

Recommendation Report for Planning Permission

REF NO: LY/5/18/PL

LOCATION: Land adjacent to Pindars
Lyminster Road
Lyminster
BN17 7QF

PROPOSAL: Erection of 1 No. two-bedroomed detached bungalow. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	915 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	11 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site frontage open and side and rear bushes/ fencing and walling
SITE CHARACTERISTICS	The site has recently been cleared and forms the side garden of Pindars. Flint single storey building to west.
CHARACTER OF LOCALITY	Pindars is a 2 storey painted rendered property with a slate roof .Adaja House is single storey and Bay Tree House 2 storey

RELEVANT SITE HISTORY

LY/21/17/HH	Single storey rear extension	ApproveConditionally 07-12-17
LY/1/96	Addition of lean-to conservatory	ApproveConditionally 05-02-96

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Lyminster & Crossbush Parish Council

Support on the proviso that there would be an everlasting covenant to prevent the proposed new property ever being sold/rented/occupied as an individual property. We would request that both the existing property/land, and proposed new building/land be treated forevermore as an individual dwelling.

4 Objections - This is not part of the development plan. Pindars is on the edge of the Lyminster conservation area.

- Will result in yet another vehicle or more to need to join the existing busy Lyminster Road just after a sharp bend where there has been numerous accidents.

- Concern about how the proposal will impact on our property and in particular the enjoyment of our garden.

- There is one part of the application which refers to the felling of holly trees which are our trees. This row of mature holly trees forms a boundary hedge between Bay tree house and PIndars. It provides a habitat for wildlife .

- Lyminster is a buffer village between Littlehampton and Crossbush. Planning permission has been granted for some householders to build additional buildings in their gardens providing these buildings are classed as annexes and are subject to the restrictions outlined in the response to this application by the Lyminster Parrish Council.

- The height is also a matter for concern. The application states that the new building would have little impact on us, the nearest neighbours. Unfortunately we know this is not the case. Recently a large chalet building was erected parallel to the holly hedge. This building impacts on our garden and the proposed building, which looks significantly higher, will therefore be much more intrusive. We would welcome a maximum height restriction of 4 meters.

- The location of the proposed building is not ideal from out point of view because of the impact on our garden. A building on the far side of the plot would be preferable. If the proposed new building was within the front and back building lines of PIndars this would have less impact on our garden.

- The plan provided with the planning application does not appear to be fully up to date as it does not show the PIndar's approved extension to the ground floor or the location of the large chalet building.

- Excessive Footprint of Proposed dwelling. A reduction in the footprint of the proposed building, especially the width, would enable the building to be moved closer to the road and align with the existing Pindars property whilst still leaving ample parking in front of the existing Pindars dwelling and the new building. The pitched roof could then be reduced in height.

- The submitted elevation drawing is misleading as it shows all three properties on the same level. This is not correct as the Existing property is around a meter higher than the Bay Tree Buildings and the proposed new build would be at the same base height as the existing building unless the bank of soil is removed.

.

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is not for ancillary accommodation it is for a separate dwelling.

The agent has submitted revised plans which indicate the hedging on the western boundary will be retained. The site plan is not up to date and does not indicate recent extensions/buildings on adjoining land.

A revised street scene has been provided but it is still sketchy and has not altered the relative heights of the properties or provided existing planting and boundary details.

the site plan does not accurately show recent developments.

The dwelling is large in relation to the site boundaries and the site is narrow in relation to others in this part of Lyminster Road. It is therefore agreed that the proposal would be out of keeping.

The height of the dwelling adjacent to site boundaries is less than 3m and consequently it is not considered that the proposal would result in materially adverse overbearing impacts on neighbouring properties.

The proposal is not considered to be close enough to the Conservation Area to adversely impact on its setting. There are several properties between the boundary and the application site.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - More information Required

The applicant should provide a plan showing a vehicle turning with space for a second vehicle to wait off the highway, mark the separate turning and driveway sections of the frontage of the proposed dwelling and detail the extent of the proposed fence, then re-consult with the Local Highway Authority.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D SP1	Design
T DM1	Sustainable Travel and Public Rights of Way
T SP1	Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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 written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Lyminster does not have an adopted Neighbourhood Plan.

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 a materially adverse effect on the visual amenities of the locality and 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

PRINCIPLE:

The application site is located in an area defined as countryside outside the Built Up Area Boundary (BUAB), where the principle of new development will usually be resisted. The site also does not benefit from allocation for development for housing within a Neighbourhood Plan.

The Council has produced new evidence to support the emerging Local Plan which indicates that the objectively assessed housing need (OAHN) for the District equates to 919 dwellings per annum. The proposed modifications to the Local Plan result in a housing requirement of 20,000 dwellings over the Plan period between 2011 and 2031. The housing supply comprises completions, commitments, Neighbourhood Plan allocations, deliverable HELAA sites (within the Built-Up area boundary), non-strategic sites, windfall sites and strategic site allocations. This site has no allocation within the publication version of the Local Plan or the Neighbourhood Plan.

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 2.09 years.

