

Recommendation Report for Planning Permission

REF NO: FP/66/13/

LOCATION: 1 Normans Drive
Bognor Regis

PROPOSAL: Erection of a detached two bedroomed bungalow.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The accommodation will comprise of an entrance hall, separate cloakroom, L-shaped lounge/dining room, a kitchen, 2 bedrooms and a separate bathroom. The proposed detached bungalow will have a ridge height of about 5.25m and a 35 degree pitched roof. The footprint of the proposed building will extend to about 83m² with the internal floor area around 74m².

The front garden will be predominantly permeable brick pavements and the rear garden will be soft landscaped. The rear garden measures approximately 9.2m wide by 5.8m deep. All boundary fences will be vertical feather edged close boarded treated softwood - 2m high to the side and rear boundary and 1.2m high as existing to the front boundary. It is proposed to remove a palm tree and a decayed oak tree on the western boundary, together with some shrubs to the front of the property.

Building materials will be traditional and comprise of: Marley plain tiles - bold English dark red and F.L.F. stock brickwork for the walls.

The bungalow will have a frontage with and access onto New Barn Lane. 2 No. car parking spaces will be provided to the front of the property. The pedestrian access will be ramped up to the front door to allow easy access for occupiers/visitors with mobility difficulties.

SITE AREA

00.02 hectares.

RESIDENTIAL DEVELOPMENT DEN

50 dph.

TOPOGRAPHY

Predominantly flat.

TREES

There is a pine tree located in the corner of the site formed by New Barn Lane and the adjacent footpath. This adds amenity value to the streetscene and is being retained. In addition, along the boundary with the footpath, there is a Palm Tree, a Cypress and several smaller shrubs.

BOUNDARY TREATMENT

- * 1.9m high close boarded fence adjacent to the footpath (side);
- * Part 1.8m high close boarded fence with trellis/part hedge to New Barn Lane (front); and
- * 1.7m high part wall/part close boarded fence to no. 3 Normans Lane (rear).

It is proposed to erect a 2m high close boarded fence to the other side boundary which would then become the new rear boundary of 1 Normans Drive.

SITE CHARACTERISTICS

This is the existing rear grassed garden of 1 Normans Drive. The garden backs onto a WSCC run footpath and is side on, on the southern side, to New Barn Lane. 1 Normans Drive is a two storey detached dwelling with a large single storey garage extension projecting westwards. It is part brick and part render. The property has a single garage and 1-2 existing off street parking spaces. There is also on street parking available.

No. 1 Normans Drive has a rear kitchen window at ground floor and a rear first floor bedroom window, both of which currently overlook the current garden.

CHARACTER OF LOCALITY

Residential area with the immediate streetscene comprised of 2 or 1.5 storey dwellings (i.e. no other straight bungalows). No. 3 Normans Drive has no side windows that will be affected but does have rear facing windows which look out at an angle over the existing garden.

RELEVANT SITE HISTORY

FP/191/01/	2 storey, 2 bedroom house	Refused 16-11-2001
FP/228/02/	2 bedroom bungalow (Re-submission of FP/191/01)	Refused 30-12-2002
FP/305/04/	Erection of bungalow.	Refused 10-02-2005

Application FP/305/04 for a bungalow was refused for the following reason:

"The site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of the residential area. The proposal would, therefore, result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area contrary to policies West Sussex Structure Plan DEV1 of the West Sussex Structure Plan Deposit

Draft and GEN7 of the Arun District Local Plan."

Two further applications, FP/228/02 and FP/191/01 were also refused for the same reason as above.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - object on the grounds of "1) Over-development of site; and 2) Access and Egress due to proposed property being situated on a blind bend".

In addition, 1 letter of objection received from a local resident: "I consider this location, on a sharp bend, is unsuitable for a further development, bearing in mind the lack of parking space available, together with the present vehicles being parked outside number 1, in New Barn Lane."

Comments on Representations received:

Comments noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Council Drainage Engineers - The applicant states that surface water will be discharged to soakaway. There is very limited space on site, and soakaways should be constructed at least 5 metres from buildings. There is a drainage system adjacent to the property. Due to proposed future repair works to this system, discharge of surface water is not recommended at present. Please apply standard conditions ENGD2A.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
No Public Sewer;
PD Restriction; and
Tree Preservation Order.

The Tree Preservation Order concerns the trees planted on the verge either side of Normans Drive.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations,	H DM1 Housing Mix D DM1 Aspects of Form and Quality D DM2 Internal Space Standards D DM3 External Space Standards
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Transport, Monitoring and
Implementation sections
(February 2014):

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 it would have a materially adverse effect on the visual amenities of the locality and on the residential amenities of the adjoining properties, and it would 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 is located within the built-up area boundary where the principle of new development is acceptable subject to other policies in the plan. Paragraph 17 of the National Planning Policy (core planning principles) states that planning should always seek to ensure high quality design and take account of the different roles and character of different areas. Paragraph 56 places design at the heart of planning and paragraph 58 adds that development should respond to local character. Paragraph 64 recommends that planning permission be refused for development of poor design.

Paragraph 53 advises that: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area." It is considered that the proposal is harmful to the prevailing character of the area and this will be assessed in greater detail in the next section.

