

Recommendation Report for Planning Permission

REF NO: FP/84/22/PL

LOCATION: 7 Ambleside Close
Felpham
PO22 8NG

PROPOSAL: Erection of 1 No three-bed detached dwelling (resubmission of FP/86/21/PL). This site is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for an erection of 3 bedroom 2-storey dwelling on garden land to the east of 7 Ambleside Close. The garage abutting the southern boundary would be demolished. The plot of No 7 Ambleside Close would be subdivided and the proposed property would be on a plot of 333 sqm from 532sqm of the original site of No7 leaving the host property with 199sqm only. The footprint of host property is 70 sqm whilst the footprint of the new dwelling would be considerably larger. The dwelling would provide a living room, dining /kitchen, bedroom and bathroom at the ground floor level and 3 bedrooms and bathroom at the first-floor level. The proposal would utilise the existing access onto Ambleside Close, providing a shared driveway and two parking areas for both the existing and proposed dwellings. More than 50% of the proposal site would be hard surfaced.
SITE AREA	333.00sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	30 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, the site is gently sloping from small cul de sac.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The curtilage is largely open fronted with a 1m high picket fence between it and the other semi-detached. Garden is enclosed by 1.8m high brick pillar and trellis fence with overgrown hedgerow.
SITE CHARACTERISTICS	The site comprises a semi-detached two storey dwelling in a corner plot on the north-east side of Ambleside Close, a residential cul-de-sac. The modest dwelling is constructed of brick on the ground floor and peddle dash on the 1st floor. Occupying a corner plot, it has a larger garden area than its

neighbours. All mature trees have been cleared, the area around the garage is covered with overgrown bushes.

CHARACTER OF LOCALITY

Residential area consists of 2 storey semi-detached and detached properties on the north side of Outerwyke Road and some bungalows along spacious Thirlmere Way to the south-east of the cul-de sac. The properties in Ambleside Close are 2 storey semi-detached and detached of a uniform appearance with fairly comparable sized front and rear gardens. All dwellings are very well set back, open fronted with on-site parking available for 2 vehicles.

RELEVANT SITE HISTORY

FP/86/21/PL	Erection of 1 No. 3 bed dwelling (resubmission following FP/179/20/PL). This site is in CIL Zone 4 & is CIL Liable as new dwelling.	Refused 21-06-21
-------------	---	---------------------

FP/179/20/PL	1 No 3 bedroom detached chalet bungalow. This site is in CIL Zone 4 and is CIL Liable as new dwelling.	Refused 23-11-20
--------------	--	---------------------

Appeal: Dismissed
18-08-21

Reasons for refusal (FP/86/21/PL):

- Having regard to the proximity and relationship of the dwelling to neighbouring residential properties the proposal would create unacceptable living conditions for the occupants of adjoining property No 8 Ambleside Close through overlooking, in conflict with policies D DM1, and QE SP1 of the Arun Local Plan and Arun Design Guide.

- In order to facilitate the proposal site, the rear garden of No 7 Ambleside Close would be significantly reduced resulting in an inadequate garden size for No 7, contrary to policy D DM1, the Arun Design Guide and paragraph 127 of the National Planning Policy Framework.

Reasons for refusal (FP/79/20/PL):

- The site, by virtue of its character and close proximity to neighbouring dwellings, is considered unsuitable to accommodate a substantial chalet style dwelling without damaging the character of this established residential area and the residential amenities of adjoining properties.

- Having regard to the proximity and relationship of the dwelling to neighbouring residential properties the proposal would create unacceptable living conditions for the occupants of adjoining properties through overlooking, No 8 Ambleside Close, rear gardens of No 7 Thirlmere Way and 14 Derwent Grove, and overbearing, Nos 3 and 5 Thirlmere Way.

- Insufficient information has been provided to enable the Local Planning Authority to consider the impact on protected species and whether the proposal results in a net gain in biodiversity.

A pre-application submission for 2 semi-detached dwellings on the site (PAA/13/20) was objected to on the grounds that (a) the proposal would not provide sufficient external space for future occupiers of the

dwelling and would result in a cramped appearance with the domination of on-site parking and there were also overlooking concerns, primarily south facing towards no. 8 Ambleside.

