

Recommendation Report for Outline Consent

REF NO: FP/139/19/OUT

LOCATION: Land south of garage compound &
East of 12 Alfriston Close
Felpham
PO22 6QE

PROPOSAL: Outline application with all matters reserved for the erection of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Erection of a single storey one bedroom dwelling of a square footprint, approximately 7.5x7.5m, up to 4m height. The property would be constructed from super insulated panel system, clad in materials to match the surrounding properties. All matters are reserved but the application is accompanied by an illustrative Block Plan.
SITE AREA	56 square metres
RESIDENTIAL DEVELOPMENT DENSITY	178.6 dwellings/ha
TOPOGRAPHY	Predominantly flat
TREES	Two existing rather mature trees on the site would be affected.
BOUNDARY TREATMENT	Rear wall of the existing garage compound to the north only.
SITE CHARACTERISTICS	Strip of grass in the between the existing footway to the south and the rear of garages to the north situated in the end of Fittleworth Drive.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of 2 storey semidetached and terraced dwellings of a similar design. The estate was purposefully built with greenspaces and an open plan design connected by the network of footways.

There is no relevant history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

Felpham Parish Council has raised an objection for the following reasons:

- 1) Out of keeping with the surrounding area.
- 2) Single storey build within 2 storey development
- 3) Inadequate access and parking arrangements
- 4) Sets a precedent for other small plots of land in the area that have been recently bought for the same purpose

5) It is currently on publicly maintained highway

6) over development of a small sight site.

Neighbourhood Plan reasons for objection - Contrary to ESD1 Quality of Design.

Seven letter of support has been received from the applicant commenting on objections and the comments of the consultee:

- The pedestrian footway will not be affected by the intended development, it will remain as it is.
- The street light will not be removed, possibly repositioned to allow for a motor vehicle space as a result of this intended development.
- The trees will not be affected by this intended development
- The garage roofs will still be accessible for maintenance etc. albeit over private ground with the owners permission
- There will not be any further demand on car parking spaces as a result on the estate.
- The building meets the minimum space requirements required at approximately 40mtrsq for the dwelling and another 40mtrsq etc.

30 letters of objections have been received; summarised as follows:

- The car/house ratio is way above the average; a property on this plot will stick out like a sore thumb devaluing the properties within surrounding area, would be an intrusive development
- The dropped kerb would result in a loss of one parking space
- The visual amenity of the area would be spoiled
- No access to the back of the garages
- This corner use will impact on the parking in the street and the ability to turn due to others parking.
- With the removal of the pathway as per the diagrams this will have an impact on people using the pathway safely as it will not be there to use.
- The new building would be prominent from most angles within the road.
- An eco friendly house is in the best interest of the planet. But one small house stuck on the end of a tiny plot appears to hinder the area and not embellish it.
- It's an invasive plan which will ruin the visual amenity of the area and massively impact the disabled access to 12 Alfriston Close.
- There are many young families living in Fittleworth Drive and Alfriston Close who's children enjoy play on this small green space.
- It would be totally out of keeping with the local surrounding.
- Great emphasis in Felpham Neighbouring Development Plan is made on keeping the local character of the estates & places.
- Whilst modern building techniques are quicker & indeed cheaper they are not necessarily suitable or in keeping with the local construction, for example none of the single story buildings in the estate are clad.
- It could not possibly hold a building measuring 7.5 x 7.5 metres because from the boundary of number 12 to the first tree is 4.2 metres not 7.5 metres.
- This development would create significant disharmony amongst the residents and would decrease the quality of life for all.
- The actual size of the plot can be accurately judged by the standard lock up garages beside it.
- Development on this green space will overshadow the property that is 12 Alfriston Close adjacent to the proposed development
- Development on this green space will put additional strain on water services in the area and cause possible damage to the existing asbestos constructed garages.
- This development (originally by Roxby Estates) was designed as an "open plan" development to include the necessary green areas that go with such planning.
- Another dwelling in this area of the estate will have a major impact on the drainage to the existing properties which is often overburdened as it is.
- The plot of land of this proposed construction has always been constituted as a part of the Green Amenity Land and had been maintained by WSCC for 40 years.

