

REPORT UPDATE

Application No: K/55/20/PL

Reason for the Update / Changes

Reason for Update/Changes:

Additional Plan submitted - Street Elevations as Existing & Proposed dated 20.03.2020

Officer Comment:

Condition number 2 amended to include plan. Updated recommendation sheet attached.

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/55/20/PL

LOCATION: 57 Coastal Road
Kingston
BN16 1SN

PROPOSAL: Demolition & erection of 1 No. dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a two/three storey dwelling to replace an existing two storey dwelling house. A dwelling 16.2 metres in width and a depth of 17.4 metres with a flat roof height of 5.92 metres over the eastern half of the dwelling rising to 8.1 metres over the western half of the dwelling.
SITE AREA	990 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	10 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8 metre wall to east and west boundaries.
SITE CHARACTERISTICS	A single two storey dwellinghouse on a beach side plot in Kingston with access to the beach on the western side of the site.
CHARACTER OF LOCALITY	A predominantly residential area of mixed design some of which are 2/3 storey bespoke designed dwellings on large plots with substantial front and rear gardens.

REPRESENTATIONS

Kingston Parish Council object to the development for the following reasons;

- Overdevelopment of the site.
- Out of character with existing dwellings.
- Too high.
- Building line too far south.
- Loss of light and privacy to neighbouring properties.
- Contrary to Policy KPNP 7 of the Kingston Neighbourhood Plan.

8 letters of objection on the following grounds;

- Out of character with existing properties.
- Materials out of keeping.
- Too high and fails to keep to building line of surrounding properties.
- Loss of privacy and light and overbearing impact upon 55 & 59 Coastal Road.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in the Conclusions section of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CDC Ecology - No objection subject to mitigation conditions.

ADC Drainage Engineers - No objection. Surface water drainage can be provided in accordance with Building Regulations.

COMMENTS ON CONSULTATION RESPONSES:

Noted and suggested conditions imposed.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

WITHIN BUILT UP AREA BOUNDARY

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Policies KPNP 1 and KPNP 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 is acceptable and it will not cause any significant 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 policies 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 approximately 10% larger than the existing house with most of the growth being at first floor and second floor level over the western half of the roof only. There a number of plots in Coastal Road which now feature modern style properties. In terms of those nearest to the application property the replacement dwelling would have a similar front elevation in size, height and width to other properties along Coastal Road including 49 and 47 and is therefore considered to be in keeping with its neighbours in terms of scale and massing.

Whilst the building lines of the new property do not match that of 55 Coastal Road they do match that of properties from 61 Coastal Road at the front and 49 Coastal Road at the front and rear such that it is not considered out of character as a whole.

The style and design of the house is a modern style. This would be set within an area where there is no one design style with different bespoke designed detached houses forming part of the character of the area which this house would match in with. For example No.45 is likewise a modern detached house.

The development would, therefore, also accord with the Arun Design Guide chapter P 'Infill Development' in that it would respect the established pattern of building height, scale, and plot width.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan, the Arun Design Statement and policy KPNP 7 of the Kingston Neighbourhood Plan.

RESIDENTIAL AMENITY

No.55 would have secondary habitable room windows at first floor facing no.57 at a distance of 5 metres. The same is the case for windows facing 59 Coastal Road where the distance is 11 metres. However, the existing dwelling has the same relationship regarding overlooking windows with 55 and 59 Coastal Road so there is now no reason to object in the case of this application.

The proposal would involve the introduction of second floor accommodation and the introduction of windows facing the rear. These windows would principally look out over the host rear garden and provide acceptable oblique view over the rear gardens of neighbouring properties but would not result in any overlooking of habitable room windows.

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 and rear elevations of the new building would not intersect a 45 degree line drawn from the closest habitable room window in 55 Coastal Road directly to the east and would likewise not intersect a 45 degree line drawn from the closest habitable room window in 59 Coastal Road directly to the west.

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 which requires that development provides sufficient car parking.

SPACE STANDARDS

The new dwelling would have an internal floor space of 653 sq.m. which is well in excess of the nationally described space standards for a five bedroomed 3 storey dwelling (134 sq.m.).

The rear garden would be 18.5 metres in length 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.

ECOLOGY

A bat box, bird box and hedgehog nesting box are required on site to mitigate the impacts on the ecology. In addition mitigation measures for greater crested newts and other reptiles are to be conditioned.

The scheme accords with policy ENV DM5 of the Arun Local Plan which requires that development achieve a net gain in biodiversity and protect existing habitats on site.

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;

Site Plan, Location Plan dated 15.06.2020
Proposed Plans and Elevations dated 19.11.2020
Street Elevations as Existing & Proposed dated 20.03.2020

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 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars / vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QEDM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 4 The following are to be installed on site;

A bat box facing south/south westerly positioned 3-5m above ground.
A bird box on the building and/or in a tree on site.
A hedgehog nesting box should be installed to provide future nesting areas for hedgehogs.

With regards to reptiles and great crested newts the mitigation measures set out in the Ecological Impact Assessment dated Nov 2020 paragraphs 2.10 and 2.11 should be adhered to.

Reason: In the interest of the sites biodiversity in accordance with policy ENV DM5 of the Arun Local Plan.

- 5 **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 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.