Recommendation Report for Planning Permission

REF NO: K/7/19/PL

LOCATION: Little Deerswood
Gorse Avenue
East Preston
BN16 1SF

PROPOSAL: Demolition of existing dwelling and erection of one new dwelling - Resubmission of K/23/18/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal refers to demolition of the existing traditional style 2 storey dwelling and its replacement with a 6 bedroom 3 storey house of modern design. The footprint of the existing dwelling is being extended to the south and north.
SITE AREA	1180 sq m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and fencing to rear and side boundaries to approx. 2m height. To front 1m high walling.
SITE CHARACTERISTICS	Little Deerswood is a 2-storey house with painted brickwork and clay tiled pitched roofs with Sussex hips. It is set back from the road frontage with off road parking in front of the garage and dwelling. The existing property is attached to its neighbour to the east at ground floor level by their mutual garages. Greensward and beach to south.
CHARACTER OF LOCALITY	The character of the locality is residential in nature and consists primarily of large properties, in large plots set back from the road. The properties along Gorse Avenue are of various designs and styles.

RELEVANT SITE HISTORY

K/23/18/PL	Demolition & erection of 1 No. dwelling with swimming pool.	Withdrawn 02-10-18

This application, as originally submitted, differerd from that withdrawn under reference K/23/18/PL, as set out below:

- The 3rd storey has been set back from the outer walls.

- The height is reduced to 9m.
- The 2nd floor is stepped in from the south elevation and reduced in width to provide 3m to the eastern boundary.
- The west wing has been reduced in height.
- The east wing of the property has been reduced in length by 6.5m in total.
- The overall footprint of the house is reduced to 320m2.
- The external staircase has been removed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Kingston Parish Council

Objection to original and amended plans:
- Out of scale with the existing dwelling.
- By reason of its increase in scale, width, height, bulk and design the proposal will constitute overdevelopment of the site.
- The proposed development will overly dominate the street scene of Gorse Avenue and adversely affect the character and visual amenity of the area.
- The site backs onto the greensward and therefore has a frontage to both north and south. The proposed dwelling when viewed from the greensward is considerably forward of the building line of the neighbouring property to the west.
- The proposed development will be overbearing on the neighbouring property.
- The proposal is intrusive to the privacy of neighbouring properties. There are overlooking windows and balconies and potential access onto flat roof spaces.
- Car parking is inadequate.
- Parking outside of the garage will overhang the crossover which will affect road safety and the character of the street scene.
- The proposal is contrary to policy KNP7 of the Kingston Neighbourhood Plan.

10 letters of objection (including Local Group):
- Insensitive attempt to insert a large house into a narrow site.
- Extends about 10 metres further south than the existing house, which is aligned with its western neighbours. This three storey house, with its top storey faced with bronze coloured zinc, would be oppressive to its neighbours and disrupt the pattern of the existing development.
- Overlooking may be controlled by the use of obscured glass in windows and in screens on the sides of balconies, but the visual impact of the three storey building 10 metres forward of the southern building line cannot be alleviated.
- The insertion of a three storey flat roofed house next to two storey houses with pitched roofs would create a break in the pattern of the streetscape and debase the rhythm of the existing rooflines. The appearance of the street scene would be harmed.
- The design, size and materials of the house is more appropriate to an urban than a seaside setting.
- The proposal is contrary to policies D SP1 and D DM1 of the Arun Local Plan.
- Loss of residential amenity. The development overshadows, greatly intrudes neighbour's privacy and hinders views.
- Inadequate parking.
- Out of scale to neighbouring dwellings and will constitute overdevelopment of the site.
- The proposed development will be overbearing on the neighbouring property.
- Affect road safety and the character of the street scene.
- A pool house is shown on the plans but there are no dimensions or designs shown.

