

Recommendation Report for Planning Permission

REF NO: FP/86/21/PL

LOCATION: 7 Ambleside Close
Felpham
PO22 8NG

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for a detached 2 storey 3 bed dwelling on garden land to the east of 7 Ambleside Close. The garage abutting the southern boundary would be demolished. The plot of 7 Ambleside Close would be subdivided and the new property would be on a plot of 400 sqm from 532sqm of the original site of no 7. The dwelling would be 10.2m deep and 6.4m wide, would be characterized by boxed gable roof with ridge 7.5m high. The first floor would be set in on the rear elevation by 1.3m, single storey part with lean to roof. The dwelling would provide a living room, kitchen with dining area, hall and cloak room at the ground floor level and 3 beds and bathroom at the first floor. The proposal would utilise the existing access to Ambleside Close, providing a shared driveway and two parking areas for existing and proposed dwellings. Almost 50% of the site would be hard-surfaced.
SITE AREA	There is a discrepancy in the site area between previous and current scheme. The submitted plans show exactly the same area. The DAS (FP/179/20/PL) described it as ' The new property would be afforded a plot of circa 320sqm' and the current Planning Statement in para 2: 'The application site measures circa 0.04ha'.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	31 dwellings/hectare or 25 dwellings/hectare.
TOPOGRAPHY	Predominantly flat, the site is gently sloping from small cul de sac.
TREES	None affected by the 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 comprising 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/179/20/PL 1 No 3 bedroom detached chalet bungalow. This site is in Refused
CIL Zone 4 and is CIL Liable as new dwelling. 23-11-20

Reasons for refusal:

- 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 waste water concerns.

15 letters of objection received:

- The development will be only 14m from our house which would result in a violation of our privacy and deterioration of quality of life for us and new owners.

- There is no turning point. This means owners of the new property will have to reverse 28m up the drive.
- The site access is very limited, large lorries would not be able to access the site without imposing on the properties adjacent.
- The drainage is a huge problem with the close already being prone to flooding & another dwelling will drastically add to this ongoing problem.
- Nothing has altered from the original refusal of the proposed dwelling by the council other than the slight appearance of the property.
- The owner cut down trees on the south-east boundary which open the view into our bedroom and the gardens lounge.
- The property is not in keeping with the rest of the close and would stick out like a sore thumb.
- Building work would cause trouble with noise and dust pollution.
- Street parking is very problematic in the close as there is only a small section near to one side of the entrance.
- The sewage drains struggle with the number of properties in the close now so another property would add to this issue.
- Flooding and drainage issues are still a big problem.
- New building looks even taller than the surrounding houses is not in keeping with the street and area scene.
- Site access remains difficult due to the proximity of neighbouring driveways & the width of the existing driveway for delivery of materials/machinery etc.
- The parking of 4 vehicles in the plans seem unrealistic & would increase parking on road in a close with limited space.
- During heavy rainfall the bottom end of the close in front of the new build already floods plus there is a regular back of sewage resulting in emergency call outs (photos provided).
- Other than the style of property nothing has changed to the refusal of FP/179/20/PL by the council.
- There is no yellow notification of the application for permission displayed for residents to view.
- The building is also 15 centimetres taller than that it will be constructed in the garden "to allow sufficient headroom" - is the headroom of the existing property not sufficient enough?
- The planning statement advises the land the property would be overlooking in our garden is used as a hard standing; during the summer months this land is used as a functional patio for garden gatherings.
- The plans suggest that a shared brick pier will be removed, but as of yet, I have not been approached regarding this coming down, and I will not be giving consent for this.
- Permitting an application to proceed because the trees have already been felled, encourages others to fall their trees to help them get planning approval.
- The flood risk assessment shows the area as "low probability of flooding". A search on the government long term flood risk website shows the properties in the close as being in a medium risk flood area, with a 1 3.3% risk of surface water flooding each year. The photograph attached.

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.
- Google Map data 2020 shows a mature trees along the shared boundary with 8 and 7 Thirlmere Way.
- Site Notices were displayed: Lamppost in front of No 7 Thirlmere Way; Lamppost on the right side of Ambleside Close, Utility Pole Outerwyke Rd opposite entrance to Ambleside Close and Lamppost in cul de sac Derwent Grove on 01/05/2021.
- Other issues are addressed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

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 - Do 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 NPPF (para 109), and that there are no transport grounds to resist the proposal.

CDC Ecology Adviser Comments - No objection subject to suggested conditions.

