

FULL APPLICATION FOR ERECTION OF 1 NO DWELLING TO REAR OF 7 MIDDLETON ROAD, FELPHAM

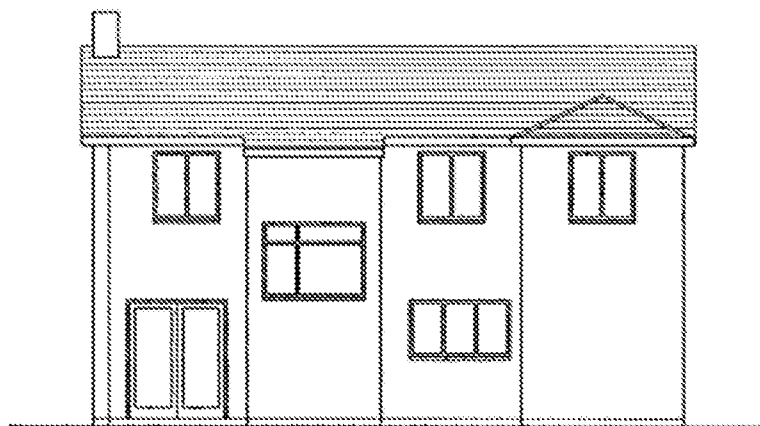


**PLANNING, DESIGN AND ACCESS STATEMENT
OF STEPHEN JUPP MRTPI
ON BEHALF OF MR I FEWINGS**

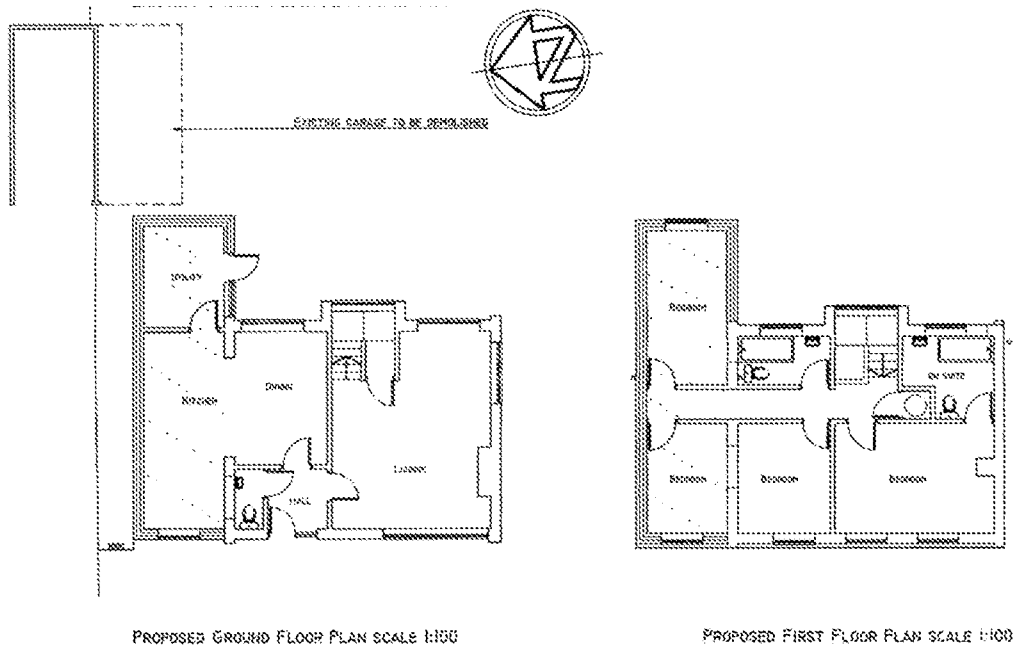
AUGUST 2017

1.0 SITE DESCRIPTION AND APPLICATION PROPOSALS

- 1.1 The Appeal site is situated within the urban area of Bognor Regis in West Sussex. Bognor Regis comprises a large urban area in the eastern part of the District. It is regarded to be a sustainable town offering a good range of services, facilities, employment and public transport opportunities.
- 1.2 The application site comprises an existing rear garden connected to 7 Middleton Road. The site is flat with a very large garage building occupying a significant part of the rear garden of the property along with an area of hardstanding behind 7 Middleton Road.
- 1.3 7 Middleton Road itself is a detached chalet bungalow with an area of hardstanding to the front available to parking.
- 1.4 The rear part of the site is bordered by 4 to 8 Flansham Lane to the west; 8 Flansham, Road to the north and 9 Middleton Road to the east. The boundaries are generally 1.8m high panel fencing.
- 1.5 6 Flansham Lane has a two storey extension recently built on the north side of the property under planning permission FP/253/07. As built floor plans and rear [east] elevation are set out below.



PROPOSED EAST ELEVATION SCALE 1:100



- 1.6 This extension does not have a ground floor rear facing window, but has a first floor rear facing bedroom window.
- 1.7 In June 2017 an application was submitted for a pair of chalet bungalows under FP/137/17/PL. That application proposed the erection of a pair of semi-detached 2bed chalet bungalows in the position of the existing garage building. Parking in the form of 2 spaces per property and one visitor space was located in the parcel of land between 4 Flansham Lane and 5 Middleton Road.
- 1.8 Each property had just one window at first floor level on the side elevations. This was for a bathroom. It was an obscure glazed and non-opening below 1.8mm above finished floor level.
- 1.9 The proposed properties would have a rear garden around 10m in depth and the side walls were just under 3m from the boundary.
- 1.10 The case officer advised by way of email dated 28 July 2017 the following:

I have some issues with the application as follows:

(1) Internal space standards. The requirement for a two storey, 2 bed, 4 person dwelling is 79m². I calculate the dwellings to have 71.4m² internal areas. This is too much of a shortfall.

(2) External space standards. The requirement is 85m² private space with a depth of at least 10m. I calculate plot 1 to be 9.4m deep and with an area of only 71.5m². The depth is not so much of a problem as the plot does not face onto existing dwellings but the area is too much of a shortfall to allow. Re plot 2, the depth is 10m and the area 74m². Again the area is insufficient.

