

**Recommendation Report for Planning Permission**

**REF NO:** K/3/14/

**LOCATION:** 69 Coastal Road  
East Preston

**PROPOSAL:** Application for a Minor Material Amendment of Condition 2 imposed under K/12/12/ for amended plans for plot 2 and amended design for garage.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

As above. The proposal involves the reconfiguration of front and rear elevations with the wings either side of the central three-storey component of the dwelling switched to opposite sides. This change is referred to within the application as 'handing'. As a result of the reorganisation of the dwelling there will be various changes to the fenestrations of the building and the positioning of balconies and associated screening and the position of car parking spaces.

In addition, the detached double garage to the front of the dwelling which was included within the original scheme is to be replaced by a triple garage in a similar position.

**SITE AREA**

N/A

**TOPOGRAPHY**

Predominantly flat.

**TREES**

None affected by the proposed development.

**BOUNDARY TREATMENT**

Site currently surrounded by builders hoarding.

**SITE CHARACTERISTICS**

The site has been cleared for the development of a new dwelling for which permission was granted under K/12/12. Works on the dwelling itself have not begun.

**CHARACTER OF LOCALITY**

The site is located on a residential road which is within the built-up area. The road is bordered by detached dwellings of a mixture of designs and scales although most are sizeable. The site backs on to a greensward which is a designated area of open space and runs behind properties on the southern side of Coastal Road and is traversed by a footpath. Beyond the greensward is a pebble beach.

**RELEVANT SITE HISTORY**

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| K/12/12/    | Demolition of existing detached dwelling and erection of 2 no. 5 bed dwellings, double garage and alterations to existing access                                                                                                                                                                                                                                                                                                                                                                                              | Approved Cond + S106<br>17-10-2012 |
| K/6/13/NMA  | Application for a Non-Material Amendment following approval of K/12/12 for windows to the garage side door and utility room door omitted, window to en-suite bathroom in bed 2 reduced and repositioned (west elevation), additional bathroom window on the east elevation, additional window to the master bedroom on east elevation (obscured glass), design of large central window to front (north) elevation amended, design of guarding and fascia to the front of the balconies amended to a proposed glazed guarding. | Approve<br>12-03-2013              |
| K/5/13/DOC  | Application to discharge conditions 3 & 5 of previously approved planning application K/12/12 - relating to screening to balconies and external walls & roofs                                                                                                                                                                                                                                                                                                                                                                 | DOC Part Approved<br>12-03-2013    |
| K/13/13/DOC | Application for approval of details reserved by condition 5 (materials) following a grant of planning permission K/12/12/                                                                                                                                                                                                                                                                                                                                                                                                     | DOC Approved<br>06-06-2013         |

**REPRESENTATIONS****Representations received:**

Kingston Parish Council

No Objection.

One letter of Objection - The triple garage is an unsightly addition to depress the street scene at the end of the cul-de-sac where most garages are integral. Third storey sun room is unnecessary and blocks sunlight from surrounding properties. For the second consecutive year house will be in the midst of builder's noise and parking chaos. Can Arun request considerate construction and prevent works in the summer months?

**Comments on Representations received:**

The sun room projecting above the first floor is not considered to detract from residential amenity given its central position on the roof top. Other sunrooms are similarly located on properties at the eastern end of Coastal Road. The triple garage would be set back 11m from the site frontage and would be flat roofed. It is not therefore considered that it would be unduly prominent in the street scene. Construction noise and activity is only likely to be generated during working hours which is acceptable. It would not be reasonable to exclude works over the summer period.

A landscaping condition is suggested to ensure that the existing screening/trees are protected during the course of development and supplemented where necessary to mitigate the visual impact of the garages and dwelling.

**CONSULTATIONS****Consultations responses received:**

None.

**Comments on Consultation responses:**

None.

