

Recommendation Report for Planning Permission

REF NO: FP/189/20/PL

LOCATION: Land between 49 & 51 Summerley Lane
Felpham
PO22 7LF

PROPOSAL: 1 No dwelling to replace existing garage. This site is in CIL Zone 4 and is CIL
Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct 1No. dwelling which will replace an existing garage.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	The site is open to the road with a fence approximately 1.7m in height to the rear and side boundaries.
SITE CHARACTERISTICS	The site is occupied by a detached garage and forms part of the garden for 79 Limmer Lane.
CHARACTER OF LOCALITY	The area is predominately residential.
None	

REPRESENTATIONS

Felpham Parish Council provided an objection

- Overdevelopment on the site
- Increase in traffic
- Loss of trees

1 letter of objection received from a nearby occupier

- Loss of privacy
- Noise disturbance
- Light disturbance
- Overdevelopment
- Highway concerns

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in conclusion.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC Engineers - Due to the scale and location, there are no conditions to request.

WSCC Highways - The plans are not clear enough to assist with a recommendation. The following information is required. Is the access to be widened? The applicant proposes a parking area of 2.4 x 3.4, this does not meet the minimum requirement. The LHA requests that the applicant provides cycle parking. The plans indicate that the applicant proposes to place planting in the highway. The LHA requests this is moved from this area.

Environmental Health - Request standard conditions relating to hours of construction, submission of a Construction Management Plan, external lightning and internal noise levels.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

When measuring the size of the parking spaces from the Site Plan-02 they appear 2.4x 4.8m.

POLICY CONTEXT

Built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
DDM2	D DM2 Internal space standards
ENVDM4	ENV DM4 Protection of trees
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#) Design of new development

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.

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 local area and the local pattern of development.

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 to be considered are the design and visual amenity, residential amenity, highways/traffic and space standards.

PRINCIPLE

The site is located in the Built-Up Area Boundary in accordance with policy SD SP2 of the Arun Local Plan (ALP). 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 relevant are D SP1, D DM1, D DM2, T SP1 and W DM2 of the Arun Local Plan.

The proposal would result in the net increase in 1 dwelling, which would contribute towards the Districts housing supply, in accordance with policy H SP1 of the ALP.

Felpham has a made Neighbourhood Plan with Policy ESD1 relevant to the application. This states 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.

National Planning Policy Framework in 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 that it cannot currently demonstrate a five-year supply of deliverable housing sites. 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.

The proposal would deliver a dwelling in a sustainable location, nevertheless, the dwelling would make only a minimal contribution to the shortfall in housing supply. The associated social and economic benefits would be very limited.

DESIGN AND VISUAL AMENITY

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D SP1 of the ALP states that development should seek to make efficient use of land but reflect the characteristics of the site and local area.

The Arun District Council Design Supplementary Planning Document (SPD) is due to be adopted towards the end of 2020 and provides detailed design guidance for developments in the District.

The development would provide 1 No. single storey hipped roof dwelling, which would replace an existing garage and essentially seeks to infill the space which also forms redundant garden space for 79 Limmer Lane which has an L shaped garden, encompassing the proposal site.

The surrounding properties within the vicinity of the development are a mix of detached two storey houses with generous amenity space. Whilst the property is set back from the street frontage by approximately 7.3m the proposal would fail to reflect the characteristics of the site and local area.

The structure would increase in width from 3.3m to 6.6m and as such would be in relatively close proximity to the boundaries with around 1m retained to the southern boundary and 0.4m to the north. As a result, given the limited space to site boundaries and the narrow nature of the site, the dwelling would appear uncharacteristically cramped in appearance and fails to appear integrated with the neighbouring properties.

Due to its scale, with the property being single storey in nature, it appears at odds with the appearance of the area and would not reflect the pattern of development in the locality. It is acknowledged there is one dwelling at No. 34 which is of a smaller scale, similar to the proposed however this is not representative of the general character of the area which features predominately two storey dwellings on relatively large plots.

By reason of its design and plot size, the proposals would represent an overly cramped appearance, and would harm the spatial pattern and the character of the area. The proposal would fail to accord with design and housing policies in the NPPF and D SP1 and D DM1 of the Arun Local Plan and Policy ESD1 of the Felpham Neighbourhood Plan.

The proposal results in significant harm to the character of the area. The failure of the proposal to do this would be in direct contradiction of paragraph 122 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.

RESIDENTIAL AMENITY

Policy D DM1 sets out criteria for which new dwellings must be assessed against. The policy, amongst other criteria, looks at character, appearance and impact.

Policy QE SP1 states that the Council requires development does not have a significantly negative impact upon residential amenity

Paragraph 127 of the NPPF ensures that developments 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.

The dwelling will have a depth of 13.5m extending west with a hipped roof to a height of 5.75m. Due to the height of the proposal, which is of smaller scale than the neighbouring properties, it is not considered to appear adversely overbearing.

To the southern elevation, there is a pitched roofed garage running along part of the boundary which helps to restrict views and with around 8m retained from the boundary of the host site to the side elevation of No.51, it is not deemed to provide adverse impacts upon this property.

To the northern elevation, there will be 3 additional windows facing the neighbouring dwelling (49). Whilst these would be in close proximity, with the property at single storey and with fencing along the boundary, it is not considered impacts by way of overbearing or overshadowing or overlooking would be significant.

There will be doors which open to the rear of the dwelling and with a minimum garden depth of 18m its again not deemed to result in overlooking additional to that already achievable.

The proposed development is not considered to result in adverse harm upon neighbouring amenity by way of overbearing, overshadowing or overlooking and accord with D DM1 of the Arun Local Plan.

TRANSPORT

Arun Local Plan 2011-2031 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.

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Comments were received from WSCC Highways although additional information was required to make a final assessment.

The plans propose two parking spaces which would accord with Arun Parking Standards for a dwelling of this size ,however from the comments received from WSCC they refer to the parking sizes being too small at 2.4 x 3.4m which does not meet the minimum requirement. However when measuring the Site Plan -02 they appear to be 2.4 mx 4.8m and therefore would comply.

Although further information has been requested, the site is considered to be sustainable location in walking distance of local shops, amenities and bus stops with sufficient room available for the siting of two parking spaces and is considered acceptable.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP 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 therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed dwelling is suitable for residential use.

The dwelling has an internal layout depicting; 1 storey, 2 bedroom, 3 persons. The space standard for this provision is 61m². The floor area measures approximately 77.4m² and therefore complies with guidance and is acceptable.

There are no requirements for external space standards however there is sufficient garden for private amenity space with a depth of 18m and a width of 7.75m.

FLOOD RISK

Arun Local Plan policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans.

The site is located in Flood Zone 1 (low risk of flooding) and as such no flood mitigation measures would be required.

Due to the location any alterations to surface water drainage can be constructed in accordance with building regulations. It is therefore the case that the proposal is in accordance with drainage policy.

SUMMARY

All other relevant planning considerations have been taken into account but none are of sufficient weight to warrant the recommendation being amended. This includes para 11d of the NPPF

The site by virtue of its size combined with the design of the dwelling would result in development which is unduly cramped and out of character with its surroundings. It is therefore recommended that permission be refused for the following reasons.

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 Liabie therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The dwelling, by reason of its design and scale, results in an overly cramped appearance and appears out of character, failing to relate satisfactorily to the established residential area in conflict with policies D SP1 and D DM1 of the Arun Local Plan and Policy ESD1 of the Felpham Neighbourhood Plan.
- 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.