(3) There are trees overhanging the eastern boundary. I have therefore sought consultation advice from our Tree Officer. I imagine he may then ask for a survey to be submitted.

(4) I note that the DAS deals with the issue of light loss to no. 6. However, I have a different concern in respect of this relationship. The existing first floor bedroom window on the rear (extended part) of no. 6 is only 6.6m from the boundary and will therefore look out across the new private gardens at only a short distance. As there is no existing planting in the way, this will mean that the new rear gardens will not be private.

You may want to consider revising the proposal or alternatively withdrawing. It may be that, with some measures to ensure garden privacy, I could support a lower number of dwellings.

1.11 A subsequent email advised of the need for a tree impact assessment in respect of the trees on the east boundary.

1.12 The application was subsequently withdrawn in order that the various issues could be addressed.

1.13 The following, in my professional judgement, can be drawn from this correspondence:

- There is no objection in principle to development on this backland site;
- The relationship of the previous scheme with neighbours was acceptable;

- The impact on trees must be addressed;
- The depth of the rear garden and its overall size must be adequate;
- The size of the proposed dwelling must be the required space standards;
- Overlooking from the first floor rear facing window in the rear extension of No6 must be addressed to provide privacy to the proposed rear garden.

1.14 This amended scheme – for a single dwelling seeks to address all of these concerns.

1.15 In particular, with regard to the above points I make the following general observations:

- The relationship with neighbouring properties is similar. Drawing 6C is a sites section and shows the outline of the previous scheme in blue. This amended scheme is slightly further from the west boundary; has a lower side eaves; and, has an identical ridge line, but the ridge now runs N-S so as to minimise bulk to the western properties.
- A tree impact assessment is provided. One tree is to be removed. The other is to be protected during the course of the build.
- The depth of the rear garden is now an average of 11.6m and the overall rear garden space is 144 sq m.
- The size of the proposed dwelling is 202 sq m and the LPAs space standards require a minimum of 106 sq m for a 4bed dwelling.
- Overlooking from the first floor bedroom window at No6 is addressed by erecting a single garage along the boundary – this ensures that privacy to the rear garden of the proposed dwelling is afforded.

