

Recommendation Report for Outline Consent

REF NO: FG/76/19/OUT

LOCATION: The Old Flint House
Church Lane
Ferring
BN12 5HR

PROPOSAL: Application for outline planning permission for the erection of 1No. dwellinghouse in rear garden - This application may affect the character & appearance of Ferring Conservation Area. This application affects a Public Right of Way

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	This application is in outline form with appearance and landscaping reserved. Therefore, the access, layout and scale are to be determined at this stage.
SITE AREA	912 sq metres
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	The site is generally level throughout, with negligible difference in height between the four corners. However, within the middle garden area, the ground level has been landscaped and graded to slightly slope below this level.
TREES	A number of smaller trees and bushes will be lost within the confines of the site. The root protection zones of the main trees according to the submitted plans would be unaffected. However, there is a substantial tree at entrance to the site a protected Sycamore, which the access will pass close to. A garage is being demolished to make way for this access and so whilst the solid floor of the garage will already be impacting on the tree there may be an impact beyond the garage on the RPA of this tree. No arboricultural report has been provided to accompany the application. Since the application is being recommended for refusal on other grounds a report has not been requested. However, the absence of such a report is considered to be an appropriate reason for refusal.
BOUNDARY TREATMENT	There are substantial boundary walls to the east and north. Elsewhere the edge of the plot is undefined being part of the garden of the property.
CHARACTER OF LOCALITY	The Old Flint House is a semi-detached dwellinghouse within the built up area of Ferring, accessed from the part privately-owned, part public highway road of Church Lane. The portion of Church Lane under private ownership is shared in access

with the neighbouring property Park View, and allows for public right of way to the Glebelands Recreation Ground to the North of the site.

The property is characterised within Arun District Council's Buildings of Character and also lies as the Western-most property within the Ferring Conservation Area. The property is not Listed.

The overall site is approximately 2318sq.m in area and includes The Old Flint House and its detached garage. Both existing buildings are towards the Southern end of the site.

The existing house is two storey. The ground floor walls are constructed from traditional Sussex flint, with feature brick quoins and window surrounds. The first floor walls are faced in waney edged timber shiplap cladding, painted black. One area of first floor walling which faces East is faced in rough render, painted in off-white. The windows throughout the property are timber hardwood painted in white. The house has a pitched roof, finished in clay tiles.

The existing detached garage is single storey, generally styled to match the main house.

The walls are part flint and part pebble-dashed render, visually broken with brick quoins and window surrounds. The roof is also pitched with clay tiles.

RELEVANT SITE HISTORY

FG/51/52	Conversion Of House Into 3 Units	ApproveConditionally 21-08-52
FG/138/53	Outline Application For 3 Houses 3 Bungalows And New Access Road	Approve 19-01-54
FG/11/93	New single dwelling and garage	Withdrawn 25-05-93

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Object: The proposed additional residence in the garden of this substantial property in the Ferring Conservation Area would be detrimental to the harmony, balance and overall character of the property within the restricted grounds and amenity space that would remain for The Old Flint House and conflict with the Ferring Neighbourhood Plan Policy D DM1.

Furthermore, policy D SP1 "Design" requires development proposals to make efficient use of land but reflect the characteristics of the site and local area in their lay. While we note that the design features are held in reserve, the intrusion of any additional property within the gardens would not then reflect the original spacious, open garden characteristics of the site. The loss of the garage would reduce the parking allocation with potential for further loss of garden to compensate. This must all be viewed in context as the historic building and feature gardens were formed for the purposes of the ancient Rectoral Estate of the Bishop of Chichester and as such have a unique heritage within the Conservation Area of this historic village.

The access from Church Lane is unmade, privately maintained, narrow, unlit and a shared space with a Public Right of Way providing a direct link to the Glebelands recreation ground. It is consequently well used by walkers, dog walkers and both adults and children accessing or leaving the recreation ground. There is no defined boundary to the PROW.

The path is bordered by dense vegetation and fences limiting visibility for vehicles emerging from the grounds of The Old Flint House. An additional dwelling will no doubt generate additional numbers of vehicles and vehicle movements where such were not originally intended, conflicting with policy NPPF Para 108 and increasing the erosion of the surface of the PROW or changing its character.

