

Recommendation Report for Planning Permission

REF NO: FP/184/20/PL

LOCATION: Rear of 7 Middleton Road
Felpham
PO22 6BL

PROPOSAL: Demolition of existing garage/outbuilding & construction of a pair of semi-detached houses & associated works. This site is in CIL Zone 4 & is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION It is proposed to demolish the existing triple garage/storage building located at the rear of the site and erect a pair of two storey semi-detached houses & associated works.

The dwellings would be characterized by a 6.8m high two gabled roof with valley in the middle and gable triangle windows to front and to the rear. Due to position of the houses, all fenestration is proposed on the front and rear elevations, the main entrances are from the side with small window on the side of entrance door. The first floor would be clad and the rest would be rendered.

One outbuilding/home office with 3.85m high pitched roof is proposed to the north west corner of the plot, abutting shared boundary with No 6 Flansham Lane.

The access to the dwellings would be via the existing driveway alongside No. 7 whose existing garden would be shortened.

SITE AREA 0.1 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 20 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES One Birch tree in the site close to the east boundary. One immature Horse Chestnut tree on the neighbouring land to the east but straddling the boundary.

BOUNDARY TREATMENT The site has a part brick, part rendered wall fronting the road with other boundaries formed by 1.7-1.8m high close boarded timber fencing. No. 7's private garden has a 1-1.5m high brick wall surrounding it separating it from the areas of hardstanding. Planted trees and hedges along the eastern boundary.

SITE CHARACTERISTICS Detached single storey dwelling with additional accommodation in the roof space (rear and front dormers).

Rear conservatory and ground floor link to additional accommodation within a single storey pitched roof brick built building on western side of garden. Paint rendered elevations with a double pained window at first floor and two triple paned windows at ground floor of west elevation. Garden to rear separated by a wall from the areas of hardstanding elsewhere on the site. Existing large single storey, flat roofed white painted garage/storage building to the very rear of the site. Driveway runs along west boundary of the house leading to hardstanding for parking and turning.

CHARACTER OF LOCALITY

Predominantly residential in close proximity to a restaurant, public house and Tesco Local. No. 9 to the east is not visible from the site due to existing planting along the boundary. No. 5 is two storeys with rear facing first floor bedroom windows. Nos. 4 & 6 Flansham Lane back onto the site of the dwelling. Both are two storeys with first floor bedroom windows. No. 6 has a two storey side/rear extension including a bedroom at first floor looking directly over the roof of a large garage/storage building with associated hardstanding. To the north, beyond the rear boundary of the proposal site lies the rear garden of 8 Flansham Lane.

RELEVANT SITE HISTORY

FP/203/17/PL	Demolition of outbuildings & erection of 1 No. dwelling to rear (resubmission following FP/137/17/PL).	ApproveConditionally 13-12-17
FP/136/09/	Outline planning application for detached dwelling and garage	Refused 21-10-09

FP/203/17/PL for the demolition of outbuildings & erection of 1 No. dwelling to rear (resubmission following FP/137/17/PL) was approved, subject to conditions.

Planning Application FP/137/17/PL for two dwellings was withdrawn following concerns raised in respect of:

- (1) Contrary to internal space standards;
- (2) Contrary to external space standards;
- (3) No Tree survey submitted; and
- (4) Overlooking of proposed private gardens by No 6 Flansham Lane.

Outline planning permission for a single dwelling on the site was refused in October 2009 for the following two reasons:

- (1) The proposal would constitute an unsatisfactory form of backland development which, together with the incidental use of the proposed means of access, would be unneighbourly and adversely affect the privacy and quiet enjoyment of neighbouring properties in conflict with policy GEN7 of the Arun District Local Plan; and

(2) 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 form of development which would be detrimental to the character and appearance of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan.

REPRESENTATIONS

No objection.

1 letter of representations received:

- Under the original application for erection of garages to the rear of No7, the existing permeable area was covered over with asphalt - how this was allowed with regards to SUDs.
- The latest plans for 2 dwellings have altered the roof position which will now effect on natural light of occupier of No 4 Flansham Lane, who lives at the ground floor due her illness as such light in the morning is of upmost importance.
- What sun path analysis has been carried out to ensure the right to light has not been infringed.

One letter of objection was withdrawn.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is regrettable that the rear of the garden at No 7 has been turned to triple garage covered with asphalt without considering SUDs. The impact of the proposed dwellings on amenity of neighbouring properties is considered within the Conclusions section. Planning issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC, Highways: No objection subject to suggested conditions.

DRAINAGE ENGINEERS: No objection.

COUNCIL TREE OFFICER: No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area boundary; and
Class B Road.

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
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 ESD4	New dwellings - code for sustainable homes
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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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 relevant policies of the Felpham Neighbourhood Development Plan have been considered in the determination of this application.

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 not considered to comply with relevant development plan policies in that the site by virtue of its nature is considered unsuitable to accommodate two dwellings and private amenity space satisfactorily without damaging the character of the residential area. The proposal results in an unduly cramped form of development which 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and space standards.

PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the development plan. The key policies considered are D SP1, DDM1, D DM2, T SP1, W DM1 and EEC DM1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires 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 ECC SP2 expects new development to be energy efficient.

