No comments received.

3 letters of objection have been received and include comments made by the Ferring Conservation Group. The comments received are summarised as follows:

- Objects to the cramming of another house onto the site.
- The drawings supplied are not complete - do not show the proposed west elevation.
- Proposal would be cramped and unneighbourly.
- Lack of parking provision unacceptable and would lead to cars parking on road near to the site, causing

problems re: traffic, pedestrians and residents amenity.

- Large Plain Brick wall would front onto St Maur's Road and would be unsightly.
- Traffic is an issue on Rife Way.
- Harm to village would outweigh any possible benefit.
- Ability for existing property to accommodate off-road parking lost if garden space used.
- Unnecessarily cramped.
- Opposed to application that continually squeeze properties into every available space.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments will be discussed fully within the Conclusions section below.

Officers note the comment raised that the drawings supplied are not complete as they do not show the west elevation. The applicants have provided a plan showing the west elevation, however the plan as submitted was labelled on the planning system as Drawing 5 Existing West Elevation. However the plan has always been labelled by the agent as Drawing 5 Proposed West Elevation. The plan has been re-labelled on the planning system.

CONSULTATIONS

Southern Water Planning

Engineers (Drainage)

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water: Do not object.

- Require a formal application for a connection to the foul sewer to be made by the applicant or developer and as such request an informative should planning permission be granted.
- Initial investigations indicate no public surface water sewers in the area to serve the development Alternate means of draining surface water required - not public foul sewer.
- Council's Building Control or technical staff should be asked to comment on the adequacy of soakaways.

Drainage Engineer: Does not object.

- Due to the scale and location of the development - do not recommend any conditions.
- Surface water drainage - should be in accordance with Building Regulations.

Local Highways Authority: Do not object

- The proposal would not have 'severe' impact on operation of highway network. If approval, recommends the imposition of a condition.
- The plans show no parking spaces or garages are provided, therefore no points of access. Plot access will remain same.
- No reported (to police) injury or accidents within vicinity of site in last 5 years.
- Visibility at junction not affected (Rife Way/St Maurs Way).
- 1 car parking space is required using West Sussex car parking calculator.
- Overspill parking could be accommodated on street.

- Highway safety would not be detrimentally affect by nil car parking provision.
- Property within sustainable area - close to Ferring Street which is well connected by bus routes and sufficient shops and services- reducing need for car.

COMMENTS ON CONSULTATION RESPONSES:

Officers note the requirement for 1 car parking space and the lack of parking provided. Officers note 1 parking space shown to the rear of the site on the submitted plans, However this appears to be retained for use with Property number 20. Officers note that while it is preferable that parking is provided on-site, at the time of the Officers site visit there were no parking restrictions within the area and therefore parking for 1 vehicle could be accommodated on street (highway). Additionally, Officers consider that the site is in a sustainable location with shops and bus stops nearby. The lack of off-road parking provision adds to the argument that the proposal would represent overdevelopment of the site. That said, Officers consider that the proposal would comply with the relevant parking Policy of the Arun Local Plan.

POLICY CONTEXT

Designation applicable to site:

Within built up area

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
QESP1	QE SP1 Quality of the Environment
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way

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

A Spatial Plan for the Parish

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 Neighbourhood Development Plan:

The relevant Policies of the Ferring Neighbourhood Development Plan have been taken into account.

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 the proposed development by reason of its location and size would represent overdevelopment of the site resulting in unacceptable harm to the character of the area and providing inadequate living space to future users of the dwelling.

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 development is acceptable in principle in accordance with policy SD SP2 of the Local Plan and provided it is in accordance with other policies in the plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The proposal is for the erection of an end of terrace property on a corner plot adjoining 20 Rife Way. Officers note that when viewed from directly opposite the front elevation the proposed new dwelling would appear to have a similar size, scale and massing to that of the pair of semis it would adjoin. However, the application site is a corner plot and as such the proposed dwelling will not only have an impact on the street scene along Rife Way but also St Maurs Road. As a result of the proposal the side elevation of the dwelling would be sited approximately 0.3 of a metre (30cm) from the rear of the highway. The side elevation of the proposal would consist of a blank brick elevation, which when taken in conjunction with its 2 storey height and its close proximity to the rear of St Maurs Road would appear as a discordant form of development within the streetscene. Therefore, it is considered that the proposed development it is not of an appropriate scale of development in keeping with the character and appearance of the locality contrary to Policy D DM1 of the Arun Local Plan.

The proposal fills the width of the application site severely limiting the space for the provision of off-road parking, such that the applicant is not proposing any, which is considered to further highlight the large size and scale of the dwelling within the site. Therefore, it is considered that the proposal would appear as a prominent built form which would appear overbearing within the streetscene.