Ferring Parish Council urges ADC to respect the ancient setting and unique heritage of this historic site and refuse this application.

A total of 25 representations have been received from individuals. 1 in support and 24 opposed. The main points raised are set out below.

Support

Subject to relevant consents based on a decision for a garage elsewhere.

Opposed - Main points (planning considerations only)

This application because it is a conservation area and the proposed development would be totally unsuitable, detrimentally affecting this quiet, relatively untouched and secluded part of Ferring.

The Old Flint House is a listed building and its character should be protected along with its old and very lovely garden. (NB: The building is not a designated Listed Building but is listed locally as a building of special character)

The garden of The Old Flint House is a valuable open space and should be protected. The proposed new house will be detrimental to the character of the original property - The Old Flint House -, negatively affect the aspect from the north, and permanently change a historic boundary.

Additional traffic along church lane will impinge on the safety and tranquil character of this public right of way and result in more hazards especially to those on foot.

This new house will not meet local housing needs; it is more likely to be purchased by people from outside of the area. It is not in line with the Neighbourhood Plan which opposes unsuitable development

within the built-up Area of Ferring.

Will impinge on the multitude of flora and fauna developed over many years.

The Old Flint House is a locally listed building and the proposal would only detract from it's special character outlined in Arun's Local Plan

Ferring's infrastructure is already stretched and its amenities let alone the sewerage system, one more house here, another there, more land concreted over, more traffic, delivery lorries.

With recent increases in traffic along Ferringham Way and Church Lane, there is already a 'bad spot' where it is difficult to exit the eastern side of Church Lane. Extra traffic on the western side will only add to the problems of visibility and safety.

COMMENTS ON REPRESENTATIONS RECEIVED:

The main points raised are dealt with in the conclusion section below.

CONSULTATIONS

Parks and Landscapes

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Estates Manager

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Engineers Comments Regarding Surface Water Drainage

Due to the scale and location of development we have no conditions to request. Surface water drainage should be designed and constructed in accordance with building regulations.

WSCC Highways

Summary

This proposal is for outline planning permission for the erection of 1 dwelling. The site is located on Church Lane, a privately maintained lane. Consequently, these comments are for your advice only. Sought matters include access, layout and scale.

Access and Visibility

The existing gated access via Church Lane will be shared by both the existing and proposed dwelling. Access onto the maintained highway network is at the junction with Greystoke Road, an unclassified road subject to a speed limit of 30mph. Visibility at the junction is sufficient and an inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the junction. Therefore there is no evidence to suggest the junction is operating unsafely or that the addition of a single dwelling would exacerbate an existing concern.

This part of Church Lane is also maintained as Public Footpath No. 2113_1. It is conceivable that the Public Right of Way (PROW) will be affected by an increase in vehicular traffic either before or

after the development is completed. Developers/landowners should ensure that the public use of the PROW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved. The applicant would be liable for any damage to the surface arising from his exercise of private access rights.

Parking and Turning

2 car parking spaces were demonstrated in the plans for the proposed dwelling. The WSCC Car Parking Demand Calculator indicates that 2 car parking spaces would be required for a dwelling of this size in this location, which the plans meet. The demonstrated bays also meet the minimum specification for single car bays of 2.4m x 4.8m as set out in Manual for Streets (MfS).

The proposed works will require the demolition of an existing garage, resulting in the loss of 1 car parking space for the existing dwelling. However, there still appears to be sufficient space on-site to meet their anticipated parking demand.

Turning on-site will be achievable, allowing vehicles to exit the site onto the maintained highway in a forward gear.

Sustainability

The site is situated in a sustainable location within walking distance of shops and schools. Nearby bus stops on Ferringham Lane offer hourly services to Worthing. Alternatively, bus stops an approximate 4 minute walk away on Ferring Street offer regular connections towards

Littlehampton and Brighton. Goring-by-Sea Train Station is 6 minutes from the site by cycle.

Cycling is a viable option in the area. Cycle storage is proposed for the site. The inclusion of secure and covered cycle storage will increase the sustainability of the proposed dwelling by offering alternative modes of transport to the private car.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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 informatives should be applied: (not shown for brevity)

Southern Water:

No objection subject to safeguarding infrastructure.

