

PLANNING APPLICATION REPORT**REF NO:** FP/109/11/**LOCATION:** 21 Uppark Way
Bognor Regis**PROPOSAL:** Erection of 1 No bungalow with associated parking and external works
(Resubmission of FP/241/10/)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to construct one new bungalow on land to the rear of 21 Uppark Way. This is a resubmission following refusal of FP/241/10.
SITE AREA	0.02 hectares
RESIDENTIAL DEVELOPMENT DENSITY	50 dwellings per hectare
TOPOGRAPHY	The site is up on raised ground from the footpath on Fittleworth Drive and there is a significant drop down to Worms Lane.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing along the footpath. Wire fencing around proposed site.
SITE CHARACTERISTICS	The rear garden and garage to the site are located adjacent to the end of Fittleworth Drive. In the rear garden is a garage opening onto Fittleworth Drive. Dwelling is a bungalow, brick and painted cream. Fibre roof. To the side of the site is a built-up grassed piece of land. To the rear of this site is Worms Lane.
CHARACTER OF LOCALITY	Uppark Way is predominantly bungalows. 23 and 24 Fittleworth Drive are semi-detached houses and 25 - 28 is a terrace of houses with the first floor level tiled and grey roof fibre tiles.

RELEVANT SITE HISTORY

FP/155/09/	Construction of 2 chalet style bungalows with detached garages	Refused 22-12-2009
FP/241/10/	1no. bungalow & associated parking & external works (re-submission following FP/155/09/)	Refused 01-02-2011

REPRESENTATIONS

Representations received:

Felpham Parish Council

Objection the site is now classified as Greenfield land (garden infilling). It is out of character with the street scene. Overdevelopment and loss of visual amenity and open space.

7 Letters of Objection

Will ruin the rural views from the road. Parking is a massive issue. The parking is for 2 spaces but the existing dwelling has 3 cars so that is a loss of 2 spaces. Out of character. What is the point of one bungalow when up the road there is a new estate. The existing dwelling is a mess because of ongoing building works. The site is on the brow of a hill. This has been rejected on several occasions before. The bund is owned by two different owners one keeps the land tidy, one does not. Drainage is still a problem and the building would be within 3m of a sewer. This garden grabbing is not acceptable. Plans are wrong the south elevation is the wrong way. No retaining wall is shown to hold up the bund. The proposal is not significantly different from the previous applications.

Comments on Representations received:

Noted and agreed.

CONSULTATIONS

WSCC Local Development Divis.

Environment Agency

Southern Water Planning

Consultations responses received:

Environment Agency - The FRA is acceptable provided that it is implemented then no objection.

County Highways - This Authority has been previously consulted therefore comments as previously. A new crossover is being proposed. This must not exceed 4.5m in width and suitably drained. The parking is within the maximum standard. The crossover requires visibility splays of 2m.

Southern Water - No objection in principle. There is a public sewer on site which will need to be located exactly with no development to take place within 3.5m either side of the sewer.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Open Plan Condition

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[GEN12](#)

The Form of New Development
Parking in New Development

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

PPS3
PPG13

Housing
Transport

SUPPLEMENTARY POLICY GUIDANCE

XXX6

Interim Affordable Housing Policy

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 conflict with relevant Development Plan policies in that it would be a visual intrusion and out of character with the surrounding area.

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 subject to normal development control considerations. The estate is subject to an open plan condition. The proposal is a revised application following refusal of FP/155/09 two chalet bungalow and FP/241/10 for one bungalow.

PPS3

While the proposed dwelling would be located within the built up area where the principle of development is accepted, garden land has now been reclassified in Annexe B of PPS3 (June 2010) and is no longer classified as Brownfield/previously developed land. This reclassification is an attempt to stem the flow of loss of garden land and prevent the much publicised garden grabbing. While each application is judged on its own merit such development may have a possible impact upon the character of the area, the acceptability of which must be considered. It should be noted that, whilst a presumption in favour of garden land development is no longer pursued, PPS3 does not advocate taking a negative stance towards garden land development. The intention is that such schemes can no longer be regarded as beneficial in terms of the clear aim within PPS3 of directing the majority of residential development towards previously developed land. While PPS3 still seeks the efficient use of land and indicates that the existing density of development should not dictate that of new housing, the change to national policy is clearly intended to prevent harmful forms of development on garden sites and give increased recognition to gardens as an environment asset. Consequently, the change in national policy is relevant to this case and affects the overall balance in decisions relating to garden land.

The core aim of PPS3 is to achieve development that is equally/better integrated with its surroundings and does not produce excessive density and development. The PPS states that good design consists of good access to community, green and open amenity and recreational space as well as private outdoor space such as residential gardens. In this case the proposal appears cramped and would require the unacceptable loss of garden space to the rear of the existing dwelling.

VISUAL AMENITY

Whilst the dwelling address is in Uppark Way, the proposal is within and would affect Fittleworth Drive. Fittleworth Drive consists of bungalows and 2-storey dwellings. It is a cul-de-sac and at the end of Fittleworth Drive is a piece of greensward, which contributes to the character of the area. The site is on land raised up by approximately 1m from the ground level. There were no details provided, to show the proposed finished ground level. To the rear of this site is Worms Lane which is on a lower ground level and is very rural in character with fields beyond. The loss of this space would be a visual distraction on the estate where the existing greensward is a focal point when approaching Fittleworth Drive. This openness is an important feature which dictated the original design of the estate in that an open plan condition was imposed. It provides the gateway to the countryside beyond.

This proposal to demolish the existing garage and to construct a bungalow would therefore have an unacceptable impact on the character and appearance of the locality.

The proposed layout is furthermore not in keeping with the character of the area with the gable end facing the road and the front door to the side.

RESIDENTIAL AMENITY

The dwelling has been designed to avoid any potential overlooking with no first floor side windows. Therefore it is not considered that the proposal would result in any significant loss of residential amenity.

HIGHWAY CONSIDERATIONS

County Highways has raised no objections, however, they require details of visibility splays to be submitted. The proposal results in the loss of a garage and car parking space for the existing dwelling.

FLOOD ISSUES

The Environment Agency has raised no objection subject to conditions as they are satisfied with details in the Flood Risk Assessment.

SUMMARY

The application form states that the site is currently used as the rear garden of 21 Uppark Way, a use which should be retained as it provides a visual break. The proposal would therefore result in a loss of visual amenity and be out of character with the surrounding development. It is therefore recommended that the application is refused for the following reasons.

RECOMMENDATION

REFUSE

- 1 The proposal will have an unacceptable impact on the character and appearance of the

locality in that it does not relate sympathetically in design, form and scale with the existing built and natural environment of the area. It will result in the loss of a valuable visual amenity which provides a visual bridge between the built form and the open countryside beyond. It therefore conflicts with policies GEN7 of the Arun District Local Plan and PPS3 as amended.

- 2 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of PPS3 and the Council's interim affordable housing policy adopted on 18th August 2010.