- Infill of the existing open space, a part of the original development of Flansham Park Estate.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of the above objections are planning issue. Objections raised will mainly be covered in the Conclusions section of this report.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Highways comments:

- A vehicular access serving the dwelling should be 3m wide in accordance with WSCC standards for a single access. A dropped kerb would be required for a new access which would be subject to a licence. New accesses should be situated at least 1.5m away from any street furniture or street lights.

- It appears the whole site is classified as publicly maintained highway. In order for this land to be incorporated into the site, the highway rights need to be formally removed by way of a Stopping Up Order.

There is also no guarantee that this process would be successful. The comments made here would not necessarily constitute the Highway Authority's formal position regarding any future stopping up. The applicant should be aware that the LHA would not wish to see any loss of footway width in this location.

Parking and turning

- Details of the proposed parking and turning layout should be demonstrated at the reserved matters stage. Parking provision should be provided in accordance with the WSCC Car Parking Demand Calculator. WSCC adopted new parking standards in August 2019. A property of this size in this location would require at least 2 car parking spaces.

- 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.

Engineers Comments Regarding Surface Water Drainage:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
SDSP2	SD SP2 Built-up Area Boundary
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
QESP1	QE SP1 Quality of the Environment

Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD4	New dwellings - code for sustainable homes
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection
Felpham Neighbourhood Plan 2014 POLICY ESD10	Design details
Felpham Neighbourhood Plan 2014 POLICY ESD11	Increasing the energy efficiency of our buildings
Felpham Neighbourhood Plan 2014 POLICY GA1	Pedestrian and cycle connections

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

Felpham has a "made" Neighbourhood Plan and the relevant policies are ESD1, ESD4, ESD5, ESD9, ESD10, ESD11 and GA1.

The new Emerging Neighbourhood Plan reached the stage Reg 14 and is a material consideration when determining applications. The relevant policies are ESD1, ESD2, ESD6, H1, GA1 and GA4.

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 development is considered to conflict with relevant Development Plan policies in that it would have a detrimental and adverse impact upon the established character of the surrounding area failing to respond to the local character and not reflecting the identity of the local surroundings.

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 proposed development is situated within the built up area boundary within a sustainable location where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are SD SP2, D SP1, D DM1, D DM2, TSP1, ECC SP2, QE SP1, W DM1 and WM DM1 of the Arun Local Plan, policies ESD1, ESD5, ESD9, ESD10 and ESD11 and relevant paragraphs of NPPF.

Policy D SP1 requires all development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM1, Policy ECC SP2 expects all new development to be energy efficient.

Policy ESD1 of the Felpham Neighbouring Plan stresses that proposals must respond to the specific character of the site and its local surroundings.

The NPPF (Feb 2019) is an important material consideration in determining planning applications. NPPF in paragraph 122 (d) states that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing

character and setting (including residential gardens).

Paragraph 11 of the Framework confirms the presumption in favour of sustainable development and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The Council can demonstrate a 4.7 year supply of housing land and therefore, relevant policies for the supply of housing should not be considered up to date.

However as an Inspector in his report APP/C3810/W/18/3195440 pointed out: 'The lack of a five year supply of housing land does not automatically lead to a grant of planning permission if the adverse impact of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.' The proposal would make an insignificant contribution to housing stock in the area.

CHARACTER AND APPEARANCE AND THE PATTERN OF DEVELOPMENT

Section 13.2.3 of policy D SP1 expects proposals for new buildings to demonstrate a creative design solution specific to the site; attention to visual interest when viewed as a whole and in detail; attention to proportions, massing form and scale. As mentioned in section 13.2.7, successful development should respond to local distinctive pattern of development.

The site is located on a residential cul-de-sac which is characterised by a mixture of two storey semi-detached, detached and terraced dwellings. There is a general open plan feel to the surrounding area although there is fencing present following footpaths that give access to the rear of properties as well as on the side boundaries of some sites.

