Recommendation Report for Planning Permission

REF NO: **K/29/17/PL**

LOCATION: 14 Coastal Road
Kingston

PROPOSAL: Demolition of existing dwelling to create 1 No. new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal is for a replacement 5 bedroom dwelling 3 storeys in height with an integral garage.
SITE AREA	0.11 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	9 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and walling to site frontage to 2m height, Walling/fencing to side boundaries, mainly 2m high. Rear facing field ranch style fencing.
SITE CHARACTERISTICS	The site is currently occupied by a detached two storey dwelling with painted rendered elevations and a grey tiled roof. A first floor balcony is present which extends across the width of the front elevation .
CHARACTER OF LOCALITY	The character of the locality is residential in nature and consists primarily of large properties, in large plots set back from the road. The properties along Coastal Road are of various designs and styles.

RELEVANT SITE HISTORY

K/28/05/	Extension of existing dwelling at ground and first floors, extension of roof terrace and alteration of existing windows and doors.	ApproveConditionally 07-11-2005

REPRESENTATIONS

Representations received:

Kingston Parish Council

Kingston Parish Council

No Objection - subject to consideration being given to the following:
- Kingston Parish Council is disappointed that the design of this application is contrary to the Kingston Design Statement.
- We ask that to protect the privacy of neighbours where appropriate on the first floor and above, there are conditions that obscure glass and fixed openings are used on overlooking windows and privacy screens fitted to balconies.

4 Objections - This house was only redeveloped about 10 years ago. (Without planning consent- obtained retrospective permission after work was completed.) Problem was the construction took place 7 days a week all hours. The noise was horrendous. At the moment there are 2 construction sites across the street but they do not work weekends. They respect the rules of our estate. If this gets planning permission it should be only right they abide by estate rules concerns.

The distance between the new house and neighbouring boundary wall should be measured to the house wall, rather than the boundary wall. This new proposal in fact brings our houses closer together. This is unlikely to be in either of our interests.

Concerned that the balconies (particularly a new second floor terrace) will cause garden of no 16 to be overlooked and impinge on our privacy. Whilst there is already a balcony on the first floor, we do not think that the privacy we should be afforded in our garden has been adequately addressed.

This is a large and incongruous dwelling at 14 Coastal Road. The current property is only just over 10 years old and is already out of keeping with many of the surrounding properties. The character of the properties on the northern side of Coastal Road is quite different to those with a direct sea view on the southern side, and this proposal would dominate and overshadow its neighbours. It is used by the applicants as a holiday home but they are only there for a very few weeks of the year. The rest of the time it is idle and a waste of a building. It is suspected that the new building is being proposed at 3 floors to maintain sea views now that there is a large house built in front of it.

Planning permission for a house on the seaward side has been in place for many years so the applicants knew of it before they purchased the plot. They clearly do not understand that a view is a privilege, not a right. It is hoped that the council is also mindful of the fact that "party houses" have sprung up in recent times and that this proposed dwelling would be ideally suited to this, as it is only occupied sparingly. This must not be allowed to happen.

Comments on Representations received:

It is not agreed that the design is out of keeping or that the dwelling would dominate or overshadow its neighbours. It is not significantly higher than the neighbouring dwellings or the current dwelling. The road is characterised by dwellings of varying style and age and this proposal would not be out of keeping in this area where there is no continuity of design.

As requested by the Parish Council obscure glazing conditions and a restriction on windows being introduced in the side elevation above ground floor have been imposed.

Compliance with estate rules is a private matter. However a construction management plan has been imposed by way of condition, which includes hours of operation. The sides of the balcony at second floor are conditioned to be obscure glazed to prevent direct overlooking,

and the overlooking from the first floor level to the west would increase given the closer proximity of the balcony to the side boundary and this is therefore proposed to be conditioned to be obscure glazed. The overlooking to the front and rear is the same as currently exists and it would not therefore be reasonable to impose an obscure glazing condition on these elevations.

It is not accepted that the character of the north and south sides of Coastal Road are different. The architectural is mixed on both sides, albeit that the south side has more contemporary style buildings.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		D SP1 Design
		SD SP2 Built-Up Area Boundary
Kingston Neigbourhood Plan 2014 Policy KPNP7		DESIGN & DEVELOPMENT
Kingston Neigbourhood Plan 2014 Policy KPNP1		The Presumption in Favour of Sustainable Development
Kingston Neigbourhood Plan 2014 Policy KPNP2		BUILT-UP AREA BOUNDARY

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Kingston Neighbourhood Plan policies 1, 2 and 7, 1, (i), (iii) & (iv) are considered relevant to the determination of this application together with the additional guidance given in Kingston Parish Design Statement 2014.

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 considered to comply with relevant Development Plan policies in that it would

have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it 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 in the built area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are GEN7 of the Local Plan; policies D DM1, D DM2, D DM3 and D SP1 of the Emerging Local Plan , Policy 7 of Kingston Neighbourhood Plan and the NPPF. The application seeks a replacement dwelling of slightly increased footprint and height of significantly different design to the existing dwelling. .

