

Recommendation Report for Planning Permission

REF NO: FP/127/17/PL

LOCATION: 2 Second Avenue
Felpham

PROPOSAL: Proposed detached two storey dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed dwelling will be sited on a similar front building line to no. 2 but set further back than no. 1. The house will be between 7.1 and 7.7m wide. It will be 4.5m to the eaves and around 8.55m to the ridge. An integral garage is proposed along with an additional off-street driveway parking space. The house will have 4 double bedrooms. No roof accommodation is shown. The existing garden outbuilding situated at the end of the garden will be demolished.

SITE AREA

0.0855 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

11.7 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Existing 1m brick wall with close boarded fencing inserts to the very front. This is part supplemented with hedging of 2-2.5m. There is then a grassed area before a further 'front' boundary comprising 1.7-1.8m close boarded fencing. Similar height close boarded fencing to the boundary with no. 1 Second Avenue. 1.8-1.9m high close boarded fencing to the rear.

SITE CHARACTERISTICS

Existing side garden comprising of children's play equipment. Separately fenced off single storey pitched roof summerhouse at the end of the garden.

No. 2 Second Avenue is a two storey detached dwelling with white rendered walls at ground floor, timber cladding above and a red tiled roof. Front covered but open porch

CHARACTER OF LOCALITY

constructed from timber and brick with a red tiled roof. Existing single storey rear extension with further garden to the rear, a boat shed and a small domestic shed.

Private residential estate comprising of detached properties of various styles and designs.

No. 1 is a detached two storey dwelling with a single storey front projection. It has a ground floor utility room window and a first floor bathroom window on the affected side. Ground floor rear windows are obscured by a rear single storey extension. The first floor has a rear facing bathroom. No. 1 has an eaves height of 4.8m and a ridge height of 7.65m.

No. 2 has three ground floor flank facing windows and 3 first floor flank facing windows. These are understood to be secondary windows. The single storey extension has a further two large windows which face the application site and serve a kitchen/utility area. No. 2 has an eaves height of 5.25m and a maximum ridge height of 8m.

21 First Avenue to the rear is a bungalow.

RELEVANT SITE HISTORY

FP/72/01/	Single storey rear extension	ApproveConditionally 25-05-2001
FP/178/02/	Detached timber shed	ApproveConditionally 05-11-2002
FP/266/07/	Outline application for proposed 2 storey 4 bedroom detached house and new vehicular access.	ApproveConditionally 27-02-2008

Outline planning permission was granted in February 2008 for a 2 storey, 4 bedroom detached house with a new vehicular access. This was granted by the Development Control Committee following a site visit and subject to an additional planning condition requiring that the gap between the southern elevation of no. 2 Second Avenue and the northern elevation of the proposed dwelling be not less than 3m. It is not possible to apply a similar condition to the new application as the layout is not a reserved matter.

REPRESENTATIONS

Representations received:

Felpham Parish Council

"Objection. Not in keeping with the street scene, design guide or Neighbourhood Plan"

Eight letters of objection raising the following issues:

- (1) The gap between the northern elevation and the southern elevation of no. 2 is only 2m not the 3m as previously required;
- (2) The proposed garage door is only just over 2m wide and will only be suitable for a small car;
- (3) The proposed dwelling is slightly further forward than the established front building line;
- (4) Overdevelopment given the width of the plot compared to others;
- (5) Impact on local character;
- (6) The application was not brought to the attention of the recent purchasers of 23 First Avenue;
- (7) There is an existing single storey dwelling in the grounds of 2 Second Avenue which abuts nos. 21 & 23 First Avenue and is not authorised.
- (8) Loss of outlook to no. 23 First Avenue;
- (9) The plans are inaccurate in relation to the outline of the adjacent house, no. 1 Second Avenue; and
- (10) Insufficient parking leading to parking on-street and conflict with residents.

Comments on Representations received:

The Parish Council comments are noted.

Points (4), (5), (8) & (10) will be discussed in the Conclusions section of this report. The following comments are offered in respect of the other local resident objections:

- (1) It is true that the gap is only 2m. However, the 3m requirement was a condition of the expired outline permission and does not automatically apply to this brand new application as submitted some 10 years after the previous;
- (2) The width of the garage opening has been checked and is 2.3m. This is only 0.1m less than the width of a standard parking space and is therefore considered to be sufficient;
- (3) The proposed dwelling is 1.1m further forward than no. 2's front building line but is also set back by 3.5m from no. 1's front building line;
- (6) This is not a material planning consideration;
- (7) The building in question is a summerhouse and is not separately occupied. The application proposes its demolition in order to create more garden for the proposed dwelling; and
- (9) The applicant was advised of the concerns with the drawings and has provided replacement plans which address these.