In order to accommodate the new dwelling the existing boundary hedge to the side of the site is to be removed and replaced with a 1.8 metre high fence. Officers consider that this would create a harsher boundary. While the proposed boundary fencing is not a reason for refusal in itself, when taken in conjunction with the proposed side elevation it would add to the overbearing impact caused by the proposal.

Officers note that within the area there is other built form within close proximity of the highway, such as the side extension at property number 22. While this extension is set fairly close to the highway it is single storey and as such it is considered that, given its modest size and scale, does not have the same impact as the proposed dwelling.

It is considered that the proposed development, by reason of its size, scale, massing and siting would have a detrimental impact on the streetscene and wider area and would represent overdevelopment of the site.

As such, 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 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

It is considered that while some overlooking would occur out over the rear garden of adjoining property

number 20, from the proposed first floor rear windows it would be indirect and would be at an angle such that views would be out toward the rear. No materially harmful overlooking would occur as a result of the proposed windows in the front elevation as views would be out toward the highway and would be partly screened by the existing front boundary hedging (bush) and the 1.8 metre high boundary fencing.

It is also considered that no detrimental overlooking would occur to the flat to the rear, along St Andrews Close.

The proposed new dwelling not have a significantly negative impact upon residential amenity of the occupiers of adjoining and neighbouring dwellings.

As such, it is considered that the proposal would comply with Policies D DM1 and QE SP1 of the Arun Local Plan, with regard to residential amenity.

SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling house is suitable for residential use.

Officers note that the property is shown on the submitted plans a 3 bed roomed property when one of the bedrooms does not comply with the space standards. It has an area of 5.3157 metres squared. not the required 7.5 metres squared minimum required.

With regard to the 2 remaining bedrooms, they would have an area of 10.887 and 7.3917 metres squared. Therefore, given that a single bedroom is required to a floor area of 7.5 metres square minimum officers consider that only 1 room, the room with 10.887 metres squared, can be considered to be a single bedroom. A double or twin bedroom is required to provide a floor area or a minimum of 11.5 metres squared. From an assesment of the submitted plans, no bedrooms can be considered to be double or twin rooms. Therefore, officers would consider this property to be a 1 bedroomed property. A 2 storey 1 bedroomed property is required to have at least 2 bed spaces (persons) to which none of the bedrooms currently meet the requirement to be considered to be double or twin rooms.

Additionally, the dwelling would have an overall internal floor area of 62.13545 metres squared (not including proposed porch area) which does not comply with any of the requirements for 3 bed properties

Therefore, it is considered that the proposed dwelling would not comply with the National Internal Space Standards and Policy D DM2 of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY:

Arun Local Plan 2011-2031 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 states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design

Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Officers note the objection regarding highways and parking whereby it is considered that traffic is an issue on Rife Way. Additionally objection has been raised whereby the ability for existing property to accommodate off-road parking lost if garden space used.

The County Council Highways Officer has commented on this application and does not object, their comments are summarised above in the Summary of Consultation Responses section. The Highways Officer notes the lack of off-road parking and as aforementioned does not object. The also state Overspill parking could be accommodated on street and that highway safety would not be detrimentally affect by nil car parking provision.

Therefore, the proposed parking arrangement would not have an impact on highway safety or the amenity of the area. While there would be a shortfall of 1 parking space, Officers note that there appear to be no parking restrictions within the area and that while not ideal, parking could be satisfactorily accommodated elsewhere (on road).

As such Officers consider the proposed parking arrangement to be acceptable and it is therefore considered that the proposal would comply with Policies T DM1 and T SP1 of the Arun Local Plan.

DRAINAGE AND FLOODING:

Officers note the comments from Southern Water, in particular:

"Initial investigations indicate no public surface water sewers in the area to serve the development Alternate means of draining surface water required - not public foul sewer."

and:

"Council's Building Control or technical staff should be asked to comment on the adequacy of soakaways."

Drainage Engineer has been consulted and does not object. They do not recommend the imposition of any conditions but note that surface water drainage should be designed and constructed to comply with building regulations.

A Flood Risk Assessment has been submitted but Officers consider that the proposal is not with a flood risk area (Zone 2 or 3). As such, the proposal would not have a detrimental impact on either flooding or flood risk.

As such, it is considered that the proposal would comply with W DM3 of the Arun Local Plan.

CONCLUSION:

The proposed development by reason of its location and scale would represent overdevelopment of the

site in conflict with Policies D DM1, D SP1 & D DM2 of the Arun Local Plan.

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 dwelling by reason of its size, position and scale would represent overdevelopment of the site causing harm to the character of the area and providing inadequate living accommodation to prospective occupiers in conflict with policies D DM1, D SP1 and D DM2 of the Arun Local Plan and policy 1A of the Ferring Neighbourhood Plan.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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.