**POLICY CONTEXT**

Within Built-Up Area

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan 2003: [GEN7](#)  
[GEN12](#)

The Form of New Development  
Parking in New Development

[Publication Version of the Local Plan -  
Excluding the Spatial Portrait, Employment,  
Housing Allocations, Transport, Monitoring and  
Implementation sections \(February 2014\):](#)

D SP1 Design  
D DM2 Internal Space Standards  
D DM3 External Space Standards

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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

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

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

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

the weight that may be given).

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

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

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is 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 application site is within the built up area where development is acceptable in principle. The application seeks amendments to one of the units approved under (K/12/12) which granted permission for 2 No. dwellings to replace the existing property.

##### **CHARACTER AND APPEARANCE**

The site is located within an area characterised by a mix of large detached properties, many of which overlook the foreshore to the south. No predominant architectural style or design is prominent; therefore a modern design is considered to be acceptable. The scale and plot size of the unit remains unaltered and is in-keeping with the general layout of the area and the density and scale of housing within the locality. The property has been handed which does not materially impact on the appearance of the development.

The proposed triple garage being forward of the dwelling within Plot 2 would be larger than the footprint of the approved double garage and would be readily visible within the street scene. However whilst the siting of garages forward of dwellings are not noted the position at the end of a cul-de-sac means that it would not appear unduly prominent within the street scene and would not detract from the spatial character, layout and appearance of the area. A landscaping condition

is suggested to ensure that the existing screening/trees are protected during the course of development and supplemented where necessary to mitigate the visual impact of the now larger garage.

#### **RESIDENTIAL AMENITY**

The proposed scale of the dwelling and garage are also considered to be appropriate with the height, width and depth of the properties reflecting that of neighbouring buildings and maintaining sufficient distance to all shared boundaries. The proposed amendment to the layout of the dwelling results in development that is no closer to adjoining site boundaries than previously approved, but the position of the development in relation to the boundary has altered slightly. The change means that the scale of the dwellings does not result in any undue impact upon neighbouring sites by way of an overbearing effect or loss of light. Also the single storey flat roof nature of the proposed garage and existing boundary treatment means that this would not result in any demonstrable loss of amenity to the adjoining neighbouring sites by virtue of an overbearing affect or loss of light.

#### **AFFORDABLE HOUSING**

The proposal seeks permission for 2No. residential dwellings, to replace 1 existing, therefore in accordance with the Councils Interim Affordable Housing Policy, a S106 Legal Agreement was required to accompany the previous planning application. In this case the authority required an affordable housing contribution of ?12,171 for the net gain of 1No. further residential dwelling.

#### **SUMMARY**

It is not considered that the revised scheme would result in any unacceptable loss of amenity to neighbouring sites. The application is 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(the right to respect for 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 no negative 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).

**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:

Drawing No.s 11/46/04 Rev. A; 11/46/03 Rev.B; 11/46/01; 11/46/02; 11/46/05.

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

- 3 Before the balconies hereby permitted come into use details of the obscure screen to the roof area balcony and obscure glazing to the side elevations of the balconies on the east and west elevations at first floor, in front of the solid 2m high screening, have been submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied until such screening has been erected in accordance with the approved plans and shall thereafter remain in perpetuity.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The windows at first floor level and above on the east and west elevations of the dwelling shall at all times be glazed with obscured glass.

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

- 5 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed dwellings and garage 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.

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

- 6 The roofs of the dwelling shall not be used for any purpose other than as a means of escape in an emergency or for maintenance of the building.

Reason: To safeguard the amenities of the adjoining premises and the area generally in

accordance with policy GEN7 of the Arun District Local Plan.

- 7 The building shall not be occupied until the access, parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The parking spaces and the areas of land so provided shall not thereafter be used for any purpose other than access and the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 8 'No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 9 The proposed new access shall not exceed 3m in width at any point.

Reason: In the interests of amenity and to ensure that adequate and satisfactory provision is made for the vehicles to access the property in accordance with policy GEN7 of the Arun District Local Plan.

- 10 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to provision of affordable housing in the district.

- 11 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.