

Recommendation Report for Planning Permission

REF NO: FP/23/20/PL

LOCATION: 2 Second Avenue
Felpham
PO22 7LJ

PROPOSAL: Variation of conditions imposed under FP/195/18/PL relating to conditons 2 - approved plans (proposed plot plan, proposed first floor plan, proposed elevations, proposed cross section 'AA'), 4 - vehicle access construction & 5 -vehicle parking & turning spaces.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application proposes the variation of conditions imposed under FP/195/18/PL relating to conditions 2 - approved plans (proposed plot plan, proposed first floor plan, proposed elevations, proposed cross section 'AA'), 4 - vehicle access construction and 5 - vehicle parking and turning spaces.

In summary, the changes comprise the following amendments:

1. Amended vehicular access to the site through the removal of the wall in-between
2. Side facing first floor bathroom and en suite rooms to have a small lead covered window head to allow for more natural height without impacting upon front elevation or overall profile of the building
3. Moving of the front facing first floor serving the master bedroom to centralise the window within the room and provide symmetry to the front elevation. This is facilitated through a small indent in the garage roof when viewed to the side but not visible from the street.

Amended plans were submitted on 07 February 2020 which responded to the concerns raised by WSCC in their consultation response. These plans did not comprise any material amendments of nature and solely related to providing greater detail regarding the parking provision.

SITE AREA 0.085 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 11.7 dph.

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT Existing 1m brick wall with close boarded fencing inserts to the

SITE CHARACTERISTICS

very front. This is part supplemented with hedging of 2-2.5m. There is then a grassed area before a further 'front' boundary comprising 1.7-1.8m close boarded fencing. Similar height close boarded fencing to the boundary with no. 1 Second Avenue. 1.8-1.9m high close boarded fencing to the rear.

Existing side garden comprising of children's equipment. Separately fenced off single storey pitched roof summerhouse at the end of the garden. Benefits from an extant consent FP/195/18/PL which permitted a two storey dwelling on the site.

CHARACTER OF LOCALITY

2 Second Avenue is a two storey detached dwelling with white rendered walls at ground floor, timber cladding above and a red tiled roof. Front covered but open porch constructed from timber and brick with a red tiled roof. Existing single storey rear extension with further garden to the rear, a boat shed and small domestic shed.

Private residential estate comprising detached properties of various styles and designs.

No.1 is a detached two storey dwelling with a single storey front projection. It has a ground floor utility room window and a first floor bathroom window on the affected side. Ground floor rear windows are obscured by a rear single storey extension. The first floor has a rear facing bathroom. No. 1 has an eaves height of 4.8m and a ridge height of 7.65m.

No. 2 has three ground floor flank facing windows and 3 first floor flank facing windows. These are understood to be secondary windows. The single storey extension has a further two large windows which face the application site and serve a kitchen/utility area. No. 2 has an eaves height of 5.25m and a maximum ridge height of 8m.

21 First Avenue to the rear is a bungalow.

RELEVANT SITE HISTORY

FP/195/18/PL	Detached two storey dwelling (resubmission of FP/127/17/PL).	ApproveConditionally 15-11-18
--------------	--	----------------------------------

Planning permission FP/195/18/PL was approved by Notice dated 15 November 2018 which approved the following development:

'Detached two storey dwelling (resubmission of FP/127/17/PL)'.

This planning permission was subject to conditions relating to vehicular access, obscure glazing, removal

of permitted development rights and retention of garage for sole use in connection with the residential dwelling only.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

No objection.

1 letter of objection has been received which detailed the following:

- Roof line appears too high compared to nearby houses
- Windows will look directly into my garden impacting upon privacy

COMMENTS ON REPRESENTATIONS RECEIVED:

Roof line has been retained from the host consent FP/195/18/PL and is not a matter for consideration. Privacy and neighbouring amenity is assessed in the following assessment.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL HIGHWAYS

- In-out access is unlikely to enable two vehicles to park on the proposed hardstanding. Proposed garage does not meet minimum internal dimensions for a single garage and cannot be counted towards parking provision.
- Three parking spaces would be required for a dwelling of this size and location.
- The LHA does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

COMMENTS ON CONSULTATION RESPONSES:

- The applicant has provided a vehicle parking/tracking diagram that details the off-street parking can accommodate 3 no. vehicles following the response received from WSCC.

POLICY CONTEXT

- 2km Buffer of Felpham Site of Special Scientific Interest
- Built-up Area Boundary
- Tree Preservation Orders (Bognor No. 3)
- CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

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

DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[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 ESD5 Surface water management

Felpham Neighbourhood Plan 2014 POLICY ESD8 Building design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
-------	-----------------------------

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and the Made Felpham Neighbourhood Development Plan.

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 comply with relevant Development Plan policies in that it would not have any significant adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have a significant adverse impact on the established character of the surrounding area, nor result in any adverse impacts upon highways safety.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to warrant a decision other than in accordance with the Development Plan and legislative background.