Conservation Officer:

The building itself has been identified by the Local Planning Authority as a Locally Listed Building or Structure of Character. As such it is a non-designated heritage asset for the purposes of this application. The building is an attractive flint, brick and tile property which makes a positive contribution to the character and appearance of the conservation area.

The Conservation Area is the old core of the village around St. Andrews Church. It is a small area surrounded by 20th Century development. The main characteristic of the three roads that make up the area is that they have retained their lane character although in an urban form. There is an informal approach to the design and layout of the area, with different building lines, different styles of architecture and different size gaps between buildings.

Within the Conservation Area this characteristic is seen at its best in Ferring Street and Church Lane. These roads are narrow, well planted and there is an attractive feeling of enclosure. The buildings, particularly those in Church Lane, are of higher quality than in the rest of the area, and there is a

considerable uniformity of character through the use of flint, both in the buildings and the boundary walls. It is therefore considered to be of aesthetic (fortuitous) significance.

The proposal will introduce an additional property in the grounds of the host dwelling. Whilst no information is provided with regards to the elevational treatment of the building, floor plans have been provided, along with a block plan. My comments are therefore provided on this level of information.

The proposed development is set some distance from the host dwelling and would be located closer to a neighbouring property. However, the concept of splitting the existing residential plot, along with the introduction of a new boundary could potentially impact upon the setting of the existing residential unit. It would also result in the erosion of the spacious character of this part of the conservation area.

The information provided so far also indicates that the proposed dwelling would be of a more standard design, and not truly reflective of the more traditional ones located within the conservation area. At present, the proposal is considered to be problematical.

Conclusion

On balance, the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). The level of harm is considered to be on the lower end of the scale.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Building locally listed as being of Special Character

DEVELOPMENT PLAN POLICIES

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

HERSP1	HER SP1 The Historic Environment
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
ENVDM4	ENV DM4 Protection of trees
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

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2018, West Sussex County Council's Waste and Minerals Plans and the Ferring Neighbourhood Development Plan.

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."

CONCLUSIONS

The main issues which are relevant in the determination of this application are as follows;

Principle of the development

Impact upon trees

Impact upon the Conservation Area

Impact upon a Locally Listed Building

Impact upon Highways and the PROW

Layout and scale of the proposal

Principle of the development

The site is located within the defined Built Up Area Boundary of Ferring as defined by both the Arun Local Plan and the Ferring Neighbourhood Plan. As a result the principle of the development is acceptable subject to the consideration of other policies. The Council also doesn't currently have a 5 year supply of housing and so this factor weighs significantly in favour of the proposal. However, in such circumstances approval is not automatic and the Council must determine whether the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Policy 1A of the Ferring Neighbourhood Plan applies a similar approach when it states;

"Proposals for development located inside the built up area boundary will be supported, provided they are suited to an urban setting and they accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies."

Impact upon trees

The important trees on this site are on boundaries and in the main would not be significantly harmed by the proposals. However, there is one substantial Sycamore tree as the entrance to the site which has a Tree Preservation Order on it and could be significantly harmed. No arboricultural report has been provided to demonstrate that the likely impact would be within acceptable limits.

A proposed 'no-dig' solution in the vicinity of this tree has been proposed. However, notwithstanding the proposed demolition of a garage which is close to the tree it is unclear whether the impact upon the tree would be reasonable. Had the application been deemed acceptable on all other grounds then an

arboricultural report would have been requested to address this issue. However, a reason for refusal has been added to reflect the absence of such a report to demonstrate that the impact upon this particular tree is satisfactory.

Impact upon the Conservation Area

According to some of the representations 'Old Flint House is of great historical significance, being the farmhouse of the Prebendal or Rectoral estate endowed by the Bishop of Chichester in mediaeval times. The present building is considered to be largely C17th. In the C19th it was the cottage of the gardener to Ferring Grange, and the gardens supplied the Grange with all its produce' It is suggested that these gardens have remained largely unaltered.

It is considered that it would be possible to erect a dwelling within the site which would meet the required standards expected of a new dwelling.

The new house is proposed to accommodate 3bedrooms within a total floor area of approximately 128sq.m spread across two floors and will include more than 2.5sq.m of built-in storage. This overall floor area is to exceed the Nationally Described Minimum Space Standards for a 3bedroom 6person house by approximately 26sq.m.