REPRESENTATIONS

Felpham Parish Council: Objection.

- There is no adequate turning circle for vehicles they would have to reverse onto the road.
- FPC have wastewater concerns.

14 letters of objection received:

- Overdevelopment of rear garden.
- Restricted parking in the close. It would cause problems for emergency vehicles. The area prone to flooding.
- Out of place and not in keeping with the houses in and around the area.
- A shared driveway would cause concern for any occupants in the future and to other residents.
- This is an open plan estate built in the sixties, proposed dwelling would be intrusive being so close to the boundary.
- Limited parking and constant problems with drainage.
- The oversized development on an undersized plot will impose on the privacy of all surrounding neighbours.
- Surface water drains struggle during heaving rain and the flood water gets up to the bottom of the front gardens.
- Due to the small size of cul de sac, refuse, delivery and emergency vehicles already struggle to enter and turn round.
- No window facing garden of No 8 Ambleside Close makes no difference, the position of the dwelling would be the same.
- A decent sized garden would be cramped with a house constructed upon it.
- Bedroom 1 will be served by 1 small window facing to the north only which would not allow sufficient natural light.
- Bedroom 3 will be undersized.
- The residents may alter the existing plans to get the property approved allowing a larger window on the southern elevation.
- To address the size of the garden the new property would leave 7 Ambleside Close with "L" shape garden, sandwiching between the gardens of 14 Derwent Grove and the new property.
- As the demographic of the cul-de-sac age, there are an increasing number of elderly residents, several of whom are visited by their grandchildren; an additional traffic would exasperate existing parking problems.
- Access to the site is narrow, during construction large delivery vehicles would have great difficulties in getting up the driveway

COMMENTS ON REPRESENTATIONS RECEIVED:

- Impact on highways and parking provision has been assessed by WSCC Highways.
- Southern Water are not consulted on schemes of this nature.
- Other issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

DRAINAGE ENGINEERS: Due to the scale, location, and type of application we have no conditions to

request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

WSCC HIGHWAYS: This proposal would not 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 NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

ADC ENVIRONMENTAL HEALTH - No objection subject to suggested conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
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
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[Felpham Neighbourhood Plan 2019-31 Policy ESD1](#)

Quality of Design

Felpham Neighbourhood Plan 2019-31 Policy ESD5

Surface Water Management

Felpham Neighbourhood Plan 2019-31 Policy ESD9

Protection and Enhancement of Wildlife or Ecological Networks.

Felpham Neighbourhood Plan 2019-31 Policy GA4

Parking in New Residential Development

Felpham Neighbourhood Plan 2019-31 Policy H2

Windfall Sites

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 relevant policies of Felpham Neighbourhood Development Plan 2 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 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 does not comply with relevant development plan policies in that it would 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 and would result in an inadequate bedroom size therefore contrary to policies D SP1, D DM1 and D DM2 of the Arun Local Plan.

Section 70(2) of the 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.

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, highways/traffic and space standards.

PRINCIPLE

Whilst the area is suitable for residential development in principle, being in the built-up area boundary, such development should comply with the policies in the development plan. Key policies are D SP1, D DM1, D DM2 and T SP1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires 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.

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) states new development should ensure that 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 H2 of the Felpham Neighbourhood Development Plan expects developments on infill to be appropriate to the size, character and role of the settlement. Policy ESD1 requires development which would have an effect on the appearance or character of the surrounding area to be of a high quality of design and contribute to local character by creating a sense of place appropriate to location. Policy ESD9 emphasises that the removal of trees to make way for development can completely change the amenities of a road and must be resisted.

Although the Framework does not prevent development on garden land in principle, it does require new developments to respond to local character and history and to reflect the identity of local surroundings.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was adopted 25th January 2021. Part P, page 126 deals with Infill Development and stresses that while infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, this should not lead to overdevelopment and over-intensification of building plots - for example by building in the gardens or curtilage of existing dwellings or on communal open spaces, where this would lead to an unacceptable loss of outdoor amenity space, access or drainage facilities. It 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 National Design Guide was published in 1 October 2019. Part C1 maintains that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The site is a garden land to the east of 7 Ambleside Close. Ambleside Close is a residential cul-de-sac characterised by a very well set back 2 storey semis and detached dwellings with small gardens apart from two corner plots (7 and 4) which benefit from spacious gardens of an irregular shape. Whilst No 4 benefits from an extensive single storey side extension, narrow to the front and widening to the rear reflecting the shape of the plot, no 7 before clearance of trees and shrubs benefitted from a garden

