

Recommendation Report for Planning Permission

REF NO: FP/32/21/PL

LOCATION: Land adjacent to 10 Second Avenue
Felpham
PO22 7LJ

PROPOSAL: Two storey, 4 Bed detached dwelling with new access & parking. This site is in CIL Zone 4 & is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a detached two storey, 4- bedroom dwelling in the side garden of No.10 Second Avenue within the site to the side of the existing building with a new vehicular and pedestrian access and off road parking. The proposed dwelling would be approximately 8.6m wide and 14.8m deep, would sit 7.1m from the front boundary and 1.2 from both side boundaries, would have a contemporary design similar to the host dwelling with a gable roof and two storey gabled front projection, integral garage on the northern side and patio to the rear, painted render walls to lower elevations and horizontal cement based 'New England' style boarding above and an interlocking slates to the pitched roof. The ridge height would be 8.4m, slightly higher than the ridge of No10.
SITE AREA	427.00 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 23 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	There are five trees to be affected by the proposed development.
BOUNDARY TREATMENT	The existing boundary treatments are 1.8 metre timber fencing to the sides and to the rear with mature shrubs and hedging - these will be retained for the new site and a new 1.8 metre close boarded fence installed between No. 10 Second Avenue and the new dwelling. Hedging approximately 3m high to front.
SITE CHARACTERISTICS	No 10 Second Avenue is a substantial two storey detached dwelling of an L-shape at the first floor level with a gable facing to the road and to the rear, hipped roof above the first floor side extension. The garden is spacious and an appropriate for the dwelling of an existing footprint. There is a small shed and summer house on the site.
CHARACTER OF LOCALITY	The site is located on a private residential cul-de-sac of predominantly two storey detached dwellings of various style and is a part of the Summerley Private Estate within Felpham

Neighbourhood area. Dwellings along Second Avenue are enclosed by Third Avenue to the east and First Avenue to the west, the sea shore to the south and Limmer Line to the north. Second Avenue is a spacious road with an open layout occasionally with boundary treatments to the front including hedges, dwarf walls and timber posts.

RELEVANT SITE HISTORY

FP/65/09/	Proposed first floor addition.	ApproveConditionally 07-07-09
FP/15/06/	First floor addition.	ApproveConditionally 02-03-06
FP/217/05/	Conservatory to rear.	ApproveConditionally 11-11-05

As noted from the history of the site, No 10 Second Avenue has been significantly extended resulting in a dwelling with a large footprint.

REPRESENTATIONS

Felpham Parish Council: Raised an objection.

- Overdevelopment of site.
- Not in keeping with the street scene.

2 letters of support:

- Entirely happy with the plans for the new proposed property.
- Fully support, great use of the land and we need more houses like this on the estate.

6 letters of objection:

- This is a bigger building than expected from the description given by the Applicant.
- Something smaller and more suitable for two elderly parents would be acceptable.
- Second Avenue has already been the subject of an oversized and squeezed in building.
- A four bedroom, three bathroom property is proposed, squeezed into the third that is left of this, originally, 2 house plot.
- An oversized development for the remaining available bit of plot left, with the minimum legal boundary specifications.
- The proposed development also shows two windows overlooking garden and would take out light and evening summer sun.
- A smaller house to be proposed which does not effect light (bungalow / chalet bungalow perhaps)
- The building is too large for the narrow plot and the street / avenue will appear even more congested than it already is.
- There is a concern about the chimney proximity and it being lower in height than the roof pitch of No12.
- Seafurl was extended to the south in 1984 by previous owner with a single storey extension, suggested

that it would prevent further development on the adjoining area of the garden.

This infill will set a trend and encourage other to squeeze properties onto plots, changing the nature of the Summerley Estate.

- Another unimaginative New England style.
- With the withdrawal of gas central heating boilers in 2025, new development could accommodate ground source heating at the construction stage, when access to back garden is possible.

COMMENTS ON REPRESENTATIONS RECEIVED:

The objections of the Parish Council are noted.

The following comments are made in respect of the local resident objections:

- The potential thread of the chimney proximity to the neighbouring roof is a Building Control issue.
- The planning issues will be discussed in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highway: Does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), subject to suggested conditions.

ADC Greenspace: Recommend no landscape objection to the proposals subject to submission of landscape details to provide ornamental and native improvements and potential biodiversity gain. To confirm tree protection methods in relation within and beyond the site boundary that may be affected by the development proposals.

ADC Drainage: No comments on the drainage aspect of this one unit application.