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
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 2014 POLICY ESD10

Design details

Felpham Neighbourhood Plan 2014 POLICY
ESD11

Increasing the energy efficiency of our buildings

Felpham Neighbourhood Plan 2014 POLICY ESD4 New dwellings - code for sustainable homes

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 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 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 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 on 17th March 2021, Arun District Council resolved to 'make' the Felpham Neighbourhood Development Plan 2019-2031. 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. The relevant policies are: ESD1 Quality of Design, ESD5 Surface Water Management, ESD9 Protection and Enhancement of Wildlife and GA4 Parking on New Development. All relevant policies except policy ESD3, are modified in Felpham Neighbourhood Development Plan 2.

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 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 garden size for No 7 Ambleside Close 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 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, space standards and wildlife.

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. The key policies considered are D SP1, D DM1, D DM2, T SP1, W DM1 and EEC DM1 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. Policy ECC SP2 expects new development to be energy efficient.

NPPF at paragraph 117 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

In paragraph 122 (d) NPPF 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.

The Council cannot currently demonstrate a five-year supply of deliverable housing sites (3.3 years). Consequently, Paragraph 11(d) of the National Planning Policy Framework is engaged and the most important policies for determining the proposal are considered to be out of date.

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 creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The failure of the proposal to do this is in direct contradiction of para 124 of the NPPF 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) stresses that 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 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 requires 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 emphasises that the removal of trees to make way for development can completely change the amenities of a road and must be resisted.

Paragraph 127 of NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and do not undermine the quality of life or community cohesion and resilience.

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 garden land to the east of 7 Ambleside Close, a residential cul-de-sac characterised by a very well set back 2 storey semis and detached dwellings with rather 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 feel of openness. The side extension of No 4 is hardly visible in the street scene. It should be stressed that the pair of semis 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, albeit the footprint of current proposal is smaller than that refused, 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 4000_PL-006.I would be available to the residents of No 8 only.

The dwelling would be within 2m from the flank elevation of host property and 6.3m from the shared boundary with 3 and 5 Thirlmere Way, what is an improvement from the previous proposal, however on expense of the quality of design and the height of current proposal.

On balance, there would not be a significant impact on the character of locality and the proposal would be in a general conformity with policies D SP1 and D DM1 of the Arun Local Plan, Policy ESD1 of the Felpham Neighbourhood Development Plan and relevant paragraphs of NPPF.

RESIDENTIAL AMENITY

The Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that 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". Para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The south-east unanimated elevation of the dwelling would be within a distance of 6.3m (instead of previously 1.25m) therefore the impact on the living conditions of the dwelling to the south-east would be not unacceptable. However, the relationship of the dwelling to No 8 Ambleside Close would be still unchanged since the proposed is marginally closer albeit the front window at first floor level would be smaller but within a separation distance of 14m from the side elevation of 8 Ambleside Close with habitable windows and would result in a direct overlooking. It would look directly in to the side garden of that property (which contains the most private amenity space due to the lack of a significant rear garden). Arun Design Guide Supplementary Planning Document, Part H04 (Residential Amenity) requires the minimum separation distance of 16m between habitable rooms of properties facing each other. The proposed first floor windows on the north-eastern elevation serving bedrooms would overlook rear garden of property 7 Thirlmere Way and the rear of southern end of Derwent Grove No 14.

The development would have an impact on occupiers of nearby properties considered to result in adverse harm upon amenity by way of 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.

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

WSCC Highways requested the demonstration that vehicles can sufficiently enter and exit each parking space and can enter and exit the site from the public highway via swept path tracking that vehicles can

sufficiently enter and exit each parking space and can enter and exit the site from the public highway. The applicant initially provided the required information. After re-consultation WSCC does 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 NPPF (paragraph 109), 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 103sqm 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 6sqm only.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. 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 10.5 metres. 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 proposal provides rear garden space with a depth of 8.7m which would not satisfy the requirement of Arun Design Guide, however land is provided to the side of the property and it would comply with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127). However it would be at the expense of the host property which would be squeezed between properties with 5m wide rear garden of less than 50 sqm in area and would result in a provision of an inadequate amenity space for No 7. The proposal would only partially satisfy the requirements of Nationally Described Space Standards.

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 and Ecology Adviser haven't raised any objection subject to suggested conditions.

Therefore it is considered that the proposal would be in a general accordance with the policy above.

CONCLUSION

The proposal results in significant harm to the 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.

The development is considered to conflict with the development plan, particularly policies D SP1, D DM1 and QE SP1 of the Arun Local Plan, policy ESD1 and ESD9 of the Felpham Neighbourhood Development Plan 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 Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 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.
- 2 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.

- 3 **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.