Recommendation Report for Planning Permission

REF NO: **K/4/14/**

LOCATION: Dolphins
Gorse Avenue
East Preston

PROPOSAL: Demolition of existing house and erection of new dwelling including alterations to existing garage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a replacement 2 storey dwelling with 6 bedrooms. The existing boat house to the rear and double garage on the frontage are to be retained.
SITE AREA	2210 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	4.5 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling to road frontage to approximately 2m high. Hedging/fencing enclosing rear garden to approx 1.8m.
SITE CHARACTERISTICS	Detached 2 storey dwelling with later additions that straddles the site. Cream painted rendered elevations and plain tile roof. Flat roofed double garage adjacent to frontage. Existing driveway with 2 vehicular and one pedestrian access. Gated access to greensward and sea to rear.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying height and design in large plots set back from the site frontage behind a wide verge.

RELEVANT SITE HISTORY

K/29/04/	Elderly relative accommodation/games room, sun lounge, 2 No. double garages and new front wall - a continuation of the existing along the back of verge (Re-submission following K/15/04/)	ApproveConditionally 20-10-2004

REPRESENTATIONS

Representations received:

Kingston Parish Council

No Objection a permeable driveway would be preferred.

East Preston and Kingston Preservation Society
The aggressively modernistic style of the proposed house and the extensive use of glass, metal and ceramics in the outer cladding of the building, produce a design that is wholly unsuitable for its location. It would conflict with its surroundings and not respond positively to the characteristics of the site or the area. It therefore conflicts with policy GEN7 and permission should be refused.

Comments on Representations received:

Whilst a permeable driveway may be preferable only part of the existing driveway and parking area is gravelled, the rest is paved and hardsurfaced already and the increased area of hard surfacing is not considered significant in terms of the overall plot size. It is not agreed that the proposal would be aggresively modernistic. The design would be modern and the materials would vary from others in the locality, but the contemporary design of the dwelling would not have an adverse effect on the appearance of the area. Other properties of similar design have been approved recently to the west of the site along Coastal Road.

CONSULTATIONS

Engineers (Fluvial Flooding)
Engineering Services Manager
Environment Agency

Consultations responses received:

Engineers - No Objection in principle. Standard condition should be applied.
Environment Agency - No Objection

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM2 Internal Space Standards D DM4 Extensions & Alterations to Existing Buildings D SP1 Design

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

PLANNING
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

The one for one replacement of the existing dwelling is acceptable in principle.
The built form of the replacement dwelling extends further to the rear than the existing, but a greater distance is provided to both side boundaries which re-establishes the gaps between the dwelling and its neighbours in the street scene. The site is located within an area characterised by a range of large detached properties of varying design and style, 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 pool building does project to the rear further than other properties in the locality but this is a single storey element that would not be readily visible behind existing screening to the rear. The rest of the dwelling conforms with the general pattern of development in the locality observing the established distances from the site frontage and to the rear.
With regard to residential amenity it is considered that the proposal is acceptable. A dwelling is already located on the site. This proposal increases the distances to the boundary of the existing development reducing any overbearing impacts. Potential overlooking from the balcony and roof terrace to the side would be controlled by condition to prevent any material loss of privacy.
The application is therefore recommended for approval subject to the following conditions

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(the right to rspect 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 neutral 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 1316 SK05H, SK06H, SK13E, SK14F, SK15C, SK16C, SK17C, SK18A and SK22.

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 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings and garage extension 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 and garage extension.

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.

4 The southerly section of the pool roof 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.

5 The building shall not be occupied until the 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.

6 Before the balcony and roof terrace hereby permitted come into use details of the screen to the east and treatment of the west side elevations of the roof terrace shall be submitted to and approved by the Local Planning Authority and 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

7 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.