

Recommendation Report for Planning Permission

REF NO: FP/61/20/PL

LOCATION: 10 Felpham Gardens
Felpham
PO22 8QS

PROPOSAL: Demolition of 1 No. house & erection of 2 No. chalet style dwellings with garaging & car parking (resubmission following FP/274/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Demolition of an existing detached dwelling and erection of two chalet style detached dwellings, with garaging & car parking.

The existing bungalow, garage and the concrete shelter would be replaced with two chalet style dwellings with integral garages.

The direction of units' layout, within the plot of an irregular shape, would be rotated and would be aligned with the southern boundary.

Unit 1 would be well set back from the front boundary by approximately 15.5m, set in from the shared boundary with No 8 Felpham Gardens by 3.1m.

Unit 2 would be sitting behind Unit 1 within a separation distance of 3m and would be a mirror picture of it. Eastern flank elevation of Unit 2 would be within a distance of 2.4m from the shared boundary with West Corner, a bungalow at Clovelly Avenue (cul de sac) to the east and would be set in from the shared boundary with No 8 Felpham Gardens by 6.68m.

Cycle storage would be situated within south-eastern corner for Unit 2 and in north-western for Unit 1 together with 2 parking bays and bin storage to the front of the plot.

SITE AREA 0.09 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 17.1 dph.

TOPOGRAPHY Predominantly flat.

TREES None affected by the proposed development.

BOUNDARY TREATMENT Open to the front, approximately 1.8m high timber panel fence on the boundary with No 8 Felpham Gardens, on the boundary

	with West Corner and Casa Mia at Clovelly Avenue to the rear and on the southern boundary.
SITE CHARACTERISTICS	The proposal site is located on the eastern end of cul de sac Felpham Gardens and comprises a bungalow style dwelling with a detached garage,
CHARACTER OF LOCALITY	Residential cul-de-sac comprising well set back detached bungalows and a chalet style dwellings on rather generous plots with a recreation ground (King George V Field) to its south end and cul de sac Clowely Avenue to the east with a line of bungalows along the Recreation Ground.
	The property to the north No 8 Felpham Gardens has been converted from class C3 to C4 (small HMO) under reference FP/107/10/PL.

RELEVANT SITE HISTORY

FP/274/18/PL	Demolition of 1 No. house & erection of 1 No. detached chalet style dwelling and 1 No. single storey bungalow, with garaging & car parking.	ApproveConditionally 06-09-19
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The current proposal is resubmission following FP/274/18/PL for 1 detached chalet style dwelling and 1 single storey bungalow, with garaging & car parking.

Applicant was asked to amend the originally submitted drawings (FP/274/18/PL); the proposed rear chalet style dwelling has been replaced with a bungalow to mitigate the potential impact to users and occupiers of Casa Mia and West Corner to the rear and a visual impact on the character of the surrounding area.

However the current proposal is again for two chalet style dwellings; a carbon copy (with some changes of finishes) of previously submitted proposal which had been considered as unacceptable.

REPRESENTATIONS

Felpham Parish Council - No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENGINEERS Comments Regarding Surface Water Drainage: - No objection, subject to condition and informative.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

2km Buffer for Site for Site of Special Scientific Interest Felpham

Built -Up Area Boundary

Tree preservation Orders; BOGNOR No.3

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
ECCDM1	ECC DM1 Renewable Energy
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Felpham Neighbourhood plan 2014 POLICY BT4	Retail premises
Felpham Neighbourhood Plan 2014 POLICY ESD1	Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD5	Surface water management
Felpham Neighbourhood Plan 2014 POLICY ESD9	Tree protection
Felpham Neighbourhood Plan 2014 POLICY ESD12	Renewable energy schemes

PLANNING POLICY GUIDANCE:

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.

Reg. 14 - Pre-submission consultation and publicity

Consultation Dates: The consultation period ran from the 20th January 2020 to 2nd March 2020. The Plan was amended following comments received and submitted to Arun DC on the 16th March 2020 under Reg 15 of The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Plan Review 2019 - 2031 contains a number of 'saved' policies from the Felpham Neighbourhood Plan 2013-2029, some amended policies and some new ones. Modification Proposal Statement under Regulation 14(a)(v) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Relevant Policies of the Felpham Neighbourhood Development Plan have been taken into account in the determination of this application.

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 not considered to comply with relevant development plan policies in that whilst it would not affect adversely the residential amenities of nearby properties, it would have a materially adverse effect on the visual amenities of the local area and the local pattern of development therefore contrary to Policies D SP1 and D DM1 of the Arun Local Plan.

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

Whilst the area is suitable for residential development in principle, being within the built up area boundary, such development should comply with the policies in the development plan. The key policies considered are D SP1, DDM1, D DM2, T SP1, W DM1 and EEC DM1 of the Arun Local Plan.

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 demonstrate 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 ESD1 of the Felpham Neighbouring Plan stresses that proposals must respond to the specific

character of the site and its local surroundings.