1.16 On this basis I consider that all of the concerns raised in the previous application have now been addressed.

2.0 PLANNING POLICY FRAMEWORK

The Framework

- 2.1 The NPPF was published in March 2012 and is a key part of the Government reforms to make the planning system less complex and more accessible. It provides a *“framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities”* (Paragraph 1). The main aims are to protect the environment and to promote sustainable development.
- 2.2 The Framework makes reference to presumption in favour of sustainable development (paragraph 14 and 15). Where the development plan is absent, Local Authorities should grant permission unless; impacts significantly outweigh the benefits when assessed against the Framework, or specific Framework policies indicate that development should be restricted. This is to ensure that development which is sustainable can be approved without delay.
- 2.3 In terms of housing, (paragraph 49) relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 2.4 The Framework recognises that the provision of new homes through unidentified ‘windfall’ sites can play a useful and important role in contributing to a Council’s overall housing supply.
- 2.5 It is common ground that the LPA do not have a five year supply of housing.
- 2.6 From the above findings it is clear that all planning policies pertaining to the supply of housing must be considered out-of-date [Framework, para 49].

- 2.7 This means, unless material considerations indicate otherwise, that **planning permission should be granted:**

‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole; or specific policies in this Framework indicate development should be restricted.’ [my emphasis]

For the purposes of this application, those are the tests that the decision maker must apply.

Local Planning Policy

- 2.8 The Arun District Local plan was adopted in April 2003. This is the relevant Local Plan for development control purposes. The key saved policies of the adopted Local Plan are briefly discussed below.
- 2.9 **Policies GEN1 Sustainability; GEN2 Built up Area Boundary; GEN4 Location and Travel Demand** seek to limit development to identified settlements and to promote the concept of sustainable developments. In my submissions, the site is within a defined settlement and is a “windfall” site within the major town of Bognor Regis. The proposal would result in a highly sustainable form of development in itself. The proposed development would improve the appearance of the site and the quality of the urban environment.
- 2.10 **Policy GEN5 Provision of New Residential Development** makes provision for 8,700 new dwellings during the Plan period 1996-2011. Net densities of at least 30 units per hectare are expected. The site is not allocated for residential development; but it does constitute a windfall opportunity, which should be developed as appropriate to its setting. This is achieved in a manner which respects its setting, nearby properties and its townscape context.
- 2.11 Under the provisions of **Policy GEN7 The Form of New Development**, planning permission will only be granted for schemes displaying high

quality design and layout. Development proposals involving new buildings or significant extensions or alterations must be accompanied by an illustrated written analysis of the site and its immediate setting, together with its relationship with the relevant townscape, landscape, wildlife and movement characteristics of the wider area. Development will be permitted subject to meeting a range of criteria (8 in total).

- 2.12 In case of the development proposed, I submit that the proposed dwelling would be appropriately designed with particular regard to the constraints and opportunities presented by the site and its surroundings. The proposal relates satisfactorily in terms of its form and scale to existing development in the area both generally and in relation to the townscape of the immediate locality.
- 2.13 The proposal will not give rise to any demonstrable harm to interests of acknowledged importance but will provide much needed accommodation in a manner which will not detract from the visual quality of the area or adversely affect the amenities of neighbouring properties.
- 2.14 The site is well located in relation to shops, services and community facilities and would provide a safe and secure environment for its residents. Accordingly it is my contention that the normal presumption of allowing development should prevail.
- 2.15 Under the provisions of **Policy GEN12 Partially and New Development** the LPA will base its consideration of the need for on-site provision on its parking standards contained within this Plan. Provision of parking in excess of these standards will not be allowed.
- 2.16 The site does not comprise open space nor does it comprise the intensive development of lower density plot. The site is within an area of no especial character and certainly is not within an area wherein the need is to preserve its special low-density character. Indeed the local plan has not sought to provide the area with any special designations – such as special residential character area.

