

Recommendation Report for Planning Permission

REF NO: LU/96/25/PL

LOCATION: 16 Swanbourne Road
Littlehampton
BN17 6HS

PROPOSAL: Erection of 1 No. single storey, self-build dwelling with car parking to include provision of driveway and car parking for No.16 Swanbourne Road. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is seeking the construction of a 1-bedroom, 1-person single storey bungalow, with associated parking and amenity space on garden land at 16 Swanbourne Road.
	The application also seeks to provide a new parking area serving 16 Swanbourne Road.
SITE AREA	240 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	42 dph
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m close boarded fence.
SITE CHARACTERISTICS	Residential garden. Side garden fronting the highway.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

LU/190/24/CLP	Lawful development certificate for a proposed loft conversion and construction of dormer.	Withdrawn 20-09-24
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REPRESENTATIONS

Littlehampton Town Council - No comments received.

- 6 Letters of objection.
- Additional access drives onto road would be dangerous.
 - Building would obstruct views for road users.
 - Building works are disruptive to neighbours.

- Not in-keeping design.
- Impactful of views.
- Loss of on-street parking space.
- Creation of views if bungalow was able to extend in its roof space.
- One dwelling will make little difference to housing numbers.
- Driveway serving no 16 already in place.
- The site is too small for a dwelling.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and will be address in the body of the report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection with conditions suggested.

WSCC Highways - Advice with conditions suggested.

- There are no apparent visibility concerns for either the existing or proposed access.
- Correct number of spaces provided for new dwelling.
- Vehicles may have to leave site in reverse gear, this isn't anticipated to be of issue.
- Cycle storage for 2 cycles is compliance and provided.
- The site is sustainably located.
- It is not considered that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Ground water flooding 50-75%
 Built-up Area Boundary
 2km Buffer SSSI
 CIL4 area

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
ECCSP2	ECC SP2 Energy and climate change mitigation
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards

ENVDM5 ENV DM5 Development and biodiversity

WDM3 W DM3 Sustainable Urban Drainage Systems

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 the infiltration of surface water on site remains unproven, this could lead to an increased risk of the surface water flooding on site and elsewhere.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

The site is declared to be self-build such that mandatory BNG of 10% is not a requirement.

CONCLUSIONS

PRINCIPLE

The proposal is in the Built-Up Area Boundary (BUAB). This accords with policy SD SP2 of the Arun Local Plan (ALP), and Policy 2 of the Littlehampton Neighbourhood Development Plan (LNP) which aim to focus new development in the BUAB. Given that the proposal is in accordance with policy 2 of the LNP it is in accordance with policy 1 of the LNP.

The key Development Plan policy considerations for this proposal are D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), ECC SP2 (Energy and Climate Change mitigation), QE SP1 (Quality of the environment), ENV DM5 (Development and Biodiversity), W DM3 (Sustainable Urban Drainage Systems), and T SP1 (Transport and Development) of the Arun Local Plan (ALP).

The Arun Design Guide and Arun Parking Standards SPD are also pertinent to this application.

The NPPF directs authorities to have a presumption in favour of sustainable development when determining applications. Where policies of most relevance are out of date, applications should be approved unless the level of harm significantly and demonstrably outweighs their benefits (paragraph 11(d(ii))). The Council cannot demonstrate a 5-year supply of deliverable housing sites, and policy SD SP2 of the ALP is, therefore, out of date and triggers the NPPF 'tilted' balance.

Due to the tilted balance and sustainable location of the site of the ALP, the principle of residential development on this plot is established. The harms of the development will need to be considered and weighed against the limited benefits of providing 1 No. additional dwelling. Benefits arising from the provision of 1 dwelling include a limited but positive contribution towards the housing supply, and limited economic benefits generated during the construction phase, development within a sustainable location and (subject to the following discourse) making an efficient and effect use of under-occupied land.

DESIGN AND VISUAL AMENITY

The site comprises a parcel of land forming the side garden of the host dwelling, fronting Swanbourne Road. The existing driveway is proposed to serve as the access and parking area, and a single-storey detached flat-roof garage is to be demolished to accommodate the new dwelling.