CHARACTER

Policy GEN7 (ii) states that: "(Development will be permitted provided it) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;"

The immediate area is characterised by 1.5 and 2 storey detached dwellings in a mix of styles and roof forms. However, it is clear that there are no other bungalows in the immediately surrounding area. The Design & Access Statement states under "Scale" that "A single storey dwelling is considered most appropriate for the site as it will mean that there will be no overlooking to adjoining gardens or properties, therefore neighbour privacy and amenity is respected". Whilst the use of a bungalow would help in respecting residential amenity, it is not in character with the surrounding urban landscape and it is not considered that a bungalow should be allowed simply because it respects residential amenity.

Turning now to garden size, it is clear that 1 Normans Drive currently has a rear garden which is roughly the same length as that of neighbouring and nearby properties. However, it already has a shorter garden and less space as a result of the garage extension. The act of placing a bungalow in the rear garden will mean that the current house and the new one will end up with a tiny garden area and one which is significantly smaller than gardens elsewhere in the immediate area. Garden size is considered to be an indicator of character and also has a close relationship with plot size. The plot size of the old & new will therefore be much less than that of the prevailing character. It is considered that the comparatively small garden sizes reflect the fact that the existing plot is not large enough to accommodate an extra dwelling whilst also respecting the prevailing character of the area. A further aspect of plot size is width. It is clear here that the width of the plot and the gaps between building and boundary are lower than those of plots on Normans Drive and New Barn Lane.

AMENITY

Paragraph 17 of the NPPF states that development should ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy GEN7 adds that development should not have an unacceptable adverse impact on adjoining occupiers, land uses or property.

As discussed above, the proposal will result in the loss of existing private garden to the rear of 1 Normans Drive. The garden space that will remain will then be compacted into an area close to the boundary with no. 3 and the more intensive use of this space could result in an increase in noise and disturbance from the garden to no. 3.

The new dwelling's garden will also be small but the use of it is not considered to have an impact on the amenity of no. 3. This private garden area and the rear windows of the new bungalow will also be in a relatively clear view of the windows of both 1 and 3. New fencing will help to prevent overlooking from existing houses but at the cost of making the garden for the new dwelling dark and given its small size, somewhat claustrophobic.

In addition, it is now necessary to have regard to the policies of the emerging local plan which have now been approved for development management purposes; particularly those with respect to internal and external space standards. Policy D DM3 requires that sufficient external amenity space is provided and this can either be in the form of a balcony or garden. The proposal includes a rear garden of 53.36m² and this is only 5.8m deep. The standards require that gardens are a minimum of 10m deep and that small detached houses have at least 85m² of rear garden area. The application does not provide this. Furthermore, the existing dwelling will be left with a rear garden of approx. 5m width by 9m depth. In addition to non-compliance with the policy, the low level of private garden space may also mean that the resulting dwellings are not suitable for families with young children or families with pets.

Policy D DM2 relates to internal space standards and requires that a 2 bedroom/3 person dwelling has a total general internal floor area of 61m² (the standard for a 2 bedroom/4 person dwelling is then 70m²). The application floor plan has been assessed and comprises of 74.08m² and therefore complies with this policy whether for 3 or 4 people.

AFFORDABLE HOUSING

In line with the Council's affordable housing policy, the requirement for a single two bed dwelling

would be ?9,128. The applicant has provided a legal agreement and title deeds in respect of this requirement and the section 106 agreement is now complete.

ACCESS & PARKING

The proposed development includes front driveway space for one off street parking space and retains the existing parking arrangements for no. 1.. This is considered to be an acceptable arrangement given the size of the proposed dwelling and the availability of on street parking for guests. An existing vehicle crossover will be used to access both no. 1 and the new dwelling.

SUMMARY

It is considered that the development represents a cramped form of development which will result in an uncharacteristic plot size & garden size, garden space that is not of a sufficient size to be suitable for existing/future residents and the potential for overlooking from existing dwellings & and increased disturbance to the occupiers of no. 3. This site has been subject to 3 previous refusals also on the grounds of character and it is not considered that there is scope to revise the proposal in order to make it acceptable. It is recommended that permission be refused for the following reasons.

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.

SECTION 106 DETAILS

An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The

policy is in accordance with the National Planning Policy Framework and for developments of 1-14 units an affordable housing provision of 15% will be sought district wide. This application requires an affordable housing contribution of ?9,128. A Section 106 agreement has been completed but the application is being refused.

RECOMMENDATION

REFUSE

- 1 The site by virtue of its size and shape, is considered unsuitable to accommodate a dwelling and private amenity space satisfactorily without damaging the character of the residential area. The proposal would, therefore, result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area contrary to policies GEN7 of the Arun District Local Plan, D DM1 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the NPPF.
- 2 Having regard to the size of the external space provision, the new dwelling would give rise to an unsatisfactory environment for the occupier/s of both the existing and proposed dwellings in conflict with Policies GEN7 of the Arun District Local Plan, D DM3 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the NPPF.
- 3 The proposed dwelling and its associated garden would be detrimental to the amenities of the occupiers of 1 Normans Drive by reason of overlooking and a loss of privacy in conflict with policies GEN7 of the Arun District Local Plan, Policy D DM1 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the NPPF.
- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.