- 2.17 The proposal provides a high quality residential development situated within the defined built up area of Felpham that respects the character of its surrounding context. In this respect, the proposal is considered to accord in full with the requirements of the Development Plan.

4 DESIGN AND ACCESS CONSIDERATIONS

Principle of Development

- 4.1 Policy GEN7 deals with the form of new development. It aims to promote high quality design and layout to ensure new development makes a positive contribution to the quality of the environment. The policy lists a number of criteria that development must comply with and it is considered that the application proposal meets these criteria in that the proposed dwelling has been designed to relate well to the existing neighbouring properties and would be in keeping with the existing residential streetscape along this part of Middleton Road and that the intensification of development on the site would not detract from the general character and appearance of the area.
- 4.2 The proposed garden area will provide a domestic curtilage the same as required under planning policy. Land to the front and side is capable of providing the required off-street car parking provision and manoeuvring in accordance with policy GEN7(viii) and GEN12.
- 4.3 The extent to which the application proposal complies with these various policy criteria is set out below and I consider that, having regard to the relevant material considerations, the proposal is policy compliant and thus acceptable.

Design Principles and Appearance

- 4.4 The residential use of the rear garden of 7 Middleton Road is considered to be acceptable in this established residential area.
- 4.5 Whilst the surrounding area is made-up of a diverse range of housing types, and architectural styles there appears to be a prevailing trend in the form of chalet bungalow style properties along Middleton Road.
- 4.6 The proposed building style chosen allows for sensitive design of

4.7 It is considered that the proposed dwelling would be well proportioned in context with the surrounding existing and permitted residential properties in terms of architectural style; siting and size in accordance with Local Plan policy GEN7.

4.8 The layout of the proposed properties has been chosen with the position of neighbouring properties taken into consideration. The dwelling has been designed to take account of the scale of the surrounding properties and would protect the relationship between, in particular, the dwellings on Flansham Lane in order to preserve the residential amenity.

4.9 In this regard a shallow roof pitch has been chosen and Drawing 6C shows an illustrative site section. This shows the BRE standard line to assess impact on residential amenity in terms of outlook and daylight. The drawing demonstrates substantial clearance from the sunlight and daylight line. The drawing also shows that the scale of this latest scheme is less than that previously proposed.



- 4.10 The proposed subdivision of the land allows for the provision of a garden appropriately sized for the proposed and existing dwellings proportionate to the amount of development and comparable to surrounding properties.
- 4.11 The proposal is therefore considered to be appropriate in terms of scale and layout and in keeping with the general layout of the surrounding area. In accordance with the policy objectives set in Policy GEN7.

Amount of development

- 4.12 The proposal is for 1 no dwelling.
- 4.13 The type and size of dwelling is appropriate to the mixed residential character of the locality. However, even if it were different that does not equate to harm arising.
- 4.14 I strongly consider that the design will not give rise to any material harm to the character and appearance of the locality.
- 4.15 The amount of development proposed is considered to be an appropriate amount when viewed in its local context which offers a variety of housing types.

6.0 Conclusion

- 6.1 The design of the proposed dwelling has been designed so that it would integrate successfully into its immediate setting and wider context and assimilate the surrounding built development to make more efficient use of the land.
- 6.2 The scheme accords with all standard development control policies relating to the standard of new development.
- 6.3 Even if there were found to be a minimal degree of harm it is necessary to undertake a planning balancing exercise. In this regard the fact that there is less than a three year supply of housing must carry substantial weight and it is considered that the fact that neighbours will see the proposed dwellings will not cause such substantial demonstrable harm [as all relevant design criteria have been satisfied] that it justifies outweighing the clear and substantial presumption in favour of granting planning permission as set out in the Framework.
- 6.4 Planning permission should therefore be forthcoming.

