

Recommendation Report for Planning Permission

REF NO: M/32/26/PL

LOCATION: 60 Sea Way
Middleton-on-sea
PO22 7SA

PROPOSAL: Demolition of the existing dwelling and garage and erection of 1 No. replacement self build dwelling. This application is in CIL Zone 4 and is CIL Liabe as a new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.2ha.
TOPOGRAPHY	Predominantly flat.
TREES	Small ornamental trees along the north and south site boundaries within neighbouring plots. 1 No. Monterey Pine tree adjacent to the site subject to a Tree Preservation Order (TPO) (BOGNOR NO.14).
BOUNDARY TREATMENT	Timber close boarded fencing alongside hedging to north, west, and south boundaries. Access gate, rural timber fencing and hedging to east (front) boundary.
SITE CHARACTERISTICS	The site is an existing residential plot featuring significant amenity spaces, a 1.5-storey dwelling with steep pitched roof, gravel driveway/parking area, a large rear annexe and a greenhouse.
CHARACTER OF LOCALITY	The area is residential in nature, with the remainder of Sea Way to the east comprising a mix of single-storey, 1.5-storey, and two-storey dwellings of varying designs. To the west, beyond the site boundary and not immediately accessed by vehicular highway from this location, is Felpham. This area to the west is characterised by a less diverse character of primarily two-storey residential development. Sea Way and this plot form part of the Middleton-on-Sea Estate Area of Character.

RELEVANT SITE HISTORY

M/23/24/NMA	Non-material amendment following the grant of M/103/22/HH relating to the installation of solar panels to front elevation, installation of 5 No. rooflights to rear elevation and installation 1 No. circular window to side elevation.	Approve 18-04-24
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M/1/23/NMA	Non material amendment following the grant of M/103/22/HH for the re-location of annexe by 995mm.	Approve 09-02-23
M/103/22/HH	Erection of detached ancillary annexe to the rear.	ApproveConditionally 07-11-22

Noted. The large annexe to the rear was relatively recently approved and constructed, alongside two subsequent minor amendments. This is not of particular relevance to the assessment of this application, particularly considering the size of the plot.

REPRESENTATIONS

Middleton Parish Council - Objection:

- Conflicts with Policy MoS6.
- The replacement of a single-storey dwelling with a three-level dwelling will not integrate well with its surroundings.
- Does not reflect local architecture.
- Out of character with the street scene.
- Overbearing.
- Unneighbourly.
- Height and mass is out of scale with the surrounding properties.

Middleton-on-Sea Association:

- No objection subject to there being no adverse impacts on groundwater tables, hydrology, and drainage, arising from the basement level construction.

1 Objection from neighbour:

- Conflicts with the Middleton-on-Sea Village Design Statement (VDS).
- Three-storey buildings are out of character and should be avoided.
- Skylights should be flush-fitting and avoided on front elevations.
- Proposals should retain the existing street scene, roofscape, and tree cover.
- Proposals should preserve neighbour privacy and minimise overshadowing.
- The proposal includes a third storey with front-facing dormers.
- Unlike neighbouring recent developments, it includes a third storey and dormers, making it out of character.
- The development is oversized, out of proportion, and causes overshadowing.
- Increased height and bulk would significantly alter the roofscape.
- The third storey would overlook our house and garden, reducing privacy.
- Development should respect the area's character and the village's unique qualities.

1 letter of Support from neighbour:

- Expresses strong support.
- The design is well considered, proportionate, and in keeping with the character of the road and surrounding area.
- The style, materials, and layout are appropriate to the neighbourhood and will enhance the site and wider street scene.
- Believes it will be a valuable addition to the area.

- Urges the Council to approve the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. All relevant planning matters considered in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Ecologist - No objection subject to conditions:

- The Preliminary Roost Assessment and Bat surveys identified no Bat roosts.
- Low levels of common Bat activity was recorded.
- No further surveys are required.
- Mitigation and enhancement measures including a precautionary approach and the provision of two bat boxes are recommended within Section 5.3. These should be secured by condition.