The eastern half of Swanbourne Road is characterised by semi-detached and terraced bungalows, set back from the highway in clusters, each fronted by open amenity grassland. In contrast, the western end predominantly features two-storey terraced dwellings arranged in formal lines adjacent to the highway. The large green verges and open grassland give the eastern end (where the proposal is located) a verdant and open character, albeit without strong building lines. It could be described as tight-knit development interspersed with irregular open spaces. The site itself is somewhat at odds with this character, as the 1.8m fence abutting the footpath restricts views into the side garden, removing the sense of openness that would otherwise be present.

The proposal is for 1 no. one-bedroom (single occupancy) detached dwelling of single-storey height, featuring a hipped roof with a forward-facing hipped gable. The scale and height appear subservient to the host dwelling and broadly in keeping with surrounding properties. Some harm is identified due to the hipped roof design, which contrasts with the predominantly gable-ended dwellings in the area.

Limited detail has been provided regarding materials, though it is understood that facing brick and a tiled roof are proposed. These materials are common in the area and raise no concerns. Further details can be secured by condition. The proposed openings appear logical and appropriate, with all rooms

benefiting from good natural light and ventilation. Overall, the design is considered to reflect the character of the area.

Section G.02 of the ADG sets out recommended residential densities, suggesting 15-25 dwellings per hectare (dph) for detached dwellings in village settings. While this guidance applies, the existing density in the locality does not directly align with these figures, so contextual analysis is necessary. The proposed dwelling would result in a density of 42 dph. The area is predominantly made up of semi-detached and terraced bungalows. Terraced bungalows can reach densities of 50-55 dph, while semi-detached bungalows typically fall within the 30-35 dph range. Two examples of detached bungalows nearby; no. 67 Highdown Drive and 1A Swanbourne Road, have densities of 25 and 50 dph respectively and would be read within the immediate context of the site.

The dwelling benefits from two side gardens, one to the east and one to the west. Much of the front of the site will be opened up to provide parking and a small defensible space (front garden), which is considered a positive improvement over the existing 1.8m fence that currently encloses the side garden. Although the proposed density is higher than surrounding sites, it is not considered to result in harm, and the opening up of the frontage contributes positively to the spacious character of the area.

The dwelling will create a welcoming, open frontage and will be afforded adequate space around the building. While the roof form introduces a minor element of harm due to its inconsistency with local typology, the overall appearance is acceptable and in keeping with the character of the area. The proposal is considered to accord with ALP policy D DM1.

NEIGHBOURING RESIDENTIAL AMENITY

Due to the infill nature of the development and the awkward shape of the plot, the proposed dwelling is in close proximity to two existing properties; the host dwelling at No. 16 Swanbourne Road and No. 67 Highdown Drive. It is noted that No. 67 has a small outbuilding located on the boundary shared with the application site.

Section H of the ADG sets out minimum separation distances between dwellings. While these standards are illustrated for two-storey units, the proposed dwelling is single-storey. Section G.03 of the ADG also outlines the 25- and 45-degree rules, which aim to ensure adequate daylight reaches neighbouring properties.

The proposed dwelling is sited 14 metres from the rear elevation of No. 67. The recommended minimum rear-to-side separation distance is 14 metres, and the proposal complies with this requirement.

The proposal would intersect the 45-degree line from the rear of No. 16, as set out in Section G.03 of the ADG. However, the degree of intersection is minimal, and given that No. 16 lies to the south of the proposal, there would be no significant impact on daylight levels to its rear rooms. In relation to No. 67 Highdown Drive, the proposal does not breach the 25-degree rule.

The proposed building is located to the north of the host dwelling and therefore cannot overshadow its rear amenity space. It lies to the west of No. 67, and while it may cast some evening shade over the rear garden, it is not considered to result in significant overshadowing or an overbearing impact on either neighbouring property.

Given the single-storey nature of the proposal, its orientation, and the absence of upper-floor windows, it is not considered that the development would result in any significant overlooking or overshadowing of neighbouring dwellings.

As such, the proposal maintains acceptable separation distances and relationships with neighbouring

properties. It is not considered to result in a significantly adverse impact in terms of overbearing, overshadowing, or overlooking, and therefore does not conflict with ALP policy D DM1. Furthermore, the development is considered to positively enhance the environment in accordance with ALP policy QE SP1.

