

Recommendation Report for Outline Consent**REF NO:** FP/177/17/OUT**LOCATION:** Rear of 9 Downview Road
Felpham**PROPOSAL:** Outline application with some matters reserved for 1 No. dwelling.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Outline application with matters reserved other than access. One residential unit to the rear part of the rear garden of 9 Downview Road with the vehicle access to the south of the host dwelling.
SITE AREA	0.02 hectares, approximately.
RESIDENTIAL DEVELOPMENT DENSITY	50 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m fences to sides, 3m hedge to rear, 2m hedge to front.
SITE CHARACTERISTICS	Detached two storey dwelling with parking to front, garage to side and large rear garden.
CHARACTER OF LOCALITY	Suburban residential area formed of detached, two storey dwellings set back from the road with parking to front and large gardens to rear.

RELEVANT SITE HISTORY

BR/120/55/A	Garage with living accommodation over	ApproveConditionally 04-05-1966
BR/120/55/B	Outline application for unit of accommodation	Refused 12-08-1966
BR/120/55	Garage	Permit'd Devel

None directly relevant.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Objection- Felpham Parish Council have concerns about implications as it may set a precedence for other properties.

16 letters of representation received, objecting on the grounds of:-

- Overlooking and loss of privacy to 3 South Road,
- The proposed bungalow would not receive significant light,
- The house would be overly large,
- The access road would not be wide enough to allow service vehicles access to the property and crossover would increase on street parking in the area causing highway danger,
- Garden grabbing and development out of character with the surrounding area
- Overdevelopment
- Loss of wildlife and habitat

Comments on Representations received:

Comments noted.

The application is for outline with only the principle of development and access for the application to be considered. Only these points will be considered.

The Officer agrees that the development of a detached dwelling on this site would be out of character with the prevailing pattern of development and represent and overdevelopment of the land.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

WSCC Strategic Planning (Highways) (Full comment available on Arun DC website)

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the NPPF (para 32), and there are no transport grounds to resist the proposal, the following should be sealed via conditions:

-Access road

-Vehicle parking and turning

DRAINAGE ENGINEERS

No comments provided.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN11</u>	Inland Flooding
	<u>GEN12</u>	Parking in New Development
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN33</u>	Light Pollution
	<u>GEN5</u>	Provision of New Residential Development
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		D SP1 Design
		ECC SP1 Adapting to Climate Change
		ENV DM5 Development and Biodiversity
		QE DM2 Light Pollution
		QE SP1 Quality of the Environment
		SD SP2 Built-Up Area Boundary
		T SP1 Transport and Development
		W DM2 Flood Risk
		W DM3 Sustainable Urban Drainage Systems
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5		Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD8		Building design
Felpham Neighbourhood Plan 2014 POLICY ESD9		Tree protection
Felpham Neighbourhood Plan 2014 POLICY ESD10		Design details

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD3	Parking Standards
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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 and is 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.

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 has taking place. 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. The examination was completed in September 2017.

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. 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

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).

The application is considered to conflict with Felpham NDP policy ESD1.

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 have a materially adverse effect on the visual amenities of the locality and 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 OF BACKLAND DEVELOPMENT

The principle of back land development is not considered to be acceptable in this area. The pattern of development shows no back land development in the vicinity but two storey dwellings and bungalows with large rear gardens. There is a strong pattern of development and this development would break this conformity.

Weight must also be given to the recent refusal of FP/186/16/PL which was defended at appeal. This was for 5 dwellings on backland with a lower dph than this application and was refused for the following reason:

"The proposal for 5 dwellings represents an overdevelopment of the site out of character with the area contrary to GEN7 of the Arun District Local Plan, D DM1 of the Emerging Arun District Local Plan and ESD1 of the Felpham Neighbourhood Development Plan."

The adopted Felpham Neighbourhood Plan (NP) also seeks a high quality of design. Policy ESD1 says 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.

GEN7ii) requires development to:-

"demonstrate that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;"

Whilst GEN7 is considered to be out of date; it is consistent with the design quality aims of the National Planning Policy Framework (NPPF) of 2012. Having regard to the advice at paragraph 215, GEN7 attracts substantial weight. Policy D DM1 of the emerging Arun Local Plan 2011-2031 is also relevant. It requires new development to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout and density amongst other issues. The emerging plan has been subject to consultation but has not been fully tested at examination. It may change and for this reason attracts limited weight. However its aims in terms of amenity are consistent with the NPPF which requires as a core principle that planning should seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

The character of the area is defined by detached houses and bungalows in large gardens. Roads in the area are spacious and lined with grass verges with generous footways. The long rear gardens behind the houses largely prevent views through to other houses. Mature trees in back gardens are prominent between the dwellings and give the area a sylvan feel.

The density of the development, at about 50 dwellings per hectare (dph) would contrast markedly with the surrounding area, particularly South Road (8 dph) but also the wider neighbourhood,

where density varies between 9.5 and 15 dph.

All these factors combine to suggest that the development would appear unusually cramped and out of keeping. It would appreciably diminish the existing sense of place and seriously conflict with the aims of paragraphs (ii) of LP policy GEN7, policy D DM1 of the emerging LP, policy ESD1 of the Felpham NP and with the design quality aims of the NPPF and outline permission must be refused in this instance.

IMPACT ON RESIDENTIAL AMENITIES

Appearance is not being sought for approval in this instance, thus physical impact of the development on residential amenity cannot be assessed. The current environment of the rearmost garden areas of dwellings on Downview Road and South Road it is that of quiet private garden. The creation of a dwelling in this location will have an impact on residential amenity in terms of noise and disturbance, especially in terms of the access lane use from vehicles. However, it is not considered the use would generate noise and disturbance to a level whereby residential amenities would be affected to a significantly detrimental level and planning permission could be withheld. Thus, at this stage where appearance is not being considered the impact on residential amenities is considered to be acceptable in line with saved policy GEN7.

ACCESS

There have been no objections from the Local Highways Authority with regards to access as the existing access will be used. As such the access is considered to be acceptable in compliance with saved policies GEN7.

The application is recommended for refusal for the reasons stated below

HUMAN RIGHTS ACT

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 development would appear unusually cramped and out of keeping with the surrounding area, diminishing the existing sense of place and would seriously conflict with the aims of paragraphs (ii) of saved policy GEN7 of the Arun District Local Plan 2003, policy D DM1 of the emerging Arun Local Plan 2011-2031 Publication Version showing Modifications, policy ESD1 of the made Felpham Neighbourhood Plan 2013-2029, May 2014 and with the design quality aims of the National Planning Policy Framework paragraph 215.
- 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.