

Recommendation Report for Planning Permission

REF NO: FP/263/18/PL

LOCATION: Timberly
The Ridgeway
Felpham
PO22 7JX

PROPOSAL: Demolition of existing chalet dwelling & erection of replacement dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.5 ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	13 houses per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The area is affected by a blanket TPO -
BOUNDARY TREATMENT	- 2m hedge to the side abutting Minton Road. - rear mature bush abutting rear boundary close boarded fence.
SITE CHARACTERISTICS	The site comprises of the following: - three bed chalet style dwelling - Hard driving access abutting the shared boundary with Fleet Cottage used for parking, detached garage beyond - amenity space to front and rear
CHARACTER OF LOCALITY	The site located in The Ridgeway accessed from Copeland Road. The area comprising detached single and two storey dwellings is set in a grid form of road layouts, benefiting open space and allotment garden plots breaking up the residential plots. A open green space is located directly opposite the plot to the West.
N/A	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Felpham Parish Council

One letter of objection has been received by a neighbour at no.34 Milton Road, Felpham.

There concerns are as follows:

- clause 3 of 1987 conveyancing document states that for the sale of the Timberley garage site (to them) and agreed "by the vendor for herself and her successors in title"..... "not to construct or cause to be constructed any access point into Minton Road from the retained land"...ie the remaining Timberly site.

Therefore an objection is raised to a proposed side gate.

- The site is already served well by two existing access points to the rear boundary
- there is no need for a further access to be created
- this would have an impact on parking and a hazard to safe access for no.34
- the gate would be unsightly from the kitchen window
- where the hedge is to be replaced by a wall along the Minton road boundary of the site - it is suggested this could be more in keeping with the beach/rural feel of the estate.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE ENGINEERS: No objection. Due to the scale of development and its location we have no conditions to request. Surface water drainage design and construction should be completed in accordance with building regulations.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;

Private estate roads

Public Sewer on Site.

DEVELOPMENT PLAN POLICES

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

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

ENVDM4 ENV DM4 Protection of trees

SDSP2 SD SP2 Built-up Area Boundary

[Felpham Neighbourhood Plan 2014 POLICY BT7](#) Communications infrastructure

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 ESD9 Tree protection

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

There are some relevant Felpham Neighbourhood Development Plan policies which shall be considered in the conclusions part of the report.

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 in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity. Furthermore, this is an existing residential site and the proposal does not seek to intensify the number of dwellings occupying the site.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework."

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

There is an established and existing property on the site. This application seeks permission to demolish the existing single storey property and replace it with a 2 storey dwelling of similar footprint located in a similar position as the existing dwelling. The width of the dwelling would alter. The existing width of 11m would be retained by the two storey element whilst the attached garage and utility space would add an additional 5.5m to an overall width of approx. 16.5m. Whilst the height would increase by 1m.

The Ridgeway, and the Beach Estate is characterised by detached dwellings of varying design and style and there is no uniform pattern to the development, although most dwellings are set back a similar distance from the road frontage. The front elevation of the dwelling is 4.5m to the plot frontage. There is no dominant material used in the existing dwelling and it is considered that the proposed tile roof would not be inappropriate in this location.

Whilst the design of the proposed dwelling is different to the existing property with the inclusion of dormer windows to the principle elevation, its increased scale and bulk would not make for a dwelling that would appear out of keeping in the locality. To its benefit, the two storey dwelling would sit on a corner plot, whilst the proposed height would be a similar height to the neighbouring dwellings.

Therefore the replacement dwelling would not appear out of character with the area or overly dominant in the street scene and would accord with the provisions of policy DDM1 of the Arun Local Plan.

It is considered that the proposed dwelling would be acceptable in terms of its design, appearance, position and site coverage and would have no materially adverse impact on the visual amenities or character of the area. In accordance with Arun Local Plan policies D DM1 & D SP1 and with the guidance on design within the NPPF.

We also note the concerns of the neighbouring occupiers on Minton Road. The boundary treatment would appear a alteration to the current hedge, however, the officer can see no reason a rendered or painted wall would be out of keeping with the surrounding area character, and therefore accept the design of the boundary finish. In addition the gated access along this boundary may add an additional

access point to the site, however, any legal clause is a civil matter and not a material planning consideration.

And Policies ESD1 & ESD10 Felpham Neighbourhood Plan 2014.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Regard should also be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (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 where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The dwelling does not project beyond the rear elevation of either neighbouring property and given the distance to the boundary and the height of the property it is not considered that materially adverse overbearing effects would result to neighbouring properties.

It is not considered that there will be any harm associated with either the existing or proposed semi-detached dwellings as these front onto the road on a similar building line to existing dwellings. Furthermore, the only flank windows are to serve bathrooms and these can be obscure glazed to protect amenity.

It is noted the neighbouring occupier on Minton Road is concerned on the safety implication that a side gate may have on their safe access to their driveway. Officers consider the distance and nature of the proposal does not warrant a material consideration to hinder the proposal, therefore, there is no foreseen long term harm to safety of future or existing road users.

In accordance with Arun Local Plan policies D DM1 & D SP1 and with the guidance on design within the NPPF. And Policies ESD1 & ESD10 Felpham Neighbourhood Plan 2014.

OTHER MATERIAL CONSIDERATIONS

TREES

There appears to be a blanket TPO affecting the locality. In essence the officers in consideration of the proposal would not see the removal of any existing trees. Nor would the proposal affect any trees of any significance to the amenity of the surrounding area. The agents DAS states the owner wishes to preserve the existing bush to the Northern boundary of the site as this provides a lovely feature to the rear garden and also privacy to the neighbouring properties garden.

SUMMARY:

This proposal is considered to represent a sympathetic replacement dwelling without compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers. It is also

considered that the streetscene would be visually unaffected by the proposal as it fits in with the prevailing areas character. The recommendation to approve is therefore made subject to the following conditions. In accordance with Arun Local Plan policies D DM1 & D SP1 and with the guidance on design within the NPPF. And Policies ESD1 & ESD10 Felpham Neighbourhood Plan 2014.

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

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:

Drawing 1 Rev A "Location Plan";
 Drawing 2 Rev A "Block Plan";
 Drawing 13 Rev D "Proposed Site Plan";
 Drawing ADC/9/18-15 "Proposed Elevations"; and
 Drawing ADC/9/18-14 "Proposed Floor Plans";

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 3 No windows (other than those shown on the plans hereby approved) shall be constructed in

the north elevation of the new dwelling hereby permitted which adjoins the side boundary with Fleet Cottage without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building, and the boundary wall 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/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 6 No construction machinery or construction vehicles shall be operated at the site during the construction process and no construction deliveries taken at or dispatched from the site except between the hours of 07:30am to 17:30 Monday to Friday, 08:00 to 13:00 Saturday and not at any time on Sundays, bank or public holidays.

Reason: To protect the amenity of other residential houses within Finch Gardens and Woodlands Road during the construction process in accordance with policy QE SP1 of the Arun Local Plan.

- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches but not dormer windows) to the dwelling houses 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 safeguard the existing layout in respect of parking provision and garden space in accordance with policies T SP1 and D DM1 of the Arun Local Plan.

- 8 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.