CONSULTATIONS

Arboriculturist

Consultations responses received:

ADC TREE OFFICER:

Notes that the front garden contains a shrub clump, a hedge of shrubby plants and one Holm Oak which has been kept pruned down to small shrub proportions. There is then a dying Cherry tree in the rear garden. None of the trees are considered to be worthy of retention or protection. No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Bognor No. 3 Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
GEN9
GEN12

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change
mitigation
H DM1 Housing Mix
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage
Systems
Design of new development
Surface water management
Building design
Design details
Increasing the energy efficiency of our
buildings

Felpham Neighbourhood Plan 2014 POLICY
ESD1
Felpham Neighbourhood Plan 2014 POLICY
ESD5
Felpham Neighbourhood Plan 2014 POLICY
ESD8
Felpham Neighbourhood Plan 2014 POLICY
ESD10
Felpham Neighbourhood Plan 2014 POLICY
ESD11

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst

Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Felpham Neighbourhood Plan has been part of the development plan for more than 2 years and the WMS is less than 2 years old;
- The Felpham Neighbourhood Plan does not allocate any sites for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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.

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 is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. The National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area and advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

The Felpham Neighbourhood Plan does not contain any housing allocations nor windfall type policies and instead seeks only to control the design of new housing.

DESIGN AND CHARACTER OF THE AREA:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always

appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in terms of, for example, layout.

Felpham Neighbourhood Plan policy ESD1 states that: "New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location."

It is also necessary to consider policy ESD8 which includes the following: "The design of new buildings must reflect the design principles of their time so that the richness of varied character would continue and would be extended into the future."

In addition, policy ESD10 states that: "The following items must be considered early in the design process and integrated into the overall scheme:

- bin stores and recycling facilities
- cycle stores
- meter boxes
- lighting
- flues and ventilation ducts
- gutters and pipes
- satellite dishes and telephone lines"

The proposed dwelling will be sited slightly further forward (1.1m) than the front of no. 2 but is also set back by 3.5m from the front of no. 1 (due to no. 1 having a single storey front extension). The depth of the new dwelling will be similar to no. 1 but also less than no. 2 (due to no. 2's single storey rear extension). The new dwelling will be 1m from the boundary with no. 2 and 1.4m, narrowing to 1m from the boundary with no. 1. The total gap between the fronts of these dwellings is 2.5m to no. 1 and 2m to no. 2.

Although existing residential plots within this private estate are generally spacious, there is no established pattern to gaps between dwellings. For example: 2.2m between nos. 4 & 5 Second Avenue; 1.1m between the northern wall of 3 Second Avenue and its boundary; 1.3m between northern wall of 14 Second Avenue (opposite the site) and its boundary; and 2.2m between nos. 9 and 10 Second Avenue. For this reason, it is not considered appropriate to insist on a 3m gap between the southern elevation of no. 2 Second Avenue and the northern elevation of the proposed dwelling.

The proposed dwelling will be marginally higher (less than 1m) than the adjacent dwellings but has a front gabled roof which has less bulk than the roofs of the adjacent dwellings. There are other front gabled roofs on Second Avenue. No chimney is shown but then there is also no chimney on no. 1.

Proposed materials include painted render, stained timber weatherboarding and clay tiles. These are considered to be appropriate within the streetscene.

It is considered that the proposal is in accordance with Local Plan policy GEN7 (ii) and with policies ESD1 and 8 of the Neighbourhood Plan. The proposal does not fully comply with policy ESD10 in that although the position of cycle and bin stores are shown, the other details are not.

However, the missing details are not considered to be necessary at the planning stage and would instead be included at the Building Regulations stage. It is not considered that non-compliance with this policy should result in a refusal.

RESIDENTIAL AMENITY:

Arun District local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The layout of the proposal is such that there will be no impact on a 45 degree splay drawn from the rear principle windows of neighbouring windows. There will be some loss of light to the southern elevation of no. 2 due to the plot being to the south. However, the new dwelling has been designed so as to be set back from the existing rear of no. 2 and thus, light will still reach no. 2's rear elevation and their rear extension.

There will be a loss of view from the existing flank windows of no. 1 and no. 2. However, those on no. 1 are secondary in nature (utility room & bathroom) whilst those on no. 2, although serving living space and bedrooms, are still secondary to existing front/rear facing windows. Furthermore, it should be noted that the applicants are the owners of no. 2 and they will have designed the proposed dwelling knowing that there may be an impact on their own windows. The proposed south facing first floor bathroom windows are indicated as being obscure glazed but it will be necessary to also obscure glaze the north facing stairs window to prevent views between the new dwelling and no. 2.