contributing to the biodiversity and feel of openness. The side extension of No 4 is hardly visible in the street scene. The pair of semis (Nos 6 and 7) within a small cul de sac is shifted to the right therefore the access to the site is more complicated and the proposed dwelling would not be a part of the close but the substantial building standing alone within garden in a vicinity of No 7 Ambleside Close with its 'active' elevation facing to the side elevation of No 8 Ambleside Close. Therefore the 'street-scene' as shown in drawing PL-1594 - 203 would be available to the residents of No 8 only.

The gabled roof dwelling would be within 2.1m from the flank elevation of host property, 5m to 6.4m from the shared boundary with 3 and 5 Thirlmere Way. The current proposal would be 1.31m wider than that previously refused, 7.7m wide to the front and 6.4m to the rear, would be 8.87m deep with 1.4m deep single storey rear projection and would be 7.65m high. First floor bedroom window of the front elevation would be omitted, one large casement window, entrance door and a narrow bathroom window with a canopy above are proposed at the ground floor level and a triple casement bathroom window at the first-floor level of the front elevation. French doors with side windows are proposed on the south-eastern and the north-eastern elevation. One narrow, obscure glazed window would be inserted on the north-western elevation. There would be 3 casement windows at the first-floor level and 2 casement windows at the ground floor level of the north-eastern elevation.

The site due to its position and access is not suitable to accommodate another substantial building and the development would result in an uncomfortable relationship with the host and the other properties within cul-de sac. Spacing should be respected together with the character of the area. Residential development in the area is characterised by the open character of front gardens for a purpose to demonstrate the openness. The development would create an inappropriate addition with no relationship to the existing development and would fail to respond to locally distinctive patterns of development.

The Inspector in his report (APP/C3810/W/21/3273009) stated: 'By eroding the spaciousness of the area, I conclude that the proposal would cause harm to its character and appearance'. He acknowledged that the existing garden is larger than many of the neighbouring properties in the immediate area and is not fully used by the appellant. However, houses in the area have a range of garden sizes and a large, irregular shaped garden is not uncommon with such housing layouts. Such gardens can also be equally as attractive to future occupiers as smaller ones.

The building would be detrimental to the character of the area, would detract from the pattern of surrounding development whilst paragraph 13.2.6 of the Local Plan requires respect, improvement and enhancement of the existing environment. Although it would not have any active street frontage, it would be particularly visible from the cul-de sac and its flank elevation would appear alien when seen from Thirlmere Street, squeezed in the rear garden where one would expect green foliage and openness creating a variation in established design characteristics. It would conflict with those aspects of Policies D DM1 and D SP1 of the Arun Local Plan, policy ESD1 of the FNDP 2, relevant paragraphs of the NPPF the Arun Design Guide (SPD) and the National Design Guide.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development. Policy QE SP1 requires that all development contributes positively to the quality of the environment.

The proposed development is classified as a backland development and the Arun Design Guide, part P, page 128 requires backland developments to be subservient to existing properties and their layout should seek to maximise the outlook of neighbours and avoid overlooking existing windows and private gardens.

The south-western (front elevation) would be within a separation distance of 5m from the shared boundary with No 8 Ambleside Close and would face to side elevation of this property with the most private amenity space due to the lack of a significant rear garden. This arrangement would result in an uncomfortable relationship between the proposed and existing. The proposed first floor windows on the north-eastern elevation serving bedrooms would directly overlook the rear garden of host property and the garden of No 7 Thirlmere Way.

The development would have an impact on occupiers of nearby properties considered to result in adverse harm upon amenity by way of overbearing and overlooking. Therefore, it would not accord with policies D DM1 and QE SP1 of the Arun Local Plan.

HIGHWAYS, TRAFFIC AND PARKING

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.

Policy GA4 of the FNDP requests that 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. 2 parking spaces are shown on the site layout which satisfies the requirement of the SPD for two 3 bed dwellings in Parking Behaviour Zone 2 (2 parking spaces per dwelling).