The dwelling would be uncomfortably sited within a plot of the footprint of neighbourhood dwellings. The small strip of grass of an L-shape with two mature trees adjacent to the garage compound at the end of Fittleworth Drive. This would be significantly at odds with prevailing pattern of development in the area which consists of two storey detached, semi-detached and terrace properties within plots of a reasonable size. The relationship of the proposed single storey dwelling of a square shape with existing row of garages to the north in a close vicinity and dwelling No12 to the west would be awkward, detracting from the rhythm of an existing pattern of development and would appear visually intrusive.

Notwithstanding the above, erection of dwelling house with footprint of 5.7m x 5.7m (as stated in submitted application form) within the site where the only footprint which would be possible to squeeze in is 5.6m x 5.6m (as shown on the submitted block plan) is not feasible. Therefore it is considered that the proposed development would be inappropriate due to the position and the size of plot.

The proposed development would have an visual impact on the open quality of cul-de sac and vistas, which would be closed up by proposed dwelling. The development would set up an uncharacteristic form of development which would be out of keeping with its surroundings, unacceptably harming the character and appearance of the area.

Therefore the proposal would be harmful to the character and appearance to the area and that would conflict with policies D SP1 and D DM1 of the Arun Local Plan, policy ESD1 of the Felpham Neighbouring Plan and NPPF paragraph 122.

RESIDENTIAL AMENITY

It is not possible to properly assess the residential amenity implications of the proposed layout due to the lack of elevation or floor plan drawings. However, it would appear that the dwelling on the illustrative layout would be approximately 2m from the existing dwelling No12 and within 1m separation distance from the rear of existing garages to the north, sitting literally on the edge of the existing pavement would result in an overbearing structure regardless of its size with rather restricted living conditions for the prospective occupiers.

HIGHWAY SAFETY AND PARKING

No objection (subject to conditions) has been raised from the County Highways and therefore the development is not considered to have a significant adverse impact on highway safety or traffic generation in the location. However, as mentioned above, the WSCC Area Engineer raised concerns regarding building within publicly maintained highway. Using Local Mapping, it appears the whole site is classified as publicly maintained highway. In order for this land to be incorporated into the site, the highway rights need to be formally removed by way of a Stopping Up Order.

Details of the proposed parking and turning layout should be demonstrated at the reserved matters stage. Parking provision should be provided in accordance with the WSCC Car Parking Demand Calculator. WSCC adopted new parking standards in August 2019. A property of this size in this location would require at least 2 car parking spaces what would be again feasible within this size of site.

ECOLOGY

This small grass area with two mature trees borders with a row of garages. It is considered there is some limited potential for wildlife species to be residing within the site.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is not considered possible to assess the internal space standards at the current time. This is because the application is not accompanied by any floor plans.

In respect of external standards, given that this layout plan is illustrative only, the layout has not been checked in detail. However, the plot is not big enough to build the dwelling, therefore it is considered unlikely that the scheme as supplied will comply with these standards.

TREES

Two mature trees within the neck of this site would not be affected by this development, as mentioned in application form, would not been affected. Given the location of the dwelling it is considered likely at least one of them would be lost during or before the development. Although not protected by the order, the trees are of significance in terms of visual amenity, visible from Fittleworth Drive and the public footpath to the south-west of the site and this is a consideration for the purposes of ESD9 (ESD6 of Emerging Plan) of the Felpham NDP. However it would be not a reason to refuse the application.

CONCLUSION

The development is considered to conflict with policies D SP1, D DM1 and QE SP1 of the Arun Local Plan, policy ESD1 of the Felpham Neighbourhood Development Plan and relevant paragraphs of NPPF and therefore is recommended for refusal.

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 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

REFUSE

- 1 The site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would therefore result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policies D SP1, D DM1 and QE SP1 of the Arun Local Plan, policy ESD1 of the Felpham Neighbourhood Plan and paragraph 122(d) of NPPF.
- 2 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- 3 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.