Following re-advertisement 4 further objections from original objectors:
- Token gesture to amend a previous plan which is still an overdevelopment, out of keeping and invasive to neighbours.
- Slight improvement.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed extent of car parking has been clarified by the agent and now includes 6 spaces. 2 spaces are in front of the garage and 4 are in front of guest/nanny suite. Submission of precise elevation details could be conditioned.
The loss of a view is not a material planning consideration. Side windows and balcony screening could be controlled by condition.
Purchase of access rights is a private matter.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

Engineers (Coastal Protection)

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Not applicable.

POLICY CONTEXT

Designation applicable to site:
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
SDSP2	SD SP2 Built-up Area Boundary

Kingston Neigbourhood 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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant policies in the Kingston Neighbourhood Plan have been taken into account.

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 conflict with relevant Development Plan policies in that it would have an unacceptable impact upon the residential amenities of the neighbouring property.

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, D DM3 and D SP1 of the Local Plan, Policy 7 of Kingston Neighbourhood Plan and the NPPF. The application seeks a replacement dwelling of increased footprint and height and of a significantly different design to the existing dwelling.

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. Indeed the Kingston Parish Design Statement refers to Gorse Avenue at paragraph 4.8 as an eclectic mix of old and new properties set in spacious plots that line the road. Recent approved applications for redevelopment on the foreshore side of Gorse Avenue have resulted in permission for a replacement dwelling of contemporary design at Spring Tide, to the east (K/11/16/PL & K/40/18/PL) and a new dwelling (K/4/14) at Dolphins (now Beach House) to the west.

The proposal is comparable to its immediate neighbours in terms of height and is proposed to be 3 storeys as proposed at Spring Tide. The proposed dwelling will have a maximum height of 9.1 similar to White Lodge to the west which has a ridge height of 8.7m and the approval at Spring Tide which has a ridge height of 8.9m. The proposed dwelling will extend further to the rear of the site than the existing dwelling by approx 7.6m on the eastern side of the dwelling and 3m on the northern side of the rear elevation. However, in terms of footprint and massing the proposed dwelling is considered to reflect that

approved at Spring Tide and other properties in the locality and would not be out of keeping with the general appearance of the area.

Further, the site coverage has been reduced. The overall footprint of the house is reduced to approximately 25% of the site. The amount of development across the site is no longer considered excessive. The pool house and pool are detached structures of a size and position that means they are visually separate and do not contribute to the visual impression of built form within the site. The replacement dwelling is 26m from the southern boundary and 4m from the northern boundary.

The design results in a dwelling that is located an acceptable distance from both front and rear boundaries in keeping with the general pattern of development in the locality and the replacement dwelling would not appear overly dominant or prominent within the street scene from either the road or beach frontage.

Policy 7 of Kingston Neighbourhood Plan states that planning permission will normally be approved for development within the built-up area provided 1 (i) 'The design and location of the development should be appropriate and sympathetic to the Parish's character and appearance in terms of scale, massing, aspect, siting, layout, density..' and 1 (iii) 'It is in-scale with adjacent buildings, takes account of the ridgeline of existing structures and is of a size that does not dominate its surroundings or the wider Parish. This proposal is appropriate and in keeping with the scale or massing of the adjoining properties and the area generally and the second floor is not overly bulky or obtrusive structure in the street scene and accords with Policy 7.

The Kingston Design Statement at para 7.10 states 'New development must be in scale with adjacent buildings, take account of the ridgeline of existing structures and be of a size that does not dominate the surroundings, or the wider Parish." It is not considered that the proposal is out of scale with the plot or neighbouring dwellings. It would not significantly increase the height of the ridge line which is not appreciably higher than that approved at Spring Tide or than that at White Lodge. The flat roof at second floor level would project across half of the width of the site. Some second floor accommodation exits in the roof areas of adjacent dwellings. The second floor accommodation is 6m deep and 10.4m wide. It would not appear as a dominant roof form in the locality.

The position of the dwelling on the plot in relation to the road frontage would not be significantly altered and would be in keeping with neighbouring properties. The existing gaps of 0.8m and 1.1m to the building are retained and increased at ground floor level to the site boundaries. The position in relation to the distance to the rear boundary would also be similar when the set back position of Spring Tide is considered. All of this will assist to maintain the spatial pattern and character of the locality.