DESIGN AND VISUAL AMENITY
The existing dwelling is located within an area characterised by a mix of large detached properties, many of which overlook the foreshore to the south. The area lacks any one predominant architectural style or design. Indeed the Kingston Parish Design Statement refers to Coastal Road at para 4.3 states the road comprises a wide variety of styles including Georgian, Spanish, Art Deco, Scandinavian, traditional and modern. Recent approved applications for redevelopment on the foreshore side of Coastal Road have resulted in replacement dwellings of contemporary design at nos 9, and land adjacent to no 9, 51,67 and 69 Coastal Road. The proposed elevations of this application reflects the design of these recent approvals.

The proposed dwelling will have a maximum height of 9.2m, with the proposed flat roof being 1m higher than the existing ridge height. The proposed dwelling will have a width of 20.8m, 0.6m wider than the existing dwellinghouse. The scale and massing of the proposed dwelling is considered to reflect other properties in the locality and would be in-keeping with the general appearance of the area. Therefore, the proposal is considered to be appropriate in design and layout and would be sympathetic to the density and scale of housing within the locality.

Although the Design Statement refers to dwellings not exceeding 2 storeys in height the use of three storeys is considered acceptable in this location. The design ensures that the proposed dwelling is not overly dominant or prominent within the street scene. The proposed dwelling will be a similar height to its neighbours to both east and west (infact it is lower than that to the west). The position of the dwelling on the plot in relation to the road frontage would not be significantly altered and would be in keeping with neighbouring properties and gaps of 0.8m and 1.1m are retained at ground floor level to the site boundaries. It is considered the spatial pattern and character of the locality will be retained. The distance the property is set back from the road will match that of dwellings on the western and eastern side of Coastal Road and the position in relation to the distance to the rear boundary would also be similar.

Given the above the proposal is considered to be in accordance with policy GEN7(ii) of the Arun District Local Plan and Policy 7, 1, (i) and (iii) of the Kingston Neighbourhood Plan.

RESIDENTIAL AMENITY
The proposed dwelling does not feature any windows on the eastern or western elevation which will give rise to additional unacceptable overlooking of the adjoining properties. However, concerns in relation to overlooking have been received from neighbours in relation to the second floor balcony.

The existing dwelling features a first floor balcony on the front elevation of the property and the proposed first floor balcony would be located in a similar position as the existing, but would be closer to the western boundary of the site. The screening at first floor level is not considered sufficient to prevent any harm to the residential amenity of neighbouring properties. An additional balcony is being added to the rear elevation which would require screening to the west side. The second floor balcony adds a further opportunity for overlooking and would afford direct overlooking to the side over adjoining gardens if not obscure glazed. A condition has been included in this recommendation report seeking details of this proposed screening to be submitted to the Council to ensure that adequate screening is provided and maintained in perpetuity.

The proposed windows on the rear elevation of the property are not considered to result in any additional unacceptable adverse overlooking of neighbours given the level of glazing and windows present on the rear elevation of the original dwellinghouse.

Spacing between the proposed dwelling and neighbours at first floor level will measure 5.4m to the east and 6m to the west, this is considered adequate to ensure that the proposal does not give rise to any unacceptably adverse overbearing or overshadowing impacts upon neighbours. The proposed dwelling will extend no further to the rear than the existing dwelling at first floor level.

The dwelling has a gross internal floor area of approximately 374 sq.m which exceeds that specified within the Nationally Described Space Standards by 230 sq.m. The rear garden exceeds the requirement specified by policy D DM3 of the Emerging Local Plan. Therefore, the proposal is deemed to be in accordance with policy GEN7(iv) of the Arun District Local Plan and Policy 7, 1, (iv) of the Kingston Neighbourhood Plan.

SUMMARY
The proposed new dwelling is considered to be in accordance with policy GEN7 of the Arun District Local Plan and Policy 7 of the Kingston Neighbourhood Plan. Therefore, it is recommended that planning permission is granted for the proposed development.

HUMAN RIGHTS ACT

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is

necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans: location 1717 PL1-01 A, site plan 1717 PL1-04 E, Comparative Site Plan PL1-13, Proposed Site Plan and Street scene 1714PL1-11 C, Ground Floor Plan 1714-PL1-05, First Floor Plan 1714-PL1-06 E, Second Floor Plan 1714-PL1-07 E, West and North Elevations 1714-PL1-10, East and South Elevations 1714-PL1-09 C, Roof Plan 1714-PL1-08 C, Sections 1714-PL-12 B and Topographical Survey.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The windows on the side elevations of the dwelling at first and second floor levels shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 of the Arun District Local Plan.

4 No development above damp proof course shall take place until precise details of screening to the first floor and second floor balconies and terraces to the west and east elevations have been submitted to and approved by the Local Planning Authority and the details screens so approved shall be provided prior to occupation of the dwelling and shall be retained as approved in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance

with policies GEN7, DEV19 of the Arun District Local Plan.

5 No windows (other than those shown on the plans hereby approved) shall be constructed in the side elevations of the dwelling at first floor level and above without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 of the Arun District Local Plan.

6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials used in construction of the development,
· the erection and maintenance of security hoarding,
· the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway
· details of public engagement both prior to and during construction works.
- hours of building works

Reason: In the interests of the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety in accordance with the NPPF.

7 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

8 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.