COASTAL: No objection in principle but would suggest to raise floor levels up slightly from what the proposal would otherwise have. Whilst the proposal is landward of a robust seawall and timber groyne field (both of which are currently maintained by Arun DC), the implications of Climate Change and sea level rise may increase spray etc. that could be carried over the defences and may pose a flood risk during the lifetime of the development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant addressed the comments of Engineering Service Manager and raised the floor levels of the proposed dwelling by suggested 200 mm.

POLICY CONTEXT

Designation applicable to site:

2km Buffer for Site of Special Scientific Interest Felpham;
Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

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

Felpham Neighbourhood Plan 2014 POLICY ESD9 Tree protection

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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.

The original Felpham Neighbourhood Plan (referred to hereafter as the Plan) was 'made' by Arun District Council on the 16th July 2014 following a Referendum. The adoption of the Arun District Local Plan 2018 required a review and where appropriate amendment of the Felpham Neighbourhood Plan to ensure the two documents are in alignment and reflect the new policies.

At Full Council meeting of 17th March 2021, Arun District Council resolved to 'make' the Felpham Neighbourhood Development Plan 2019-2031. The relevant policies are: H2 Windfall Sites, ESD1 Quality of Design, ESD5 Surface Water Management, ESD9 Protection and Enhancement of Wildlife and GA4 Parking on New Development.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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 conflicts with relevant development plan policies in that it would result in a visual impression of a dwelling that had been squeezed onto its plot, with inadequate space forcing a variation in established pattern of development; would appear cramped and at odds with surrounding character and appearance of the area.

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 are principle, design and visual amenity, residential amenity and highways/traffic.

PRINCIPLE

The development is in the built up area boundary in a sustainable location where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are SD SP2, D SP1, D DM1, D DM2, T SP1, ECC SP2, QE SP1, W DM1, W DM3 and WM DM1 of the Arun Local Plan and policies H2, ESD1, ESD5, ESD9 and GA4 of the Felpham Neighbourhood Development Plan 2 and relevant paragraphs of NPPF.

Policy D SP1 requires all development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrated and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM1, Policy ECC SP2 expects all new development to be energy efficient.

Policy H2 of the Felpham Neighbouring Plan assures that residential development on infill and redevelopment sites within the parish will be supported subject defined conditions.

NPPF in paragraph 122 (d) 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.

The Council can demonstrate a 3.3 year supply of housing land and therefore, relevant policies for the

supply of housing should not be considered up to date.

However as an Inspector in his report APP/C3810/W/18/3195440 pointed out: 'The lack of a five year supply of housing land does not automatically lead to a grant of planning permission if the adverse impact of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.'

The proposal delivers one dwelling in a sustainable location. One dwelling would make a minimal contribution to the shortfall in housing supply. The associated social and economic benefits would be very limited.

The proposal results in significant harm to the character of the area and residential amenities 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.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) carries on that new development should ensure the height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character. Policy D DM1 (7) expects that all new development will incorporate existing and new tree planting as an integral part of dev proposal.

Policy ESD1 of the Felpham Neighbourhood Development Plan 2 requires 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. Policy ESD9 reminds that the removal of trees to make way for development can completely change the amenities of a road and must be resisted.

The Arun Design Guide Supplementary Planning Document (SPD) adopted 25th January 2021 is a material consideration in the determination of applications. Part P.O1 deals with infill development and reminds that the spaces between buildings are as important as the plan and frontage of the buildings themselves. New developments will have to relate to the existing rhythm of buildings and voids, on plots which are wide enough to ensure that new developments fit well in the street scene.

The Ministry of Housing, Communities and Local Government: National Design Guide comprises a material planning consideration for the purposes of decision taking. Criteria C1 requires developments to understand and relate well to the site, its local and wider context; including the existing built development, layout, form and scale. Criteria I1 requires development to respond to existing local character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criteria B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

The pattern of development, layout, density and character on Second Avenue and within the Summerley Private Estate is for substantial, detached 2 storey dwelling houses within spacious plots maintaining an sufficient distance between properties and a rhythm and regularity.

The site is not physically large enough to accommodate a dwelling of the size of proposed building. The proposal would result in a visual impression of a dwelling that had been squeezed onto its plot, with inadequate space forcing a variation in established pattern; would appear cramped and at odds with surrounding character and appearance of the area. Two storey dwelling siting within a distance of 1.2 m

from the both side boundaries would have an adverse impact also on the neighbouring properties resulting in an awkward and uncomfortable relationship with properties Nos10 and 12 due to the proximity of the proposed dwellings. The proposed property would fill almost entire width of the plot and given its considerable depth the detrimental impact on surrounding area would be even bigger. In terms of pattern of development the space between buildings is equally important as buildings themselves.