CONCLUSIONS

PRINCIPLE

The principle for a 4 bedroom dwelling was considered and agreed as acceptable under planning permission FP/195/18/PL, with conditions that apply equally to this application. The application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). The officer's assessment therefore looks solely at the amendments to originally approved FP/195/18/PL and assesses the impacts of these upon the design, character of the street scene, the amenity impact on neighbouring occupiers and highways safety.

DESIGN AND VISUAL AMENITY

Policies D SP1, D DM1 and D DM4 (ALP) require development proposals to make efficient use of land but reflect the characteristics of the site and local area in their character, finish and architectural details.

Paragraph 127 (NPPF) requires decisions to ensure developments will function well and add to the overall quality of the area. Paragraph 130 (NPPF) states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The main changes proposed to the building comprise the use of a small lead covered window head to a first floor side facing window. This window does not have any wider visibility from along Second Avenue and would not result in any wider impacts upon overall design and public amenity. This variation, in terms of design, is considered acceptable.

The second main change relating to design comprises the movement of the front facing first floor window serving the master bedroom to centralise the window within the room and provide symmetry to the front elevation. Such an amendment is considered an improvement which would establish symmetry across the building, leading to a more formalised appearance to the building. Such an appearance would accord with other properties along Second Avenue. Therefore, in terms of design, this variation is considered to be acceptable.

The development will make an efficient use of land and reflect the characteristics of the site and local area, in accordance with Policies D SP1, D DM1 and D DM4 of the Arun Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

NEIGHBOURING AMENITY

Policy QE SP1 (ALP) requires development to contribute positively to the quality of the environment and ensure it does not have a significantly negative impact upon residential amenity. Policy D DM4 (ALP) requires alterations to buildings to not have an adverse impacts on neighbouring properties.

Paragraph 127(f) (NPPF) requires decisions to create places with a high standard of amenity for existing and future users.

The amendments that relate to neighbouring properties comprise the amendment to the side elevation. The proposed changes comprise the insertion of a small lead covered window head. The plans detail the retention of their obscure glazed and fixed shut nature (below 1.7m FFL) and such controls can be secured by imposition of condition. On this basis, and subject to the conditions set out below, the proposed amendment would not infringe upon neighbouring amenity.

The development therefore accords with Policies QE SP1, D DM1 and D DM4 of the Arun Local Plan and paragraph 127 of the National Planning Policy Framework.

HIGHWAYS, ACCESSIBILITY AND PARKING

Policy T SP1 (ALP) requires appropriate levels of parking in line with West Sussex County Council

Parking Guidance. The Council has since adopted the Arun District Council SPD on Parking Guidance which supersedes WSCC guidance.

Paragraph 108 (NPPF) seeks to ensure safe and suitable access to sites for all users. Paragraph 109 (NPPF) states development should only be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Arun District Council Parking Standards require the development to provide 3 no. parking spaces. The applicant's provision comprises 3 no. spaces following sufficient evidence having been provided by the applicant throughout February 2020.

Concern was raised by WSCC that the proposed parking provision would not accommodate the 3 no. parking spaces as required by Arun District Council Guidance on Parking Standards. However, following the submission of amended plans on 10 February 2020, the applicant has confirmed that the off-road vehicular parking is able to accommodate 3 no. spaces in accordance with Manual for Street dimensions.

The consultation response received from WSCC did not consider the development would result in severe cumulative impacts upon the operation of the highways network.

Conditions will be imposed requiring the provision and retention of these off-street parking spaces in perpetuity.

Taking the above into account, the development provides for the transport demands created in accordance with Policy T SP1 of the Arun Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework.

SUMMARY

The principle of development on this site accords with the policies within the Development Plan. The development does not result in impacts upon design, visual amenity, neighbouring amenity or highways safety. The proposed development therefore accords with the policies contained within the Development Plan.

There have been no other material considerations identified that warrant a decision being taken other than in accordance with the Development Plan; in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). Therefore, planning permission can be approved subject to the conditions set out in full below.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

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

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:

Proposed Cross Section 'AA' - Rev B - 15/01/2020

Proposed First Floor Plan - Rev F - 27/01/2020

Proposed Elevations - Rev N - 27/01/2020

Proposed Plot Plan - Rev J - 07/02/2020

N.B. The development shall also be undertaken in accordance with the approved plans under planning permission FP/195/18/PL, save for those details superseded/varied by the above approved plans.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 of the Arun Local Plan.

- 3 The proposed first floor bathroom, en-suite and stair windows on the northern and southern side elevations of the building shall at all times be glazed with obscured glass and any point of the windows hereby approved below 1.7m finished floor level shall be fixed shut and retained as such at all times thereafter in perpetuity.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with the National Planning Policy Framework.

- 5 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 6 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 7 INFORMATIVE: The applicant should be aware that all other conditions, save for those varied by the grant of this consent, imposed under planning permission FP/195/18/PL shall have full effect.