

Recommendation Report for Planning Permission

REF NO: K/30/20/PL

LOCATION: Sanderlings, Middle Way
Sea Lane
Kingston
BN16 1RY

PROPOSAL: Demolition & erection of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	An L-shaped house 1.5 stories in height except for a 2 storey corner feature. The proposed dwelling will feature 6 bedrooms and will measure approximately 26.42m in width when viewed from the north, with an eaves height of 4.27m and a maximum ridge height of 8.03m.
SITE AREA	1406 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.4 metre brick wall to front 1.8 metre close boarded fence to sides and rear.
SITE CHARACTERISTICS	A detached house on a corner plot.
CHARACTER OF LOCALITY	A residential area close to the beachfront in Kingston.

RELEVANT SITE HISTORY

PAA/108/17/	Demolition of existing house and erection of replacement house.	Refuse Pre App 10-07-17
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PAA/104/17 - A pre-application enquiry was submitted and refused giving the following advice;

- Reduce, in footprint and height to better reflect the scale of neighbouring development.
- Reduce the size of the two storey forward projection to minimise the impact of the proposed development upon the spatial pattern and character of the street scene.
- Seek to reduce the impact of the proposed development upon the residential amenity of neighbouring properties.

The proposed scheme addresses these issues by reducing the size of the building from 2 storeys to 1.5 storeys, reducing the footprint of the building and improving the impact of the building on the residential amenity of neighbouring properties.

REPRESENTATIONS

Kingston Parish Council - No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection - development to accord with building regulations

WSCC Highways - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Noted. The applicants have amended the plans to provide a 6 metre by 6 metre garage as requested by WSCC Highways so as to comply with dimensions for a double garage.

POLICY CONTEXT

Designation applicable to site:
ADOPTED LOC PLN

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

[Kingston Neighbourhood Plan 2014 Policy KPNP1](#) The Presumption in Favour of Sustainable Development

Kingston Neighbourhood Plan 2014 Policy KPNP7 DESIGN & DEVELOPMENT

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

Policies 1 and 7 of the Kingston Neighbourhood Plan are relevant to this application

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the design of the dwellinghouse is acceptable and it does not cause a loss of residential amenity to neighbouring properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

In this case, the key policies are D DM1 and D SP1 of the Arun Local Plan. Additionally, Additionally polices 1 and 7 of Kingston Neighbourhood Plan apply.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy 1 of the Kingston Neighbourhood Plan (KNP) is for the presumption in favour of sustainable development.

Policy 7 of the the KNP - Design and Development requires that the design and location of the development is appropriate and sympathetic to the Parish's character and appearance in terms of scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

DESIGN

The footprint of the new house would be broadly similar to the existing dwelling. The main difference would be that the new dwelling would be 1.5 stories in height across the whole footprint instead of part 1 storey, part 2 storey as at present. The house next door Sea Horses and the houses opposite are substantial two storey dwellings such that the new house is not considered out of character or out of scale in its location.

The style and design of the house is a modern suburban style. This would be set within an area where there is no one design style with different bespoke designed detached houses forming the character of the area which this house would match in with.

The materials of construction are to be facing brickwork with a pitched tile and timber aluminium composite doors and windows which are considered to be of a reasonably high quality subject to a final materials condition.

The development would accord with the Arun Design Guide chapter P 'Infill Development' in that it would

respect the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as porches, windows and doors.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan Design Statement.

SPACE STANDARDS

The new dwelling would have an internal floor space of 586 sq.m. which is well in excess of the nationally described space standards for a six bedroomed 2 storey dwelling (138 sq.m.).

The rear garden would be 14.3 metres in length by 20.25 metres in width which would adequately provide sufficient external space for the dwelling and is in keeping with what is found elsewhere in the area and comply with guidance within the Arun Design Guide.

RESIDENTIAL AMENITY

The proposed house would not have any windows facing its neighbouring properties on either side above ground floor level.

The development would respect the 45 degree rule which the Council uses to determine if a new building would cause a loss of light or overbearing impact on neighbouring dwellings.

On the front elevation the new building would not intersect a 45 degree line drawn from the closest habitable room window in La Mer directly to the east and would likewise not intersect a 45 degree line drawn from the closest habitable room window in Sea Horses directly to the south.

The rear garden would be 14.3 metres long such that no significant overlooking would occur from the rear windows of the property toward Sea Horses. The length of the rear garden toward La Mer would be 20.25 metres which again would prevent any overlooking toward that property.

The impact on residential amenity of neighbouring properties would be acceptable and in accordance with policy D DM1 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed driveway, garages and turning space shown has the potential for the provision of 3 car parking spaces which meets the requirements of the Arun Parking Standards Supplementary Planning Document. There is also a policy requirement for Electric Vehicle charging points which will be required by condition.

The proposal is considered to comply with policy T SP1 of the Arun Local Plan.

SUMMARY

The development is considered to be in character with surrounding development and to have an acceptable impact on neighbouring properties and is therefore recommended for approval subject to the following conditions:

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.

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

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:

Proposed Block Plan dwg.no.M114/01 Rev J dated 09.10.16

Proposed Ground Floor Plan dwg.no. M/114/11 Rev V dated 09.10.16

Proposed First Floor Plan dwg.no. M114/12 Rev U dated 09.10.16

Proposed Rear elevation dwg.no. M114/16 Rev J date 09.10.16

Proposed front elevation dwg.no. M114/13 Rev T dated 09.10.16

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy TSP1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and

approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T SP1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until the electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies in accordance with policy T SP1 of the Arun Local Plan.

- 6 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.