The National Planning Practice Guidance (NPPG) provides clear guidance on the issue of the weight that can be given to both the adopted Local Plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. In this case, the development plan is not silent and the principle of development is not in accordance with the development plan.

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. This is in accordance with the three dimensional approach to include economic, social and environmental considerations as set out in paragraph 7 of the NPPF.

In terms of economic sustainability the proposal will create construction jobs, supply chain benefits and inward investment for the local area. Local residents will spend money locally and also contribute towards Council Tax receipts. There are some employment opportunities within the local area but most residents would need to travel elsewhere, including Littlehampton and Arundel, but these are relatively close and could be reached by bus or bicycle. Bus stops are located in Lyminster Road. However for convenience the car is likely to be the most popular choice of transport.

Social Sustainable Development: The NPPF makes it clear that sustainable development involves seeking positive improvements in peoples quality of life and this includes widening the choice of high

quality homes. It also emphasises the need to boost significantly the supply of land for housing. The scheme would only deliver 1 unit and would not make a significant contribution to the stock of housing to meet the needs of present and future generations.

Environmental Sustainable Development: The proposed scheme would result in 1 additional detached house at a time that ADC does not have a 5 year housing land supply and on a site that has good connectivity to services and sustainable transport hubs. The site is located adjacent to neighbouring housing settlement and is in walking distance to nearly all services in Lyminster/Littlehampton including a shop and public house. However the proposal is not considered to be environmentally acceptable since it would adversely affect the character of the area and erode the spacious character of the area which is clearly viewed from the site frontage.

In relation to sustainability the application is therefore considered unacceptable.

CONCLUSION ON PRINCIPLE

The site falls outside the built up area boundary. The development plan is therefore not silent or absent. However, policies within the development plan that relate to the supply of housing are out of date for the purposes of the NPPF and the presumption in favour of sustainable development of paragraph 14 of the NPPF is relevant.

It is recognised that there are houses in close proximity to the site, but the development would be cramped and out of keeping. The proposed development would not reflect the spacing of existing dwellings in relation to site boundaries and the plot would have a narrower and uncharacteristic width. It is considered that the proposed development would not be acceptable in principle and the presumption in favour is outweighed by these factors.

The proposed development is deemed unacceptable in principle contrary to policies GEN2, GEN3 and GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

VISUAL AMENITY AND CHARACTER OF THE AREA

The site comprises the side garden of Pindars and is relatively narrow and tapered. The proposed single storey dwelling would straddle the site and be set back behind neighbouring dwellings. It would be located adjacent to a single storey structure to the east which has flint elevations and a slate roof which adjoins flint walling.

The proposal would provide a modern style bungalow which would be located adjacent to both side boundaries uncharacteristically straddling the site which would not conform with the general pattern of development in the locality and would also detract from the pattern of development by being set back behind adjacent properties. It would appear as a wide, bulky dwelling which would erode the spacious character of the area and would not reflect the staggered and more traditional style of adjacent development. It emphasises the urban form of the existing residential road by eroding a gap which contributes to the rural setting of the existing development. The loss of the sporadic character of the area would be lost.

DESIGN

The proposed materials are not specified on the elevation plans, but the revised front elevation indicates brick quoins and flint work which would reflect the materials which are evident in the area and could be conditioned. However, the design, appearance and form of the dwelling would not generally reflect the more traditional style of adjacent properties. The single storey height would be directly comparable with

the neighbouring property to the west. The dwelling width is accentuated by its flat frontage. The garage is not an acceptable/useable size and adds to the excessive width of the dwelling. The appearance of the dwelling would be improved if it had a more staggered footprint and front elevation by detaching or moving the garage element forward.

RESIDENTIAL AMENITY

The proposed dwelling would be set back from the site frontage further than the adjacent dwellings as the adjoining existing dwelling to the north. The dwelling would not retain a significant distance to either site boundary but given the eaves height of 2.2m, it is not considered any materially adverse overbearing effects would result to the neighbouring residential properties. Given its single storey design the dwelling would not result in adverse overlooking either.

The proposal meets the external space requirements and complies with the Nationally described Space Standards.

HIGHWAYS

County Highways have no objection to the proposal in principle but the information submitted with regard to parking and turning is inadequate.

CONCLUSION

It is considered that this application, while being located in a rural area with access to local services and facilities, is unacceptable having regard to the relevant development plan policies. The application is therefore recommended for refusal for the following reasons

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.

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area and the proposal being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflicts with policies GEN2 and GEN3 of Arun District Local Plan which seeks to protect the countryside and ensure the amount of land taken for development is kept to a minimum consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.
- 2 Given the size, materials, width, design and position of the dwelling the proposal would represent a prominent form of development which would adversely affect the character and appearance of the area it would conflict with policy GEN7 of the Arun District Local Plan.
- 3 Based on the information submitted it has not been satisfactorily demonstrated that adequate parking provision and turning of vehicles in a satisfactory manner can be provided at the site in conflict with policies GEN7 and GEN12 of the Arun District Local Plan.
- 4 **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 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 discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.