

REPORT UPDATE

Application No: K/40/18/PL

Reason for the Update / Changes

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One additional objection has been received stating

- It is accepted that there are various styles of architectural design on Kingston Gorse Estate and their desirability is very subjective. However, approval of this application for Spring Tide would result in the first three storey modern flat roofed design on Kingston Gorse Estate.
- It will set a precedent for future three storey properties of a similar modern design along the Greensward which would totally change the character of the Estate. An application has already been lodged for another three storey building to the west of Spring Tide.
- Can such a significant change to the character of the Estate really not be considered contrary to the Kingston Parish Neighbourhood Plan and Kingston Design Statement referred to therein?

These comments are addressed in the conclusion section of the report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: K/40/18/PL

LOCATION: Spring Tide
Gorse Avenue
East Preston
BN16 1SF

PROPOSAL: Demolition of existing dwelling & erection of 1 No. dwelling, associated landscaping & parking (resubmission following K/11/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for demolition of the existing 2 storey pitched roof dwelling and replacement with a 3 storey contemporary style dwelling. The addition of a double garage and self contained annexe on the road frontage which originally formed part of the proposal have been deleted from the application. The new dwelling would have a flat roof and would be of modern design with timber and stone clad elevations and powder coated aluminium windows and doors. The dwelling would be 11m long at 3 storeys and 36m long at ground level, 16m wide and 9m high.

SITE AREA

1060 sqm.

TOPOGRAPHY	Predominantly flat.
TREES	None affected.
BOUNDARY TREATMENT	Close boarded timber fencing/trellis to 1.8m high to greensward and internal side boundary. To front and side boundary 2m high fencing.
SITE CHARACTERISTICS	Detached 2 storey dwelling with painted rendered elevations and plain tile roof.
CHARACTER OF LOCALITY	Predominantly residential characterised by large detached properties of varying design with gardens to front and rear.

RELEVANT SITE HISTORY

K/11/16/PL	Demolition of existing dwelling & erection of new dwelling house	ApproveConditionally 10-08-16
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K/11/16/PL granted permission for a replacement 2 storey dwelling with a sloping roof of modern design with glazing to the south elevation. It had a block shape and contemporary design with a detached garage on the site frontage. The permission expires on 18-08-2019.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

Objection:

- Overdevelopment of the site.
- Visually out of scale to the existing property and overbearing to neighbouring properties.
- Detrimental and out of character to the visual amenity of the street scene along Gorse Avenue.
- Concern that the overall height of this three-storey dwelling is even higher than that proposed for the two-storey dwelling in approved application K/11/16/PL. This together with the flat roof design increases the impact of scale on neighbouring properties, particularly on the property to the east, and this also adversely affects the continuity of the street scene.
- Concern that it is intrusive to the privacy of neighbouring properties with balconies. The external staircase should have privacy screening to the side and overlooking windows should be fitted with opaque glass.
- It is contrary to the Kingston Neighbourhood Plan Policy KPNP 7 Design & Development sections 1 (i, iii and iv) and 2(iii).

6 Objections (including East Preston and Kingston Preservation Society):

- This is an overdevelopment of the site.
- The visual impact of the property will be negative and not be in keeping with other Kingston Gorse seafront properties.
- There has always been a resistance to three storey buildings on Kingston Gorse estate.
- Will set a precedent for house owners and developers to completely change the look of the estate.
- The building would cover much more of the site than the present house, and most of the remaining open space would be paved. It would therefore be more urban in character than neighbouring houses, and might increase flood risk. It would therefore contravene policy D DM1 of the Arun Local Plan and

policies KPNP 7.1(i) and 7'2 (i) of the Kingston Neighbourhood Plan.

- Kingston Gorse possesses a strong local pattern of development, and new development in the area should reflect this character. There is no case for building an innovative design in this location.
- The position and design of the house, with balconies on the east, south and west sides of the first and second storeys and a large window on the west side of the first storey, would ensure that the gardens and south facing windows of houses to the west would be overlooked.
- The garage is in front (north) of the general building line in Gorse Ave.
- The flat roof is 100mm higher than the adjacent ridges.
- The ground floor foot print is significantly larger than the existing building and may be considered to be an over development of the site as it covers approx. 55 - 60% of the site which is significantly higher than that on the adjacent properties.
- The planning application includes a new cross over of the verge which is owned by Kingston Gorse Estate therefore Certificate B should have been completed and Notice 1 served.
- The adjacent property is a small chalet bungalow which will be dwarfed putting the property in the shadow of the afternoon sun.