QUALITY OF ACCOMODATION

The dwelling would have an internal floor space of 39sqm. Minimum space standards require a single storey 1-bedroom (one space) unit to have a minimum internal floor area of 39sqm with inbuilt storage. This proposal accords these requirements.

The proposed dwelling would satisfy the requirements of Policy D DM2 of the ALP.

A single 'traditional' rear garden space is not provided with this scheme. Two side gardens will be provided, one measures 7m in length and the other is 5.2m in length. Neither of these meet the ADG requirement of a 10.5m rear garden, however the ADG does allow for smaller solutions if they have adequate daylight and privacy. Both sections of garden will be encompassed by 1.8m high fencing and will either benefit from morning or afternoon sunlight. They are also of a size and shape which could be useable and enjoyable. The two gardens would be acceptable in this respect.

ENERGY EFFICIENCY

Policy ECC SP2 requires all new residential and commercial development to be energy efficient. Proposals must demonstrate how energy efficiency will be achieved through design and layout, the use of appropriate materials, and the incorporation of decentralised, renewable, and low-carbon energy systems such as solar panels. The use of energy-efficient materials, such as double glazing, is expected.

An Energy Statement has been submitted with this application. It confirms that, through construction methods and the inclusion of an Air Source Heat Pump, 10% of the total predicted energy demand will be met through on-site renewable or low-carbon energy generation. Subject to a condition securing this provision, the proposal is considered to demonstrate energy efficiency and the incorporation of a low-carbon energy system. It therefore accords with Policy ECC SP2 of the Arun Local Plan.

BIODIVERSITY

The proposal is required to achieve a Biodiversity Net Gain (BNG). The site currently comprises a rear/side residential garden with limited ecological value, alongside a lawned front garden. The application has been confirmed as a self-build dwelling, and therefore the statutory requirements of the Environment Act do not apply. However, the Arun Local Plan (ALP) still requires BNG to be demonstrated, albeit with less stringent requirements.

Policy ENV DM5 seeks to secure biodiversity net gain and protect existing habitats. This can be achieved through the integration of biodiversity features such as green walls, bird and bat boxes, or other ecological enhancements within the landscaping scheme. Hedging is proposed along the site boundaries, and while the plans do not confirm species, the use of native hedging would be encouraged. Additional features such as bee bricks, bug hotels, hedgehog highways, and native planting could also be incorporated and secured by condition.

Subject to an appropriately worded condition, the proposal is capable of delivering a biodiversity net gain and is considered to comply with ALP policy ENV DM5.

TRANSPORT AND PARKING

In accordance with the Arun Parking Standards, a one-bedroom dwelling in this area is required to provide two off-street parking spaces. The proposed dwelling would benefit from one parking space on a front driveway, replacing the existing rear access and garage. While this represents a technical shortfall,

it is noted that the standards do not account for the dwelling being single occupancy, and the requirement may therefore be considered excessive in this context.

The proposal also includes the provision of two parking spaces to serve the host dwelling at No. 16 Swanbourne Road. The existing arrangement includes a parking space in front of a garage, although the garage is unlikely to accommodate modern vehicles due to its limited size. The loss of this garage and the provision of two formal parking spaces would result in a net gain of one usable off-street parking space for No. 16, although the plans show a like-for-like replacement.

On balance, the proposal is considered to have a neutral impact on existing parking arrangements within the locality. There are no on-street parking restrictions in the immediate vicinity. While concerns have been raised by residents regarding the loss of informal on-street parking, the proposal would in fact increase formal provision. The existing dropped kerb access has been used informally for parking, but this does not weigh for or against the scheme, as the homeowner retains the right to enforce access regardless of the outcome of this application.

Residents have also raised concerns about visibility and traffic flow, noting that Swanbourne Road can be busy at peak times. However, WSCC Highways have confirmed that no visibility issues are anticipated. A site visit confirmed that the gentle bend in the road does not pose a concern. Even in instances where vehicles meet, there are ample opportunities to pull into gaps to allow passing. In fact, the proposal would increase the frequency of such gaps through the provision of formal driveways.

No covered or secure cycle parking has been indicated on the plans. The Arun Parking Standards require one cycle parking space for a one-bedroom property, and this can be secured by condition.