It is proposed to site a new cycle store adjacent to the rear fence. Although this will be only a low level shed like structure, it may have an impact on the amenity of the properties to the rear (21 & 23 First Avenue). However, the large summerhouse outbuilding that currently sits adjacent to the rear boundary line will be removed and thus there will be a net improvement in the amenity of these properties.

A local resident has raised concern as to the impact on the outlook of no. 23 First Avenue. This dwelling is not the immediate property to the rear and therefore faces the site at an angle. Nos. 21 and 23 are both single storey and it was not possible to view their rear windows from the ground level of the site. No. 23 does have an attic level window which may currently afford views over the site through to the opposite side of Second Avenue. However, there is no right to a view in planning law and the interface distance between no. 23 and the new dwelling, at around 40m is considered to be more than sufficient to protect their amenity.

It is therefore considered that the proposal is in accordance with Local Plan policy GEN7 (iv).

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The requirement for a two storey, four bedroom, 7 person dwelling is 115m² but the internal floor space (excluding the garage) proposed is 134m² and therefore exceeds this requirement.

Policy D DM3 of the Arun Local Plan 2011 - 2031 (Publication Version) (October 2014) sets out the Council's external space standards and despite not being an adopted policy is currently being

used for development management purposes and has been subject to testing at appeal. There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings.

This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden and in this case should be at least 100m². The proposed garden is to the rear and is 17.5m deep with an overall rear area of 144m². No. 2 meanwhile will retain a rear garden of 147m² with a depth of between 12.5m and 16m. The proposal therefore complies with these external space standards.

PARKING PROVISION & ACCESS:

A local resident has raised concern that the proposal includes insufficient parking and this would therefore lead to conflict with other residents and non-compliance with private estate rules regarding on-street parking.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. The standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates that that the proposed development would generate a demand of 2 spaces. The proposal includes an integral garage as well as driveway and turning space able to accommodate at least 1 other car. This therefore meets the anticipated demand. A third car could be accommodated within this area. This would then block in the other two but would be appropriate on a temporary basis (such as for visitors). Planning conditions will be imposed to ensure that the garage is not converted into habitable accommodation and to ensure that the cycle storage building is provided and retained permanently for its intended use.

On this basis, it is considered that the proposal complies with the Local Plan.

DRAINAGE:

Felpham Neighbourhood Plan Policy ESD5 requires that development proposals provide a surface water management plan. However, this is not a high risk area such that the Council would ordinarily impose a drainage condition. Instead, drainage will be dealt with through the building regulations process. This is an appropriate solution and therefore, the proposal is considered to comply with the policy.

ENERGY EFFICIENCY:

Felpham Neighbourhood Plan Policy ESD11 states that:

"The Plan will support development which contributes to both mitigating and adapting to climate change and to meeting the national targets to reduce carbon emissions through incorporating measures which are strongly linked to the measures set out in the Code for Sustainable Homes (CfSH), with regard given to achieving Level 4 CfSH. All new housing development, with the exception of the conversion of historic buildings should have a minimum energy efficiency

standard equivalent to Level 3 of the CfSH."

The proposed house will be built to modern Building Control standards and will therefore achieve a high level of thermal efficiency. This is an appropriate solution and the proposal is therefore considered to comply with the policy.

SUMMARY:

It is considered that this proposed infill development would provide an additional dwelling without compromising the character of the area or the amenities of neighbouring properties. Accordingly, it is recommended that permission be granted subject to the following conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

APPROVE CONDITIONALLY

- 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 development hereby approved shall be carried out in accordance with the following

report

approved plans:

Location and Site/Roof Plan - Rev A (26/07/17);
Proposed Plot Plan - Rev A (26/07/17);
Proposed Ground Floor Plan - Rev C (17/05/17);
Proposed First Floor Plan - Rev C (17/05/17);
Proposed Elevations - Rev C (17/05/17); and
Proposed Street Elevation (15/05/17).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building 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 policy GEN7 of the Arun District Local Plan.

- 4 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the access goes to the heart of the planning permission.

- 5 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with the National Planning Policy Framework.

- 6 Details for the secure storage of at least 2 bicycles within the application site curtilage shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the new dwelling. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 7 Before the building hereby permitted is occupied, a dustbin enclosure shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The enclosure so approved shall be retained in perpetuity.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 8 The proposed first floor bathroom, en-suite and stair windows on the northern and southern side elevations of the building shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order) the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 10 The integral garage shall not be used for any other purpose other than as a private domestic garage in connection with the residential use of the approved dwelling.

Reason: To ensure the provision of adequate off street parking space in accordance with policy GEN7 of the Arun District Local Plan.

- 11 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 12 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.