NPPF at paragraph 117 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 122 (d) NPPF 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 acknowledges it cannot currently demonstrate a five-year supply of deliverable housing sites

(2.9 years). Consequently, Paragraph 11(d) of the National Planning Policy Framework is engaged and the most important policies for determining the proposal are considered to be out of date.

Even though the scale of shortfall is substantial, the development for two dwellings (one more than the approved scheme) on the site would make a modest contribution to housing delivery and so this benefit has only limited weight.

The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The failure of the proposal to do this is in direct contradiction of paragraph 124 and 127(f) of the NPPF and consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) stresses that new development should ensure that height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character. Policy D DM1 (7) expects that all new development will incorporate existing and new tree planting as an integral part of dev proposal.

Policy ESD1 of the Felpham Neighbourhood Development Plan requires 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 location.

Policy ESD9 emphasizes that the removal of trees to make way for development can completely change the amenities of a road and must be resisted.

Paragraph 122(d) of NPPF 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), or of promoting regeneration and change.

Paragraph 127 of NPPF emphasize that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and do not undermine the quality of life or community cohesion and resilience.

The Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

Permission for the erection of one two storey dwelling with a low 20 degree roof pitch of a similar footprint as currently proposed was approved under FP/203/17/PL.

FP/203/17/PL addressed the previous reasons for refusal with a more ambitious proposal for a detached two storey dwelling situated centrally in the site keeping the height of the roof ridge level at 6.8m with the internal floor space exceeding requirement by 79sqm, balancing the potential impact on residential amenity of neighbouring dwellings. The approved scheme for one dwelling was considered as an appropriate 'redevelopment' of the rear of garden to No 7 Middleton Road.

It was noted that the case officer in a summary of his report for the approved development concluded:

'It is therefore considered that this proposed infill development would provide one new dwelling without overdeveloping the site, compromising the character of the area, adversely affecting the amenities of neighbouring properties or harming the safety of Middleton Road. It is also considered that the proposal complies with all relevant development plan policies'.

The current application is for semi-detached dwellings of similar footprint as approved but with a different roof style and bigger and higher outbuilding/home office. The submitted plans show a dashed line to demonstrate the approved development, slightly less deep but wider with 0.5m lower ridge. Regardless of the approval this application is for two substantial dwellings with 1.35m higher outbuilding than that approved.

While the proposal would be constructed in similar materials to neighbouring dwellings with the scale and mass similar to the approved development the potential of the site of given width would mean that the two dwellings would appear cramped and physically constrained on the site with the frontage dominated by parking.

There would be sufficient outdoor amenity space for occupiers of the dwellings.

It is considered the proposal would be at odds with the character and appearance of the area. Contrary to D SP1, D DM1 of the Arun Local Plan, relevant paragraphs of NPPF and Arun Design Guide (SPD).

RESIDENTIAL AMENITY

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The addition of an additional dwelling (over the one approved) results in additional vehicle movements and general residential activity. This doubling of movements/activity would cause demonstrable harm to the amenities of the neighbouring properties. Whilst one dwelling was considered acceptable to the amenities of nearby residents one extra is considered to create a sufficient effect on amenity that a refusal is justified.

The case officer in FP/203/17/PL mentioned: 'As noted above, this part of the site is already part garage and part hardstanding. Therefore, the siting of a garage and driveway on the western side of the proposed dwelling alongside the boundaries with 4 & 6 Flansham Lane is similar to the existing situation and therefore vehicle movements adjacent to this boundary will not lead to new noise/disturbance impacts.'

However the current proposal is for two dwellings as such the vehicular activity generated by two dwellings would be more frequent, leading to new noise/disturbance impact.

The development would have an impact on occupiers of nearby properties considered to result in adverse harm upon amenity by way of overbearing, and loss of outlook. Therefore it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan.

HIGHWAYS, TRAFFIC AND PARKING

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. 2 parking spaces are shown on the site layout which satisfies the requirement of the SPD for two 3 bed dwellings in Parking Behaviour Zone 2 (2 parking spaces per dwelling).

The submitted drawings show secured covered cycle parking for both dwellings in the rear of their gardens.

WSCC Highways do 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.

As such development would comply with policy T SP1 of the Arun Local Plan.

INTERNAL FLOOR SPACE STANDARDS SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The proposal relates to gross internal floor space of approximately 102 square metres which is the same as requirement for a 3 bed dwelling size what is 102 square metres for 3 bed/6persons,2 storey dwellings.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10 metres. Regard should be had to para 127 of the NPPF which requires development has a high standard of amenity for existing and future users.

The proposal provides a rear garden spaces with a depth of 12m which would satisfy the requirement of Arun Design Guide and complies with policies D DM1 & D DM2, Neighbourhood Development Plan and with the guidance in the NPPF (para. 127).

CONCLUSION

The proposal would result in harm to the character of the area and the significant harm to residential

amenities of nearby properties and therefore the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole. The development is considered to conflict with the development plan, particularly 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 consequently 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required if allowed on appeal.

RECOMMENDATION

REFUSE

- 1 The site by virtue of its nature is considered unsuitable to accommodate two dwellings and private amenity space satisfactorily without damaging the character of this established residential area. The proposal would result in an unduly cramped form of development which 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local

Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.