FN/79/06

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Demolition of bungalow and erection of 2 No. 2-bed flats with 4 car parking spaces 1 Paddock Way, Findon

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for a replacement chalet style flint-faced building containing 2 No. apartments.
SITE AREA	933 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21 dwellings per hectare
TOPOGRAPHY	Slightly sloping
TREES	There are many mature trees within the immediate surrounding area, however, none are of any significance are to be affected by the application.
BOUNDARY TREATMENT	.4m high brick wall to frontage (with Paddock Way). Dense tree and hedge screen to remainder.
SITE CHARACTERISTICS	Detached single-storey bungalow with red/brown brick walls and brown plain tiled hipped roof. Corner plot.
CHARACTER OF LOCALITY	Residential cul-de-sac. Surrounding properties are varied in style and size, but predominantly detached.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
FN/42/81	Removal of covered area and erection of single-storey extension with pitched roof.	Approved Conditionally 28/10/01
FN/39/05	Modification of existing property, to include garage extension, living room extension and raising eaves to accommodate new first floor.	Withdrawn 27/07/05
FN/50/05	Modification of existing property to include garage extension, living room and raising eaves to accommodate new first floor (re-submission following FN/39/05).	Approved Conditionally 26/10.05
FN/60/06	Demolition of existing bungalow and replacement with 3 No. 2-bed apartments and 1 No. 3-bed with associated parking.	Refused 28/9/06

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Findon Parish Council	No objection.
24 letters of objection	Covenants relating to one dwelling per plot apply to the site. Loss of light to adjacent property. Overlooking to adjoining properties. Loss of privacy. Building would be overbearing. Out of character. Flats would bring building line projecting 8 m beyond frontage of dwelling. Narrow roads exist, parking difficulties already. Parking in road would restrict access for emergency vehicles and dustcart. Would dominate street scene. Overdevelopment. Footprint of building is just 8 sq. m less than previously refused application FN/60/06. Effectively a slice 1m wide has been removed across the width of the structure at the south end and the roof flattened to give the impression of a reduction in bulk. Proposal involves unusual and wasteful use of space to gain approval for 2 units which later could be amended to incorporate more. Would add to demands on infrastructure and amenities. Proposal is almost twice the size of the existing bungalow. Change in building height is not marginal, the difference is .89m or 15% and is totally unacceptable. Precedent would be set destroying character of the village. Development itself is only 8 sq m smaller than the previous application. Notice was posted very late and advertising period covered Christmas holidays reducing opportunity for letters to be submitted. Number of bathrooms proposed is excessive and implies further units are proposed. Flooding problems in area would be worsened. Excessive vehicular movements from residents and visitors to the flats.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Sussex Downs Conservation Board	None
County Highways	No objection – Conditions suggested.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Tree Preservation Order TPO/1/56 – G8 relates to trees in verge on Nepcote Lane.

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1, DEV1, CHE1, CH2 Arun District Local Plan : GEN7, AREA9

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PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development
PPS 3 - Housing
PPS 7 - Sustainable Development in Rural Areas

POLICY COMMENTARY

The above policies combined to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity and the character of the surrounding area having regard to the site setting within an Area of Outstanding Natural Beauty.

COMMENT ON CONSULTATION RESPONSES

None

COMMENT ON REPRESENTATIONS RECEIVED

Covenants are a private legal matter.

Notices were posted in accordance with procedure and whilst the advertising period did include the Christmas holidays, adequate time was still available for representations to be made and considered.

In addition, third parties who had made representations were notified of revised plans and given an additional 14 days for comment.

No adverse overlooking would result to adjoining gardens to east since only rooflights are proposed on this elevation which would be obscure glazed and it is proposed would be controlled by Conditions.

In terms of parking and level of traffic on adjoining roads County Highway Officer has no objection.

Whilst the proposal would project beyond the established pattern of development an extension in this position has previously been approved. It is not accepted that use of the site for 2 flats constitutes overdevelopment in terms of the plot size. Two flats and car parking can be accommodated without appearing cramped or out of keeping.

The application can only be considered on the basis of what has been submitted. Any further changes would require planning permission and separate applications would need to be submitted.

Increases in demand for infrastructure are not considered significant.

The percentage increase in size of the existing built form is not in itself relevant. It is the visual impact on the increased size on the street scene and neighbours that is of importance.

It is not considered the proposal would be overbearing or out of character, particularly when previous permissions are taken into account.

ASSESSMENT OF 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 comply with relevant Development Plan policies in that there would be no materially adverse effect on visual or residential amenity.

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

Substitute plans have been received which have reduced the overall height of the proposal. A previous approval for an extension and modifications to the existing dwelling involved an increase in the height of the roof and the roof levels included in this application are now comparable. The northern portion of the west elevation is now 5.4m compared with earlier approval of 4.9m. The rest of the roof is 6.2m compared with the earlier approval of 6m. In addition, the lower northern portion would extend for 4.2m instead of 3.4m.

The proximity to the boundary and length of the building is as per the previous approval. On this basis, refusal of the application would not be justified. The impact on the adjoining neighbour would not be materially worsened by the altered heights.

The windows in the roof on the boundary with No.26 are secondary and a bathroom and can therefore be obscure glazed to protect privacy.

There would, therefore, be no materially adverse effect on the residential amenities of No.26 by reason of overshadowing, overbearing or overlooking effects.

With regard to visual amenity and the impact on the character of the area, the bulk, height and size of the development would be comparable with the earlier approval of the site. The 20cm increase in height of the bulk of the roof would not be readily apparent in the street scene. A reasonable amount of garden area would be retained. The parking spaces provided are to maximum standards and County Highways have no objection to the proposal.

The application is therefore recommended for approval subject to the conditions set out overleaf.

FINDON FN/79/06/

Demolition of bungalow and erection of 2 no. 2 bed flats with 4 car parking spaces

1 Paddock Way
Findon

RECOMMENDATION

Approve Conditions

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The accesses from the site to the public highway shall be designed, laid out and constructed with/kerb radii/visibility splays/and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

3 The buildings shall not be occupied until provision for cycle storage has been made and the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of vehicles and storage of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

FINDON FN/79/06/

4 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping/hard and soft/, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

6 The windows in the roof on the east elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

7 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

REPORT UPDATE

Application No :	FN/79/06
Agenda Page No :	108

Reason for the Update/Changes

- Recommendation

  Condition 2 has been amended to refer to Paddock Way not the public highway.

- Representations

  10 additional letters of objection referring to substitute plans reiterating previous comments.

Officer Comment :

None

Notes: Changes to recommendations, conditions and/or reasons for refusal will always be accompanied by a new replacement recommendation sheet.

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