Drainage Engineers (29/06/26) - Objection:

- Full comments are available on the Arun District Council website under this application's reference.
- Further information required in relation to Standard 1 of the National Standards for Sustainable Drainage Systems (NSfS).
- Objection to Standard 3 of the NSfS.
- No objections/ No objections raised subject to conditions for Standards 2, and 4-7.

Drainage Engineers (31/07/26) - No objection subject to condition:

- No objections to the 7 National Standards for Sustainable Drainage Systems.
- Full comments are available on the Arun District Council website.
- Condition to control the technical design and implementation of the sustainable drainage system and the successful long term management and maintenance of the system suggested.

Southern Water - No objection:

- Please contact Portsmouth Water as the water supplier.
- Guidance relating to landscaping and Southern Water assets provided.
- Condition suggested to secure landscaping details.
- Advice related to the Rainwater Harvesting system provided.
- Condition seeking details of the rainwater harvesting system, including measures to prevent contamination of the water supply and any discharge to public sewers, and management/maintenance measures requested.
- Advice related to the proposed SUDS features provided.
- To protect the existing water supply apparatus, requests formal prior notification of any proposed demolition works.
- Confirms capacity available within the identified Foul and Surface Water sewers.
- Advising of the need for a S.106 application for any new connection to the public sewerage system.

Southern Water (20/07/26) - No objection:

- Confirmation that the surface water sewer in question has sufficient capacity and can accept a flow rate of 2l/s.
- Confirmation that a flow rate less than 2l/s (0.25l/s - 0.5l/s) would be acceptable subject to the inclusion of appropriate blockage control measures.

Environmental Health - No objection with condition:

- Condition pertaining to acoustic impacts of building services plant suggested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary.

TPO adjacent to the site (BOGNOR NO.14).

Future Flood Zones when accounting for Climate Change (2070-2115).

Very Low/Low risk of Surface Water flooding (Present and Future).

Lidsey Local Flood Risk Zone (LFRZ_023).

Area of Character (Middleton-on-Sea Estate).

2km Buffer for Site of Special Scientific Interest (Felpham).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
HERDM4	HER DM4 Areas of Character
HERSP1	HER SP1 The Historic Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Middleton-on-Sea Neighbourhood Plan 2024-2041 SUSTAINABLE DEVELOPMENT Policy MOS1

Middleton-on-Sea Neighbourhood Plan 2024-2041 FLOODING AND DRAINAGE Policy MOS2

Middleton-on-Sea Neighbourhood Plan 2024-2041 SUDS DESIGN AND MANAGEMENT Policy MOS3

Middleton-on-Sea Neighbourhood Plan 2024-2041 SEWERAGE AND WASTE WATER Policy MOS4

Middleton-on-Sea Neighbourhood Plan 2024-2041 REFLECTING LOCAL CHARACTER THROUGH Policy MOS6 HIGH QUALITY DESIGN

Middleton-on-Sea Neighbourhood Plan 2024-2041 ENCOURAGING SUSTAINABLE DESIGN IN A Policy MOS7 CHANGING CLIMATE

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

MDS	Middleton-on-Sea Village Design Statement by Middleton PC
SPD13	Arun District Design Guide (SPD) January 2021
SPD11	Arun Parking Standards 2020

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. Relevant policies from the Middleton-on-Sea Neighbourhood Development Plan have been considered.

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 conflicts with relevant Development Plan policies in that the substantial scale and height of the proposed dwelling is such that it would dominate, and not relate well to, its adjacent neighbours, and that it would be anomalous and out of character with the area.

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

In the absence of a completed S.106 agreement to secure the 'Self-Build' exemption, the development would not comply with any exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. Therefore, the statutory BNG requirements apply to the proposed development.

The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory BNG and a 10% increase in biodiversity relative to the pre-development onsite habitat has not been demonstrated.

Nonetheless, it is likely that the Statutory BNG condition could be discharged and had this application been recommended for approval, either the completion of the relevant S.106 agreement would have been awaited, or the Statutory BNG condition could have been applied and the matter resolved prior to commencement of the development.

CONCLUSIONS

PRINCIPLE

The proposal is for the replacement of a dwelling in the Built-up Area Boundary. The principle is acceptable subject to the consideration of relevant Development Plan policies in accordance with Arun Local Plan (ALP) policy SD SP2.