The proposal would utilise the existing access onto Ambleside Close, providing a shared driveway and two parking areas for both the existing and proposed dwellings.

The vehicle parking is proposed in the same location as the previous application (FP/86/21/PL). Swept path tracking has been provided for the previous application demonstrating that vehicles can enter and exit each space in forward and reverse gears. No highways concerns over the proposed parking arrangements have been raised. The LHA also did not raise a highway concern to the lack of on-site turning space on site, given the nature of the no-through residential road and neighbouring properties operating similar arrangements and concluded that this proposal would not 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 NPPF (paragraph 111), and that there are no transport grounds to resist the proposal.

The development would comply with policy T SP1 of the Arun Local Plan and Arun Parking Standards (SPD).

INTERNAL FLOOR SPACE STANDARDS 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 proposal relates to gross internal floor space of approximately 113sqm which would satisfy the

requirement for a 3-bed dwelling size (102 sqm for 3 bed/5persons, 2 storey dwellings). Nationally Described Space Standards require a single bedroom has a floor area of at least 7.5m² whilst bedroom 3 would have 6.3sqm only.

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. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m.

The drawings show an area dedicated to residential outdoor amenity; the area of rear garden would satisfy the requirement of the Arun Design Guide; however, the resultant rear garden of the host property would be exposed to the direct overlooking from the first-floor windows of the proposed dwelling.

The development would not comply with policies D DM2, the Arun Design Guide and with the NPPF (para. 130).

IMPACT ON WILDLIFE:

Policy ENV DM5 of the Local Plan requires development scheme shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

The site is a part of residential garden with no areas of hardstanding. Almost all trees and bushes were cut down and the garden has been out of use and that could act as refugia for wildlife as observed by the occupiers of neighbouring dwellings.

The Ecological assessment report (March 2021) has been submitted with previous application (FP/86/21/PL) and Ecology Adviser haven't raised any objection subject to suggested conditions.

The proposal would be in a general accordance with the policy above.

OTHER MATERIAL CONSIDERATIONS:

Arun cannot demonstrate an adequate supply of housing land (HLS). Due to the HLS being below 3 years (2.42 years) and its age, the FNDP does not benefit from the support set out in para 14 of the NPPF. The NPPF presumption in favour of sustainable development is therefore unaffected by the Neighbourhood Plan.

The NPPF contains several material considerations. In its latest revision on 20 July 2021, the Government significantly strengthened its position on the use and application of design guides in the determination of planning applications. Specifically, para 128 now makes clear that "to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, which reflect local character and design preferences." In this instance, the LPA has undertaken this extensive work which aligns with the requirements of the NPPF.

Whilst the LPA acknowledges the applicant's intention of using the site effectively, safeguards such as Design Guides are adopted by Local Planning Authorities to ensure development would respect the surrounding character and appearance of the area and would not detract from the existing pattern of development.

CONCLUSION

The proposal is for a significant intensification of use of site which is supported by the above policy and para 120 (d) of the NPPF. However, the dwelling would result in significant harm to the character of the host building and to the surrounding area given rather dominant position of the proposal property. The development fails to respect the surrounding character and appearance of the area, would detract from the rhythm of an existing pattern of development and would appear visually intrusive in an established cul-de sac. The proposal results in significant harm to residential amenities of nearby properties.

This report has balanced this harm against other material considerations, including that of the contents of the NPPF. Whilst it is acknowledged that the NPPF gives some support to using sites effectively, this material consideration is not of sufficient weight to outweigh the areas of harm identified above in both Development Plan and the NPPF and 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.

RECOMMENDATION

REFUSE

- 1 The development results in an intensification of use of the site and a cramped appearance, adversely affecting the character of this established residential area, detracts from the rhythm of an existing pattern of development and appears visually intrusive in an established street-scene of cul de sac. The proposal results in significant harm to residential amenities of nearby properties by way of overbearing and overlooking contrary to policies D SP1, D DM1 and QE SP1 of the Arun Local Plan and policy ESD1 of the Felpham Neighbourhood Development Plan and the Arun Design Guide and relevant paragraphs of the NPPF.
- 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.