It is also considered that a dwelling could be designed so that its appearance was appropriate for the location. However, the concern is whether such a development would harm the character and overall appearance of the Conservation Area. Any new dwelling would by comparison to the existing dwelling have limited space for a curtilage so that it would appear cramped in relation to its immediate surroundings.

It is noted the Conservation Officer comments as follows;

"The concept of splitting the existing residential plot, along with the introduction of a new boundary could potentially impact upon the setting of the existing residential unit. it would also result in the erosion of the spacious character of this part of the conservation area."

He concludes that;

"On balance, the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2018). The level of harm is considered to be on the lower end of the scale."

Whilst, there is no objection in Conservation Area terms to the demolition of the garage, overall the proposal is not considered to preserve or enhance the character and appearance of the Conservation Area. As a consequence the proposal is considered to be contrary to policy HER DM3 of the Arun Local Plan 2018.

Impact upon a locally listed building

The main impact is in respect of a partial loss of curtilage and how this impacts upon the building. Whilst the garden area retained by the existing dwelling would remain substantial, the overall effect of inserting a new dwelling with a limited curtilage, into the existing walled garden, would be harmful to the setting of this locally listed building.

However, policy HER DM2 does not address 'setting' and therefore the proposal is not considered contrary to this policy, however it is referred to in policy HER DM1

The NPPF does provide guidance on non-designated Heritage Assets such as this and advises;

"197The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In considering this guidance it is considered that the harmful impact upon the setting of this Local Listed Building is not outweighed by the benefits of the developed and this gives weight to the rejection of the scheme.

Impact upon Highways and the PROW

The access into the site is to utilise the existing The Old Flint House driveway to the East of the site and connecting to Church Lane.

The Old Flint House is currently served by a 3.37m wide wooden bar gate at the Eastern most boundary of the property's ownership, which accesses the privately owned portion of Church Lane. This existing access is adjacent to the public right of way which leads between Church Lane and the Glebelands Recreation Ground, and it is also near to the driveway entrance to the neighbouring property Park View.

Immediately inside the property's boundary is a larger, gravel driveway which allows for a turning circle, parking provisions and bin storage for The Old Flint Cottage. This area is not proposed to be altered as a result of this development. It is proposed to maintain and share this area of driveway between both The Old Flint House.

The proposal has been assessed by the County Council as Local Highway Authority and has concluded that the proposal "would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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."

It is considered that this is a reasonable conclusion given the proposal is only for a single dwelling. The test is not whether any harm would arise but whether that harm is deemed severe. In the circumstances it is not considered that the proposal is unacceptable on highway safety grounds.

Layout & scale of the proposal.

As indicated earlier the proposal is considered to be of sufficient size to meet the required standards for parking, internal floor space and external amenity areas. A two storey property is shown on the submitted plans and this is considered appropriate for the locality. No objection is therefore raised in respect of layout and scale.

Consideration has been given to all other matters raised but none is deemed sufficient to alter the conclusion that on balance the refusal of this application warrant for the reasons listed.

HUMAN RIGHTS ACT

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 it is considered that the proposal would have a neutral impact on the protected characteristics of people by reason of the following:- age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation

RECOMMENDATION

REFUSE

- 1 The proposed dwelling would if approved have a significantly harmful impact upon the character and appearance of the Ferring Conservation area by reason of the cramped form of the development proposed contrary to the aims and intentions of policy HER DM3 of the Arun Local Plan 2018 and Policy 1A of the Ferring Neighbourhood Plan
- 2 The proposed dwelling would if approved have a significantly harmful impact upon the setting of a Locally Listed Building of Character by reason of the cramped form of the development proposed contrary to the aims and intentions of policy HER DM1 of the Arun Local Plan 2018 and Policy 1A of the Ferring Neighbourhood Plan
- 3 In the absence of a Arboricultural Assessment the Council is unable to conclude whether the proposal would have an unacceptable impact upon a protected Sycamore tree at the entrance to the site contrary to the aims and intentions of Policy ENV DM4 of the Arun Local Plan 2018 and Policy 1A of the Ferring Neighbourhood 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.