Subject to this condition, the proposal is considered to comply with Policy T SP1 of the Arun Local Plan.

DRAINAGE

The site lies within Flood Zone 1 and is at low risk from all types of flooding. A drainage strategy has been submitted, proposing infiltration of all surface water via a shared soakaway and permeable paving.

Policy W DM3 of the ALP requires the use of Sustainable Urban Drainage Systems (SuDS) appropriate to the scale of development and offers guidance. Policy W SP1 similarly encourages SuDS integration, particularly where it helps mitigate flood risk. The NPPF (paragraphs 181, 182, and 187e) states that planning decisions should ensure flood risk is not increased elsewhere.

ADC Drainage Engineers have reviewed the strategy and confirmed that, although infiltration (the highest level of the SuDS hierarchy) is proposed, insufficient data has been provided to demonstrate feasibility. Specifically, groundwater monitoring and infiltration testing are lacking.

The National Standards for SuDS (NSfS) outline seven design standards. The proposal fails to meet Standard 1 due to non-compliant infiltration testing for the soakaway; no testing has been carried out where permeable paving is proposed, and key groundwater monitoring data is missing. As Standard 1 has not been met, compliance with Standards 2-4 is not possible. Information is also insufficient for Standards 5 (amenity) and 6 (biodiversity). No issues were identified with Standard 7.

Without a full understanding of groundwater levels and infiltration rates for parts of the layout, the final design may need to be altered to achieve compliance. This could affect the size and scale of the development.

As it stands, the proposal cannot be considered to prevent flood risk on-site or elsewhere. It does not comply with ALP Policies W DM3 or W SP1, nor with the relevant paragraphs of the NPPF.

SUMMARY

The principle of development within the BUAB is established. The proposal is acceptable in terms of character, residential amenity, and transport/highways matters, and accords with Policies D DM1, QE SP1, ECC SP2, and T SP1 of the ALP. Biodiversity impacts can be made acceptable through the use of planning conditions. The benefits of the proposal, although limited, are outlined above.

Paragraph 11(c) of the NPPF states that development proposals which accord with an up-to-date development plan should be approved without delay. However, the proposed surface water drainage strategy does not comply with ALP Policies W DM3 and W SP1, resulting in conflict with the development plan as a whole.

Given the lack of a five-year housing land supply, the presumption in favour of sustainable development under paragraph 11(d)(ii) of the NPPF is engaged. However, the adverse impacts of granting permission include an increased risk of surface water flooding both on-site and elsewhere. Paragraph 180 of the NPPF is clear that development should not increase flood risk. Paragraph 181 requires the incorporation of SuDS, which, although proposed, have not been demonstrated to be feasible. The proposal also conflicts with paragraph 182 due to the lack of SuDS biodiversity and amenity benefits.

While the provision of a single additional dwelling is acknowledged as a benefit it does have limited impact, and there would be limited economic gains during the construction phase and some ongoing benefit to the local economy, these are not sufficient to outweigh the harm. There is partial compliance with paragraph 129 (sections a, b, and d) of the NPPF. However, the proposal does not benefit from the weight of paragraphs 124 or 125(c), as the increased flood risk presents a significant environmental concern, and the site is not previously developed (brownfield) land.

The adverse impacts are demonstrable and significant, and they outweigh the limited benefits identified. Therefore, the proposal is recommended for refusal for the following reason.

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 refusal 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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The proposed development fails to demonstrate that surface water drainage can be managed appropriately on-site. The submitted drainage strategy lacks sufficient evidence of infiltration testing and groundwater monitoring, particularly in areas proposed for permeable paving and the shared soakaway. As such, the feasibility of the proposed Sustainable Urban Drainage System (SuDS) cannot be confirmed.

The proposal does not comply with Arun Local Plan policies W DM3 and W SP1, which require SuDS appropriate to the scale of development and integration where they can mitigate flood risk. Furthermore, the proposal conflicts with paragraphs 180, 181, and 182 of the National Planning Policy Framework (NPPF), which require that development should not increase flood risk elsewhere, that SuDS should be incorporated, and that biodiversity and amenity benefits should be provided.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 reason(s) for 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. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.