The external walls are proposed to be constructed in natural limestone, laid to accentuate the horizontal form. Elements of the building such as the garage block will be expressed in textural natural stone. Further colour and texture will be added in sections of wall between glazing sections in pre-patinated zinc in a Pigmento bronze colour. The roof/fascia will be finished in natural zinc. The recessed 3rd floor is to be pre-patinated zinc in Pigmento bronze creating a contrasting band. These proposed materials are comparable to those approved at Spring Tide and its modern flat roof design has been approved elsewhere adjacent to the greensward in Kingston. It is therefore not considered to result in development that is out of keeping with the immediate locality.

The proposal is considered to be of an appropriate design and would be sympathetic to the scale of housing within the locality in compliance with policies D SP1 and D DM1 (1 & 2) of the Arun Local Plan and Policy 7 (i) and (iii) of the Kingston Neighbourhood Plan which require development to reflect the characteristics of the site and local area in terms of scale, massing and appearance.

RESIDENTIAL AMENITY

The existing dwelling is located roughly in line with the adjacent dwelling to the west in relation to the distance from the site frontage. A gap of 16m is currently provided. The dwelling to the east, Spring Tide, is uncharacteristically located approximately 44m from the site frontage. There is an extant permission to redevelop the adjacent site and re position the dwelling closer to the site frontage. However this application has not been implemented and the current application therefore needs to be considered in relation to the position of the dwelling as it presently exists.

At ground floor level the proposed dwelling would be approximately 1m to 2.2m from the eastern boundary and would extend for a length of 18m at a height of 3m. Again on the east boundary a 14.5m length is proposed at a height of 6.3m. On the second floor along this boundary, set away by 2.8m from the boundary, a length of 10.4m is proposed at a height of 9m.

The amount of combined first and second floor height at this close proximity to the east boundary and forward of the front elevation of Spring Tide would result in materially adverse overbearing of the main private amenity areas serving Spring Tide.

The proposed dwelling does not feature any windows on the eastern or western elevation which would give rise to additional unacceptable overlooking of the adjoining properties. The windows in the east elevation are high level and opaque glazed. However the opaque glazing could be conditioned to be obscure glazed and fixed shut. Those in the west elevation are also indicated to be opaque glazed and could also be conditioned to be obscure glazed and fixed shut to prevent a material loss of privacy to the adjacent dwellings. However, the perceived overlooking from an over-bearing structure with areas of glazing will result.

The dwelling features first and second floor balconies on the rear elevation of the property. Based on the siting of existing dwellings, the sides of the balconies have the potential to result in direct overlooking of adjacent gardens. Whilst conditions could be imposed to provide obscure boundary screening to 1.7m height to reduce overlooking to the neighbouring dwelling, the existing siting of dwellings would mean that this cannot be fully achieved.

In respect of White Lodge there is a greater separation than currently exists. It is considered this relationship is acceptable and is sufficient to ensure that the proposal does not give rise to any unacceptably adverse overbearing or overshadowing impacts upon the neighbours.

The dwelling has a gross internal floor area of approximately 550 cubic m which exceeds that specified within the Nationally Described Space Standards by almost 400 sq.m.

Given the unacceptable impact on residential amenity the proposal would not comply with Arun Local Plan policy D DM1 (3) or Policy 7 1 (iv) of the Kingston Neighbourhood Plan.

SUMMARY

The proposed new dwelling is considered to conflict with policy D M1 of the Arun Local Plan and Policy 7 of the Kingston Neighbourhood Plan.

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

REFUSE

1 The proposal would have an unneighbourly and overbearing impact on the enjoyment of the private amenity space of Spring Tide in conflict with policies D DM1 of the Arun Local Plan and policy KPNP 7 of Kingston Neighbourhood Plan. This is due to the section of the proposal sited significantly forward of the front elevation of Spring Tide being of excessive height and length in close proximity to the boundary with that property.

2 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 with the proposal and determining the application within a timely manner, clearly setting out the reasonfor refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.