The site lies in the Built-up Area Boundary outlined in Policy MOS1 of the Middleton-on-Sea Neighbourhood Development Plan (MNDP). Following the conclusions outlined below, the proposal is in accordance with MNDP Policy MOS1.

CHARACTER AND DESIGN

Sea Way is a private residential road with no footpaths and limited street furniture. There are grass verges either side of the road which are then usually met by the variety of boundary treatments that serve as the frontage of the residential plots behind. These range between walls and hedging, and the dwellings beyond are often substantially set back with open parking, front gardens, and the odd outbuilding to the front. There are several early-mature and ornamental trees scattered adjacent to the road within the gardens that contribute, alongside the prevalence of boundary hedging and verges, to a relatively green roadside character.

Dwellings along Sea Way are of a distinctly mixed design character. Architectural features vary between each dwelling, with all appearing independently designed, contributing to a mixed semi-rural/coastal residential character. Plot widths and depths vary, but certain principles persist between dwellings. All units along Sea Way are large, detached dwellings within substantial grounds and benefitting from a distinctive low-density character. Many of the dwellings have been extended, altered, or completely replaced over the years, with some, particularly on the south side of the road, now being much larger than some of the more traditional dwellings that remain mostly 'as-built'. One prevalent characteristic of particular note that persists is the lack of three-storey dwellings, with most units 1.5- or 2-storeys.

Sea Way, and this plot, form part of the Middleton-on-Sea Estate Area of Character, within which, the distinguishing feature is identified to be the historically important beach huts, made of timber-framed construction with dark-stained weatherboarding and open space fronting the sea. Although this feature is not directly visible within the context of this site, lying approx. 240m to the east, it remains that the Middleton-on-Sea Estate Area has a distinctive character and coincides with Character Area 2 outlined within the MNDP and the Middleton-on-Sea Design Guidance and Codes. The Middleton-on-Sea Village Design Statement remains a consideration and provides additional design guidance.

The Middleton-on-Sea Village Design Statement outlines on Pgs.19 and 21, amongst other things, that developments should preserve and enhance the distinctive character of Middleton-on-Sea through appropriate scale, proportions, materials and detailing, that they should be well-related to adjacent buildings, ensure privacy is maintained and that overshadowing is minimised. Buildings should generally

be limited to two storeys, use traditional materials and roof forms, incorporate discreet roof alterations, and retain or introduce chimneys where appropriate. It states roofs should be clay tiles/thatch with steep pitches and low eaves, that three-storey buildings must be avoided, that skylights should avoid front elevations, that dormers should not dominate the roof and have pitched roofs, and that external walls should be rendered and painted in pastel colours. The Design Guiding Principles (CA2.01) in the Middleton-on-Sea Design Guidance and Codes referenced by the relevant MDNP largely reflect the aforementioned guidance, reinforcing them with policy weight.

Section J of The Arun Design Guide (ADG) sets out guidance for new building design. It is less specific to Middleton-on-Sea than the above guidance, but reinforces its principles by outlining that development should respect the existing townscape by creating buildings with a form and character that reflects and enhances the distinctive architectural qualities of the surrounding area, ensure that the scale and massing of development responds to the existing townscape, respond to and reinterpret the design of existing frontages and facades, and ensure that the roofs, windows and entrances of buildings are simply and successfully designed to integrate with their surroundings and wider context.

The proposal feature four floors, including its basement and converted roof space. The above-mentioned guidance is clear that three-storey dwellings must be avoided, that skylights should avoid the front elevation, and that dormers should not dominate the roof-slope. It is clear that the thrust of the guidance seeks to preserve the two-storey nature and appearance of dwellings in the area. While the basement technically comprises an additional floor, and could be considered another 'storey', it has no visual impact on the appearance of the building, nor the character of the wider area. As such, its inclusion does not amount to harms in respect of design.