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 and advocates in section d) that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken 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.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

The site is located in the end of a residential cul-de-sac which is characterised by a mixture of well set back detached bungalows and a chalet style dwellings on rather generous plots with a recreation ground (King George V Field) to its south and cul de sac Clowely Avenue to the east with a line of bungalows along the recreation ground. There is a general open plan feel to the surrounding area.

The proposed would fall to back land type of development where number of key principles apply (Development Control Advice Note 8):

- Back land development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns.
- It is important to ensure that new development would be of a form and scale which respects the local context, respects the scale and density of existing development.
- Where trees or landscape features form part of a back land plot, the design should seek to retain these and integrate them into the new development.

The proposed plot is approximately 47m and all mature and semi-mature trees, bushes and dense vegetation were cut down on the site some time before the previous application has been submitted.

Due to the back land form of the proposed development Unit 2 would not have any active street frontage. Whilst it would not be particularly visible from Felpham Gardens its flank elevation will appear alien when seen from the end of Clovelly Avenue.

The proposed two identical chalet style dwellings would be out of keeping to the relatively open character and appearance of the area, particularly when viewed from Recreation Ground. The existing vegetation to the south would provide some screening of the proposed dwellings. However, there would be little to prevent the overgrown bushes and the hedge being reduced in height in the future which would increase the visibility and prominence of the buildings and would emphasise the loss of part of the open space between sporadic properties. Therefore it is considered that the proposed development would be

inappropriate due to the position and the size of the plot.

In addition, half hipped roofs as proposed are not found within Felpham Gardens where houses share a common architectural language, giving a fairly uniform character and appearance. Therefore the mix and match approach in this proposal would create a cluttered development, that would fail to sit comfortably within surroundings.

It is noticed that there are chalet style dwellings within area, therefore the recent proposal has been accepted, however the combination of two within a limited space of rather shallow plot in a vicinity of modest bungalows would be unacceptable. As such, whilst some attempt has been taken to attempt to incorporate local design, the overall effect would do little to assist in settling the proposal into its surroundings.

The proposal would appear at odds with the surrounding character and appearance of the area. It would, therefore, conflict with those aspects of policies D DM1 and D SP1 of the Arun Local Plan 2011-2031 and policy ESD1 of the Felpham Neighbouring Plan, NPPF paragraph 122 and Arun Design Guide (SPD).

RESIDENTIAL AMENITY

The proposed new dwellings, especially Unit 2 due to its position and massing would have impact on living conditions of No 18 Felpahm Gardens and West Corner in the end of Clowely Avenue cul de sac, limiting their outlook and resulting in an overbearing feel of a substantial building in close proximity to their rear garden.

The northern elevation of the proposed Unit 2 would appear oppressive, exposing bulky roof structure with one large windowless dormer. Whilst this would maintain the privacy of neighbouring dwellings/gardens it would result in an unneighbourly development which would in addition block the open view at the King George V Field to all users of rear gardens of dwellings along the eastern side of Felpham Gardens.

It is considered that development as proposed would have an impact to users and occupiers of nearby properties considered to result in adverse harm upon the neighbouring amenity by way of overshadowing or overbearing especially on winter months when the sun hangs lower in the sky and closing an existing vistas. Therefore it would not accord with D DM1 of the Arun Local Plan.

HIGHWAY ISSUES

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The application site would be accessed via the existing dropped kerb and access point off the east side of Felpham Gardens, and would run along the southern boundary of the site, leading to both garages and 1 No. parking space to the front of Unit 2. There would be an additional 2 No. parking spaces to the front of the site; resulting in a total of 5 No. parking spaces. Secure, covered cycle parking provision is provided to the front of the site and to the rear.

It is not considered that the proposal would have 'severe' impact 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 subject to condition. As such proposed development would comply with policy T SP1.

INTERNAL FLOOR SPACE STANDARDS

The proposal relates to gross internal floor spaces of approx. 137 sqm for 3 bedroom (Unit 1 and Unit 2, which exceed considerably the minimum gross internal floor area requirement for a two storey dwelling as set out in the Nationally adopted space standards. (102 sqm for 3 bedroom dwelling).

Policy D DM1 refers to the need for compliance with the Arun Design Guide. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Regard should be had to para 127 of the NPPF which requires development has a high standard of amenity for existing and future users.

The proposed dwellings would provide a significantly smaller area for external amenity space than the existing dwellings within Felpham Gardens, which indicates an overdevelopment of the site. Provided private garden for Unit 1 is extremely small, however given the close vicinity of the open green space to the south it is considered that the scheme provides an acceptable standard of amenity for future occupiers.

The proposal complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127)

CONCLUSION

The development is considered to conflict with policies D SP1, D DM1 and QE SP1 of the Arun Local Plan, policy ESD1 of the Felpham Neighbourhood Development Plan 2 and relevant paragraphs of NPPF and therefore 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 additional two units would provide family units which would contribute to the council's supply of housing, however this is not a benefit that carries enough weight in this case to outweigh the harm in respect of

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required.

RECOMMENDATION**REFUSE**

- 1 The site, by virtue of its excessive footprint and close proximity to neighbouring dwellings, is considered unsuitable to accommodate two chalet style dwellings and private amenity space satisfactorily without damaging the character of this established 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 Plan.
- 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.