

PLANNING APPLICATION REPORT**REF NO:** FP/230/11/**LOCATION:** Side of Ivy Cottage
42 Flansham Lane
Felpham**PROPOSAL:** Erection of a 1 No 2 bedroom house**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is to construct a house adjacent to Ivy Cottage and to the front of the former nursery site.
SITE AREA	0.05 hectares.
RESIDENTIAL DEVELOPMENT DEN	20 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling to rear and front.
SITE CHARACTERISTICS	Existing dwelling is a flint cottage at rear with rear conservatory lean to and modern conservatory to rear side. Roman cement to front. The dwelling is detached double fronted.
CHARACTER OF LOCALITY	To the rear the former nursery site is under construction implementing FP/115/11. House adjacent 40 Flansham Lane has a two storey flat roof side extension.

RELEVANT SITE HISTORY

FP/191/08/	Outline application for residential development of 29 dwellings comprising 19 no.3 bed & 10 no.2 bed houses. New access road & landscaping including open space provision	Approved Cond + S106 23-12-2008
FP/115/11/	Approval of reserved matters following outline approval FP/191/08/ for 29 dwellings comprising 19 no. 3 bed & 10 no. 2 bed houses, new access road & landscaping including open space provision	Approve Cond 26-10-2011

REPRESENTATIONS**Representations received:**

Felpham Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Local Development Divis.

Engineers (Fluvial Flooding)

Consultations responses received:

District Engineers:

No objection.

Development shall not commence until full details of proposed surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for surface water drainage systems as per Approved Document H of the Buildings Regulations and PPS25 annex F and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest winter ground levels and percolation testing to BRE 365 will be required to support any infiltration drainage design.

County Highways:

No objection.

A single parking space is provided to the west of Ivy Cottage. This would be accessed using the access point for the development approved under reference FP/115/11. It appears that a turn on site is possible. Cycle provision should be provided which should be conditioned.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

Class A Road

TPO

DEVELOPMENT PLAN POLICIES

South East Plan:

[SEPH5](#)

Housing Design and Density

Arun District Local Plan:

[GEN7](#)

The Form of New Development

[GEN12](#)

Parking in New Development

[GEN9](#)

Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

PPS3

Housing

PPG13

Transport

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have 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:

The site lies within the built up area boundary where development is acceptable in principle subject to development control criteria such as visual and neighbour amenity.

PPS3 HOUSING AND CHARACTER

While the proposed dwelling would be located within the built up area where the principle of development is accepted, garden land has now been reclassified in Annexe B of PPS3 (June 2010) and is no longer classified as brownfield/previously developed land. This re-classification is an attempt to stem the flow of loss of garden land and prevent the much publicised garden grabbing . While each application is judged on its own merit such development may have a possible impact upon the character of the area, the acceptability of which must be considered.

It should be noted that, whilst a presumption in favour of garden land development is no longer pursued, PPS3 does not advocate taking a negative stance towards garden land development. The intention is for a neutral view to be adopted and applications for development in garden land should be looked at on a case-by-case basis and judged on their overall merits. The core aim of PPS3 is to achieve development that is better integrated with its surroundings and does not produce excessive density and development of garden land that satisfies this aim would be viewed more favourably.

Furthermore the revisions to PPS3 make it clear that the need for development to be in character is no longer modified by either the need for a minimum density or the need to make efficient use of residential garden land. The assessment of whether a scheme is in character with the surroundings is therefore considered against a differing criteria compared to that before the change to PPS3.

In this case the erection of one dwelling in the side garden is considered to be in keeping with the character of the area and allows sufficient amenity space and provides off road car parking. Therefore the proposal is considered to conform to this policy.

VISUAL AMENITY:

The site is currently the side garden which does not make a positive contribution to the street scene. The proposed dwelling is a modest two bedroom house designed in a style which complements and reflects the original dwelling, includes the provision of a chimney. The site is

currently enclosed with a flint wall and it is proposed to retain flint walling to the front of the new house.

RESIDENTIAL AMENITY:

To the rear of the site, is the construction of new dwellings previously approved under FP/115/11. The distance between the proposed house and the development under construction to the rear is approximately 20m and therefore it is considered that the new dwelling would not cause any direct or unacceptable overlooking. There is at least a 1m gap to the side with no side windows proposed therefore it is considered that the proposal will not result in any significant overshadowing or overlooking of adjacent properties.

HIGHWAY ISSUES:

A car parking space is proposed to the rear of the existing dwelling, with a rear access path through to the new dwelling. County Highways have raised no objections therefore it is considered that the proposal will not result in any loss of highway safety.

DRAINAGE:

The site is in Flood Zone 1 and therefore in a low flood risk area. The District Engineer has raised no objections, subject to a drainage condition.

AFFORDABLE HOUSING:

An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The Policy states that the Interim Policy is in accordance with PPS3 Housing and for development of 1 - 14 units an affordable housing/financial contribution provision of 15% will be sought district wide.

Therefore, as the proposal is for one new unit contributions will be required via a S106 Agreement. The contribution required is £9128.

SUMMARY:

The proposal for a new dwelling adjacent to the existing dwelling is considered to be in character with the existing area, sufficient off road car parking is provided and there is not considered to be any significant loss of residential amenity therefore it is recommended that the application is approved subject to the following conditions and the signing of a S106 Agreement for Affordable Housing.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans drawing 11.01.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The development shall not proceed until details of the proposed surface water drainage system have been submitted to and approved by the Local Planning Authority. Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage systems as set out in Approved Document H of the Building Regulations, the recommendations of PPS25 annex F and the SUDS Manual produced by CIRIA.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Winter groundwater monitoring to establish highest winter ground water levels and Percoltion testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 of the Arun District Local Plan.

- 5 The building shall not be occupied until the covered cycle storage shed shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than for cycle storage.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions, including porches or dormer windows to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To preserve the appearance and character of the walling for the future in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Any required reconstruction works or making good of the flint boundary wall shall match in terms of design, texture, ratio of materials and flint to the existing wall.

Reason: To preserve the appearance and character of the building for the future in accordance with policy GEN7 of the Arun District Local Plan.

- 8 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN9, GEN12

NATIONAL POLICIES: PPS1, PPS3, PPG13

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.