Recommendation Report for Planning Permission

REF NO: **K/40/14/PL**

LOCATION: Blue Ridge
Gorse Avenue
East Preston

PROPOSAL: Demolition of existing dwelling & construction of 1 No dwelling and associated landscaping (resubmission following K/14/14/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 1050 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To the front, brick walling at approximately 1.5m in height. To sides and rear, close boarded fencing at approximately 1m in height with dense tree screening above 1.5m in height.
SITE CHARACTERISTICS	The site comprises a chalet style detached bungalow. It has smooth rendered elevations painted cream and a hipped roof with brown plain tiles. Two dormers are set in the rear roofslope with a double garage forward of the property. A public footpath extends along the side (west) boundary.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey detached properties in the area which are of varying designs and set within spacious plots. The property is situated on a private residential estate.

RELEVANT SITE HISTORY

K/14/14/PL	Demolition of existing dwelling. Construction of new 5 bed dwelling and associated landscaping.	Refused 04-07-2014

REPRESENTATIONS

Representations received:

Kingston Parish Council

No objection.

One letter of objection.
*Loss of privacy to Gorse House through this development.
*Loss of a sea view to Gorse House through this development.
*Building is too high.
*Upstairs windows which overlook the garden of Gorse House are too large.

Comments on Representations received:

Comments noted. However, Gorse House is situated at over 30m away from the proposed development and so it is considered that there will be no harmful loss of privacy. Loss of a sea view is not a material planning consideration. The building is not considered too high because it is a spacious plot and is in-keeping with the two storey properties around. The first floor windows in the front elevation of the property facing Gorse House are acceptable in size as they do not dominate the facade and sit well within the respective elevation.

CONSULTATIONS

Consultations responses received:

Environment Agency
No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in 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
		T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

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

SITE HISTORY/CONTEXT
This application forms the resubmission of planning application K/14/14/PL which was also for a

replacement dwelling. This previous application was refused due to it being of a modernistic design and having an extensive use of glazing which was considered to be out of character with the more traditionally designed neighbouring properties along this section of road. It was also considered that the cumulative impact of these factors would lead to a building that is significantly larger than existing.

PRINCIPLE
The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY (GEN7, ARUN DISTRICT LOCAL PLAN)
This application seeks planning permission to demolish a chalet detached property and replace it with a two storey dwelling. It will have predominantly rendered elevations and a clay tile roof.

The proposed dwelling is much more traditionally designed than was previously the case under application K/14/14/PL and forms a significant improvement. This has been achieved through the deletion of the front gable glazed section and a more restrained approach to glazing on the rear elevation. The introduction of gable end roofs to front and rear is considered to combine to make the property appear more in keeping with its surroundings.

Although the proposed replacement dwelling will be approximately 6.3m higher than the existing property, this additional height can be accommodated given the spacious plot size and a similar height of the neighbouring properties. Also, the footprint of the original dwelling has been decreased in its width, particularly at its eastern extent and instead extends further to the south and west where there is more space for expansion. This forms a sensitive response to reducing the visual impact of the dwelling, despite the height and size increase down to acceptable levels.

It is therefore considered to be acceptable in design and visual amenity terms and complies with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY (GEN7, ARUN DISTRICT LOCAL PLAN)
The proposed dwelling is positioned fairly centrally within its plot and in this location retains comfortable and acceptable separation distances to neighbouring properties. This includes the property of Gorse House to the north which is at over 30m away. All side windows have been annotated on the plans to be obscured glazed to prevent any overlooking to sides. An obscure glazed screen has been shown on the plans to be located at the eastern extent of the rear balcony measuring approximately 1.8m in height. This will prevent overlooking on to the neighbouring property High Hobby. A similar screen is also positioned on the western side and both screens will be further secured in perpetuity by way of a suitable condition. This will prevent harmful overlooking from arising to the sides with only oblique views being afforded into rear neighbouring gardens which would be at acceptable distances away including 25m to High Hobby and separated from Moorings to the west by a public footpath.

It is therefore considered that the proposal is acceptable in residential amenity terms and complies with policy GEN7(iv) of the Arun District Local Plan.

INTERNAL AND EXTERNAL SPACE STANDARDS (POLICIES D DM2, D DM3 EMERGING LOCAL PLAN)
The proposed room sizes accord with the internal space standards as set out under policy D DM2 in the Emerging Local Plan. The rear garden in its depth and area meets the requirements set out in the External Space Standards under policy D DM3 of the Emerging Local Plan. It is therefore considered that the space standards have been satisfactorily met.

It is therefore recommended that the application be approved, 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 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, a neutral impact has 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 numbers 14012-010 (Location plan, Site block plan and existing elevations and floor plans) dated March 2014, 14012-012 (Comparison drawing) dated April 2014, 14012-011A (Location and block plan) dated April 2014, drawing number A100N (Proposed elevations and 3D view) and drawing number A101n (Axonometric plans) submitted with the application form which is signed and dated 17-10-2014.

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 external walls and roof of the replacement dwelling hereby approved shall be constructed in materials the details and samples of which shall be submitted to and approved by the Local Planning Authority before development is commenced and the materials so approved shall be used in the construction of the dwelling.

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

4 The side facing windows at ground and first floor level in the east and west elevations of the property shall be obscured glazed at all times.

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

5 The east and west sides to the rear balcony hereby approved shall be obscured glazed to a minimum height of 1.8m and shall remain so in perpetuity.

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

6 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.