1 Support. A fabulous innovative design to replace a derelict beachfront property. This house is perfect for a beachfront location. Both modern and creative.

COMMENTS ON REPRESENTATIONS RECEIVED:

The height of the dwelling is not significantly greater than those adjoining. Little Deerswood, to the west, has a 10cm lower ridge height. Obscure glazing to balcony sides and side facing windows can be conditioned to be obscure glazed up to 1.7m to prevent adverse overlooking and loss of privacy. Approval of the proposal would not set a precedent. Each application is determined on its own merits.

The footprint of the proposal has been reduced since originally submitted with the annexe and garage now deleted from the application.

Issues concerning ownership certificates are not material planning consideration, but the red edge of the application site has been amended to include access across the verge and the appropriate Notice served on the owner.

Other comments relating to design and residential amenity are addressed in the conclusion section of the report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Engineers (Drainage)
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design

[Kingston Neighbourhood Plan 2014 Policy KPNP2](#) BUILT-UP AREA BOUNDARY

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.

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.

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies KDNP 2 (Built Up Area Boundary) and KDNP 7 (Design) of Kingston Neighbourhood Plan are considered relevant.

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 has no materially adverse effect on the character and visual amenities of the locality or the residential amenities of adjoining properties.

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 key policy considerations in the determination of this application are policies D DM1, D DM2 and D SP1 of the Local Plan; Policy 7 of the Kingston Neighbourhood Plan and the NPPF.

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. The character of the road is defined by large detached dwellings of varying design and the appearance of the existing dwelling is in keeping with this character of differing design albeit, unlike other properties in the street, it is set well away from the street frontage deep into the rear of the plot. The art deco design is similar to other new approved dwellings located to the west which have been approved in Coastal Road. The spatial pattern and character of the locality will therefore be retained. The distance the 2 storey element of the dwelling is set back from the road will be similar to the existing design, although it would be 1m further from the beach frontage than the existing dwelling.

The proposed dwelling will have a maximum height of 9m at second floor, with the first floor being 6.4m in height. The top section will have a reduced footprint being set in from the floor below which replicates the design of other replacement dwellings approved on the South side of Coastal Road. The vertical timber clad and glazed elevations would be appropriate to this coastal location. The set back upper storey appears as a darker, more recessive element. The contrast is further highlighted by the fewer number of openings.

The overall height of the 3rd floor is consistent with the ridge lines of the houses in the immediate area, indeed the ridge line of White Lodge to the West sits higher than the proposal. There are also examples elsewhere of large roof spaces which whilst pitched, do exhibit flat roofed areas as well for example White Lodge, to the West of Spring Tide.

The roof of the proposed dwelling is approximately the same height as the ridge height of the existing dwelling and its width is very similar to the width of the existing dwellinghouse. The scale of the proposed dwelling is considered to be in-keeping with the density and general layout of the area. The scheme approved under K/11/16/PL was bulkier and had a much greater depth at first and second floor. The depth of this scheme is reduced by 5m.

The use of three storeys is therefore considered acceptable in this location, with the design ensuring that the proposed dwelling is not overly dominant or prominent within the street scene. However, concerns are expressed in representations regarding the amount of site coverage of the existing garden and that the footprint of the development as originally proposed represented an over development. These concerns were shared by the Local Planning Authority. As a result the application has subsequently been amended and a significantly sized single storey flat roofed garage which extended forward of the primary elevation has been deleted. The ground floor area still extends 21m forward of the front elevation, although it is set in from both side boundaries and excludes a garden area to the east side. At a height of 3.1m with a grassed roof it would not be visually prominent. This is especially so given its set back

position from the site frontage and height in relation to site boundaries.

Whilst the single storey element stretches towards the front of the plot, there is now no development along the front boundary and the 'internal garden' that is bounded by the single storey element is complimented by green roofs which soften the appearance of this part of the development from the only point it can be fully perceived, i.e. from the upper storeys of the neighbouring properties.

The boundary of the existing dwelling adjacent to Gorse Avenue is fenced and makes no contribution to visual amenities of the locality. The proposal opens up the site frontage, by creating a vehicle access which would assist in better integrating the dwelling into the street scene. It is currently very detached given the rearward position of the dwelling.

Policy 7 of Kingston Neighbourhood Plan states that planning permission will normally be approved for development within the built-up area provided the proposal is sympathetic to the character and appearance of the area in terms of scale, massing, aspect, siting, layout and density. As outlined above this proposal is appropriate and generally in keeping with these requirements. The ridge height and overall design of the proposal does not form a bulky and obtrusive structure in conflict with Policy 7.

