PLANNING APPLICATION REPORT

REF NO: **FG/87/10/**

LOCATION: White Thorn
The Warren
Ferring

PROPOSAL: Two detached bungalows.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for the provision of a 2 x 2 bedroomed bungalows with integral garages in the side garden of White Thorn.
SITE AREA	.07 hectares
RESIDENTIAL DEVELOPMENT DEN	29 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Rear 1.8m high close boarded fencing. Sides some shrub planting and 1.8m high fencing.
SITE CHARACTERISTICS	White Thorn and Sea Barn are chalet style dwellings. Sea Barn has first floor windows facing onto application site. White Thorn brick elevations Sea Barn painted rendered elevations. Both properties are set back from road frontage.
CHARACTER OF LOCALITY	Predominantly residential comprising detached properties, mainly bungalows in reasonable spacious plots.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Ferring Parish Council
Awaited

Ferring Conservation Group
The application site was part of the garden of the house White Thorn When the applicant acquired it over 18 months ago he cut down all the trees and fenced if off from the rest of the garden. It is not previously developed land and, in line with the changes in planning guidance announced by the new Government, there is no presumption that it is suitable for development.

Two narrow bungalows with minimal distance between them, and filling the plot, would be out of character with the houses in The Warran and Florida Road, where houses and gardens are spacious.

The site is almost certain to contain Great Crested Newts, a protected species under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended) and this is a material consideration when a planning authority is considering a development proposal.

The applicant has supplied a report by ecological consultants which purports to show that the presence of Great Crested Newts (GCN) is very unlikely, and that the pond is very much lacking in other wildlife. We believe that report is completely unreliable.

West Sussex Wildlife Protection
Land needs checking for possible wildlife habitation.

34 letters of objection
Detrimental to character of The Warren. Proposed building lines, concern heavy lorries are prohibited by a legal document. Further development would destroy a wildlife habitat. Dead newts have been found. Planned bungalows are ridiculously close to each other. This type of development with virtually no garden is completely out of character with the rest of the village. This type of infilling has to stop. Drainage system is already overloaded. 2 dwellings should not be squeezed onto this site especially in the light of Government latest pronouncements in respect of garden land. Gross overdevelopment. Concern no action was taken when trees were felled. Rear gardens are too short. One bungalow would be preferable. Ferring is suffering from the blight of 2 for 1 developments. Detrimental to the village appeal of Ferring. This would be a 3 for 1 . Any street parking would cause disruption. Adjoining properties are detached and an acceptable size plots. Habitat survey is not of an adequate standard. The Warren Pond and surrounding land is important for Great Crested Newts and this must be taken into account. Presence of Great Crested Newts in the land adjacent to the pond is confirmed by biologists and residents. Removal of orchard would have destroyed newts on the site. Proposal does not comply with Building Regulations. 1m is not provided between dwellings.

Bats are evident in the area and information should be included.

Comments on Representations received:

Comments relating to over development and character are agreed. Restrictions on heavy lorries is a private legal matter. The site is not the subject of any Tree Preservation Orders.

The intention submitted in the letters of representation is sufficient and no doubt on the contents of ecological survey and the survey was undertaken was inappropriate to establish the presence of Great Crested Newts. Building Regulations is a separate matter.

CONSULTATIONS

WSCC Local Development Divis.
Parks and Landscapes
Engineers (Fluvial Flooding)

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN30	Protection of Species

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS9	Biodiversity & Geological Conservation

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area and it has not been adequately proved that a protected species would not be adversely affected.

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

The site lies within the built up area boundary where development is acceptable in principle. Policy GEN7 states that development will be permitted provided that it makes efficient use of land and does not have an unacceptable adverse impact on adjoining occupiers.

The area surrounding the site is characterised by a mix of style of detached bungalows and chalet dwellings on relatively spacious plots with similar widths. White Thorn occupies one of the wider plots. Even though plot sizes in the locality vary, it is considered the provision of 2 dwellings in the side garden area would result in a cramped form of development which would be out of keeping with the character of this section of The Warren. The garden area serving both the existing dwelling and those proposed would be significantly smaller than adjoining properties. To allow a resultant decrease in plot sizes would adversely affect the character of the area.

The existing dwelling would have a limited depth to the rear and both side boundaries and would

appear cramped given the size of the footprint in relation to the remaining plot size. In addition the 2 plot sizes proposed would be significantly narrower then those adjoining. They would be approximately 12m compared with a width of 18m to Sea Barn, 17m to Briarcroft and White Thorn.

With regard to the impact on adjoining properties, the proposal is for 2 bungalows so no adverse overlooking or loss of privacy would result. The distance between the proposed property and the southern and northern boundaries are acceptable to prevent any materially adverse overbearing effects resulting. The dwellings would be .5m from the boundaries with White Thorn and Sea Barn. The proposed bungalows would have widths of 7m and a ridge height of 4.2m and an eaves height of 1.7m. Sea Barn has a garage on the boundary. Given the distances involved the proposal would not have a materially adverse overbearing on the adjoining residential properties.

There would therefore be no materially adverse effect on residential amenity resulting from the proposal.

The application site is close to a pond that is an important Wildlife habitat which includes Great Crested Newts. The proposal includes a habitat report, but it is considered that the contents and conclusion are incorrect. The survey was carried out in January when many species are dominant or not present. The Local Planning Authority is therefore not satisfied that the proposal would not have an adverse impact on animal species protected by law contrary to policy GEN30 and PPS9.

The application is recommended for refusal for the reasons given overleaf.

RECOMMENDATION

REFUSE

1 The site by virtue of its size and shape, is considered unsuitable to accommodate 2 dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policy GEN7 of Arun District Local Plan and to advice contained in Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development and PPS3.

2 Based on the information submitted with the application the Local Planning Authority is not satisfied that development can be undertaken without there being an adverse impact on protected species contrary to policy GEN30 of Arun District Local Plan and PPS9.