

REPORT UPDATE

Application No: M/24/13/

Reason for the Update / Changes

Reason for Update/Changes: Correction of typographical error in reason for refusal number 1. This involved the removal of the word 'to' from the third line of the paragraph.

Note: The changes made are attached on the amended replacement recommendation sheet.

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.

M/24/13/

Recommendation Report for Planning Permission

REF NO: M/24/13/

LOCATION: White Horses
9 Main Drive
Middleton on Sea

PROPOSAL: Demolish sub standard bungalow and erect 2 No. semi detached houses.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to demolition of the existing chalet style dwelling and its replacement with a pair of semi-detached 3 bedroom dwellings. One dwelling would front Main Drive and the other would face onto Greenway to the south. 2 car parking spaces would be provided on each site frontage to serve each unit. The applicant is a councillor and therefore the application falls to be determined at Committee.
SITE AREA	0.0412 hectares
RESIDENTIAL DEVELOPMENT DENSITY	48 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To Greenways fencing to approx 1.8m high. Hedging to approx 2 m high to Main Drive. Fencing to side and rear boundaries.
SITE CHARACTERISTICS	Detached chalet style dwelling with dormer windows on corner plot. White painted rendered elevations. Tiled roof.

report

Detached pitched roof garage facing Main Drive.

CHARACTER OF LOCALITY

Predominantly residential characterised by a mix of dwelling type and size on relatively small plots. No 7 Main Drive and 8 Greenway have secondary windows in their side ground floor elevations and no first floor windows in side elevation.

RELEVANT SITE HISTORY

M/63/11/	Demolition of existing detached dwelling with garage in poor condition. Erection of 2 new detached dwellings with garages, driveways and landscaping	Withdrawn 07-10-2011
M/90/11/	Demolish existing dwelling and construct 2no. new semi-detached houses with associated garages, driveway & landscaping - Resubmission of M/63/11	Withdrawn 06-12-2011

REPRESENTATIONS

Representations received:

Middleton Parish Council

Objection - Trying to squeeze 2 properties into the existing space where one bungalow currently stands. It is therefore overdevelopment of the site, will have an impact on the street scene, and will set an undesirable precedent.

One letter of objection - Concerns on the boundary of the property. The previous owner moved the fences out to create a larger garden using the telegraph pole as a support for the fence. The size of the plot was increased and had the plot been viewed at its original size it may only be suitable for one detached property.

Comments on Representations received:

Comment on Parish Council comments - It is not agreed that the proposal would create a precedent, other similar developments exist in the locality for example nos 7 and 7a Main Drive. Concerns regarding scale and overdevelopment are shared, but not the principle of 2 dwellings on the site which would be acceptable subject to no adverse impact on visual and residential amenity.

Comment on other representations - According to the submitted application certificates the applicant's own all of the land within the red edge.

CONSULTATIONS

Engineering Services Manager
Southern Water Planning

Consultations responses received:

None

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

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:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

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 site lies within the built up area boundary where the principle of redevelopment is acceptable

in principle, subject to there being no adverse impact on residential or visual amenity. The proposed plot sizes are comparable with others in the locality, particularly no.7 to the north.

PLANNING HISTORY

This proposal follows 2 previous applications which were withdrawn. Both were for demolition of the existing dwelling and replacement with 2 dwellings. M/63/11 related to 2 detached 2 storey 3 bed dwellings. One fronted Main Drive and the other Greenways. The northern most unit did not project beyond the rear elevation of no.7a, but was sited abutting the side boundary and both units were closer to respective site frontages than the adjacent dwellings. M/90/11 was for 2 semi detached 2 storey 3 bedroom dwellings again fronting different road frontages. This proposal did not extend significantly to the rear of no.7a and provided a gap of 2.5 metres to the side boundary.

The current proposal has reduced the height of the dwellings. They are now chalet style instead of full 2 storeys, but each dwelling still has 3 bedrooms. Both earlier applications included the provision of a garage and parking space to each unit. This proposal contains no garaging. 2 parking spaces are identified for each unit adjacent to the road frontage.

IMPACT ON VISUAL AMENITY AND THE CHARACTER OF THE AREA

The site is located on a prominent corner site. The provision of 2 dwellings may be acceptable, but the layout as submitted represents an overdevelopment of the site where 2 x 3 bed dwellings cannot be satisfactorily accommodated. Little space is left around the development. The unit to the north is set back from the site frontage a greater distance than the adjoining properties to the north which results in a distance to the rear boundary of 4.5 metres resulting in a cramped appearance to the development which is out of keeping with the general pattern of development in the locality. The southerly unit fronting Greenway projects forward of no. 8 to the east and is considerably closer to the site frontage than the existing dwelling on the site. The height of the proposed development to the ridge would be 6 metres. Given its height and proximity to both road frontages it is considered that the proposal would be prominent and obtrusive in the street scene.

RESIDENTIAL AMENITY

A rear garden depth of 4.5 metres to serve a family 3 bedroom unit is insufficient. The restricted space would be likely to result in an unacceptable enjoyment of outside amenity space by a family where the level of noise and activity in close proximity to the boundary is likely to cause disturbance to the adjoining dwellings to the east and north. Whilst the dwelling would be close to the rear boundary given the fact that it sides onto no.8 it is considered that any overbearing effects would not cause material harm to the occupiers of this property. In addition, there would be no adverse overlooking resulting since the only window in the rear elevation serves a bathroom.

With regard to impact on no.7a Main Drive it is considered that the 1 metre distance to the side boundary combined with the rear ward projection of the proposal of 2 metres and eaves height of 4.9 metres would result in a materially adverse overbearing effect.

CAR PARKING

The proposal makes adequate provision for car parking with 2 spaces allocated for each property.

AFFORDABLE HOUSING

The proposal generates the requirement for affordable housing contributions totalling £6,125 and an agreement was signed in this respect prior to submission of the application.

CONCLUSION

The application is recommended for refusal for the following reason.

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 respect for 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 no negative 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

REFUSE

- 1 The Local Planning Authority is not satisfied that the site can accommodate 2 dwellings and private amenity space of the size and siting proposed without unacceptably harming the character of this established residential area. The proposal would therefore result in an unduly cramped and unneighbourly form of development which would be detrimental to the character of the area and the residential amenities of neighbouring properties, contrary to policy GEN7 of the Arun District Local Plan.
- 2 **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) 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 meet with the Applicant 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.