The proposed development would fail to respect, improve and enhance the existing surrounding environment, would appear cramped, would detract from the local and wider area character and would have an adverse impact on an established street-scene, therefore contrary to the Arun Local plan policies D SP1, D DM1, policy ESD1 and ESD9 of the Felpham Neighbourhood Development Plan 2, relevant paragraphs of the National Planning Policy Framework, the Arun Design Guide (SPD) and the National Design Guide.

RESIDENTIAL AMENITIES

Arun Local Plan Policy D DM1 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy QE SP1 states that the Council requires all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity.

A large dwelling would be squeezed in the between of two substantial properties within a distance of 2.4m from No10 and approximately 2.9m from No12 Second Avenue. No habitable room windows are proposed on the flank walls of the new dwelling. However, there are habitable room windows at the both levels of southern wing of No 10 which will be affected by the proposed 2 storey dwelling in terms of significant loss of sunlight and outlook. No 12 to the south does not have any habitable room window at the northern elevation, however the exposure of a considerably large flank elevation within a distance of 1.2m from the shared boundary would result in an adverse impact on living conditions of occupiers of this dwelling, limiting their outlook and causing an overbearing feel of a substantial building in close proximity of their property.

Therefore it is considered that the development would fail to accord with policies D SP1, D DM1 and QE SP1 of the Arun Local Plan.

HIGHWAY SAFETY AND PARKING

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network. Policy GA4 of the Felpham Neighbourhood Development Plan 2 stresses that proposals for new development new car parking should where possible be accommodated within the curtilage of the dwelling in the form of a garage and/or parking space.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. The requirement of the SPD for two 4 bed dwellings in Parking Behaviour Zone 2 are 3 parking spaces per dwelling.

WSCC do 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, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. The provision of bin and recycling storage would be located on the northern boundary to the side of parking area.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan, Arun Parking Standard and with the guidance on highways within the NPPF.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 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 necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The 4bed/8 persons dwelling is proposed; proposed 2 storey dwelling would have an internal space area of approximately 180sqm whilst the requirement according to the space standards is 124sqm. The dwelling would considerably exceed minimal space standard required by the Nationally Described Space Standards.

Arun Design Guide part H.04 advises on Residential Outdoor Amenity & External Space Standard:

- All development should provide residents with access to outdoor amenity space, whether private or communal. It advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable and states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The proposal provides a rear garden with a depth of 16.4m of a rectangular shape which would satisfy the requirement of Arun Design Guide and complies with policies D DM1 and D DM2 of the Arun Local Plan and with the guidance in the NPPF (para. 127)

BIODIVERSITY:

This is to the garden plot of an existing dwelling within existing residential development. The proposed development would involve the removal of 5 trees which abut the southern boundary of the proposal site. As Greenspace Officer stated in her comments landscape provision to the dwelling and improvement with native species and further boundary screening would be required. All proposed planting should be considered and its connection for biodiversity and habitat explored, with a biodiversity net gain following development. landscape details to provide ornamental and native improvements and potential biodiversity gain are required alongside of a confirmation of tree protection methods in relation within and beyond the site boundary that may be affected by the development proposals.

ADC Greenspace Officer have recommend no landscape objection therefore the proposal is in an general conformity with ALP policy ENV DM5, following the above advice.

SUMMARY:

The proposal would result in significant harm to the character of the area and to residential amenities of nearby properties, therefore the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole. As a result, this proposal would not benefit from the presumption in favour of sustainable development provided by paragraph 11 of the Framework. Consequently, this is not a material consideration to indicate this proposal be decided other than in accordance with the development plan.

The development is considered to conflict with the development plan, particularly policies D SP1, D DM1 and QE SP1 of the Arun Local Plan, policies ESD1 and ESD9 of the Felpham Neighbourhood Development Plan 2 and relevant paragraphs of NPPF and consequently is recommended for refusal.

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

RECOMMENDATION

REFUSE

- 1 The site is unsuitable to accommodate a substantial dwelling without significant harm to the character and established pattern of this residential area and the residential amenities of adjoining properties contrary to policies D SP1, D DM1 and QE SP1 of the Arun Local Plan and policy ESD1 of the Felpham Neighbourhood Development Plan 2, relevant paragraph of the NPPF, the Arun Design Guide and the National Design Guide.
- 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.