Given the above the proposal is considered to be in accordance with policies DDM1 and DSP1 of the Arun District Local Plan and Policy 7, 1, (i) and (iii) of the Kingston Neighbourhood Plan.

RESIDENTIAL AMENITY

The dwelling has been designed to prevent overlooking and loss of daylight to neighbouring properties. The proposal is only slightly higher than the existing house and just marginally higher (100mm) than the 2018 permission K/11/18/PL for a new dwelling but it is less impactful because of the shallow depth of the upper storeys. The impact of the proposal on the garden of Mariners is therefore limited, in particular when compared to the extant permission. Indeed because of the siting of the main part of the building over the footprint of the existing house, there will be very little change from any shadowing that occurs at present.

As the first and second floor of the proposed house are set over the footprint of the existing house, the terraces to the south will not affect the amenity of the neighbouring properties to the West, Little Deerswood and White Lodge, and Mariners to the East which are all located closer to Gorse Avenue frontage. The windows at first floor facing north replicate those of the existing house which has windows looking over the front garden.

The windows to the side elevations at first floor are at high level only and there are no windows on the side elevations at 2nd floor. The window at 2nd floor looking to the North over Gorse Avenue is set 30m from the property Westwood and the views from this window are limited as it opens out from an atrium space. However this has now been amended to be obscure glazed to preclude any overlooking.

The sides of the balconies will be conditioned to be screened with obscure glass and 1.7m high. Therefore, it is not considered that the development would have a materially adverse impact on the residential amenities of adjoining properties.

The position and proximity of the dwelling at first and second floor to the west boundary is largely as existing and is considered acceptable. The proximity of development adjacent to the east boundary is closer and extends for longer, but this part of the site is adjacent to a 6m wide right of way and a distance of 18m is retained between the side elevations of both the neighbouring property and the replacement dwelling. These distances are acceptable to ensure no materially adverse overbearing impacts result to neighbouring dwellings.

The dwelling has a gross internal floor area of approximately 470sq.m which significantly exceeds that specified within the Nationally Described Space Standards. The rear garden, side garden and roof terraces provide adequate outside amenity space.

CONCLUSION

The proposed development has been amended since first submitted and now would be in keeping with the character and appearance of the locality and would not have a significant impact on the visual amenities of the locality, nor would it have an adverse impact on the residential amenities of the occupiers of the neighbouring dwellings. It is considered to accord with relevant development plan policy.

It is therefore recommended that the application is approved subject to the following conditions. Owing to the advertising date on the application not expiring until 07-03-2019 it is recommended that delegated authority be given to the Group Head to grant planning permission in association with the Chairman and Vice Chairman of Committee.

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 approval 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.

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:

247-D-00 Rev B Site Location & Proposed Block Plan
247-D-01 Rev A Existing Site Plan
247-D-02 Rev B Proposed Site Plan
247-D-03 Existing Floor Plans
247-D-04 Existing Roof Plan
247-D-05 Existing Elevations I
247-D-06 Existing Elevations 2
247-D-07 Proposed Ground Floor Plan
247-D-08 Proposed First Floor Plan
247-D-09 Proposed Second Floor Plan
247-D-10 Proposed Roof Plan
247-D-11 Proposed West Elevation
247-D-12 Rev A Proposed North Elevation
247-D-13 Proposed East Elevation
247-D-14 Proposed South Elevation
247-D-15 Proposed Garage Elevations (omitted)
247-D-16 Rev A Existing and Proposed Site Sections
247-D-17 Rev A Proposed Street Scene
247-D-18 Rev A Proposed Visualisation (re-instated and revised)
247-D-19 Proposed Visualisation
247-D-20 Proposed Visualisation
247-D-21 Proposed Visualisation
247-D-22 Proposed Visualisation

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 3 The side elevations of the balconies shall at all times be obscured to a height of 1.7m in accordance with details to be submitted to and approved by the Local Planning Authority and the screening shall be retained as agreed in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy DDM1 of the Arun Local Plan.

- 4 No windows (other than those shown on the plans hereby approved) shall be constructed in the west or east side elevations of the dwelling hereby permitted 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 policy DDM1 of the Arun Local Plan.

- 5 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 roof of the 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.

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 DDM1 of the Arun Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches) to the dwelling house shall be constructed or buildings shall be erected within the curtilage unless permission is granted by

the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the appearance of the development in accordance with policy DDM1 of the Arun Local Plan.

- 7 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.