The principle of three-storey units is clearly opposed by the Middleton-on-Sea Village Design Statement and Middleton-on-Sea Design Guidance and Codes. The proposal makes use of a converted roof space and does not shy from displaying itself as a three-storey unit (above ground). The front elevation includes a central, gabled-ended, three-storey projection flanked by flat-roofed Juliette balcony dormers within the second-floor roof form. Furthermore, the ridge of the dwelling climbs to a height of almost 10m above ground level, which is substantially higher than the immediate neighbouring dwellings.

The roof of the dwelling is to consist of slate tiles which is not supported by the relevant design guidance which favours clay tiles/thatch. Additionally, while it includes a steep pitch, its eaves would sit at approx. the same height of the ridge of each adjacent neighbouring dwelling and cannot be considered 'low eaves'.

The street scene elevations are helpful, to a degree, for informing the assessment of this application, and it appears that No. 64 may have been purposefully included to draw comparison between the proposed unit's scale and that of the former. It is accepted that No. 64 is within the proximity of the proposal site and that it, inevitably, has an influence on the established character of the area. It appears to be the largest and tallest unit in Sea Way, but is relatively discretely located, tucked away at the end of the road with significant planting to its boundaries. It's larger height and overall scale is supported by its larger breadth, resulting in a more balanced form despite its scale. Despite the significant scale and massing of No. 64, it does not feature a converted roof/second-floor accommodations, remaining consistent with the three-storey restriction outlined by relevant guidance. It does include a basement, but this remains a non-issue with respect to design/character for the same reasons discussed in relation to the proposed basement.

With respect to the street scenes, while they aid with informing the assessment of the height of the proposal, the relationship to the neighbouring units appears to be inaccurate. From review of the block plan, the visual separation between the proposed dwelling and Nos. 58 and 62 when viewed from the street, respectively, would be approx. 2m and 5.8m. The street scenes appear to overestimate the

separation between the proposal and No. 58, and underestimate the separation between the proposal and No. 62.

Materials are contemporary but generally within the guiding principles outlined above. It includes a smooth white/cream render to the walls alongside various decorative features, and metal windows. The use of dark grey slates is contrary to the suggestions in the design guidance; however, slates have been used in multiple sites along Sea Way. While contrary to the guidance, it is not out of character for the wider area and is not concluded to amount to any significant harms such that this would form a reason for refusal in isolation. Should a future revised design be considered, the applicant would be encouraged to explore the use of a standard slate tile rather than dark grey, to be more consistent with other examples of slates in the area.

The substantial scale and height of the dwelling is such that it would dominate, and not relate well to, the scale and massing of its adjacent neighbours, which is contrary to the relevant guidance. The inclusion of a second floor, and the three-storey, central, gable-ended projection to the frontage with its flanking Juliette balcony dormers are in clear conflict with the relevant design guidance and result in a dwelling that is anomalous and out of character with the area. The proposal conflicts with ALP policies D SP1, D DM1, and MNDP policies MOS1 and MOS6.

HERITAGE

The site lies within the Middleton-on-Sea Estate Area of Character. The special character of the Middleton-on-Sea Estate is largely derived from the low-density, spacious, planned concept of Captain Henry Rowlands Starkey Coldicott (1886 - 1980). His vision was a plan for creating not just a residential estate, but also a village community suited to the seaside location. This vision has largely been achieved and is reflected in the designation of this Area of Special Character in October 1996. The distinguishing features of Sea Way are the historically important beach huts, made of timber-framed construction with dark-stained weatherboarding, with open space fronting the sea.

As discussed in the Character and Design section, the proposal has no impact on the special feature of Sea Way and its contribution to the Area of Character. The conclusions reached in respect of design and the proposal's harm on the character and appearance of the area, by extension, result in a prejudicial impact on the overall significance and special character of the Area of Character. As such, the proposal conflicts with ALP policies HER SP1 and HER DM4.

Paragraph 216 of the NPPF outlines that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm to the significance of the heritage asset. There are benefits to the scheme, including the likely removal of an existing surface water connection to the public foul sewer, better management of on-site surface water drainage and potential flooding, the creation of a more energy efficient dwelling, and short-term economic stimulus during construction. While the benefits are significant, the harms are concluded to outweigh the benefits, nonetheless.

QUALITY OF ACCOMMODATION

The proposal is for a 6-bed property with a gross internal floor area of approx. 860sqm, a substantial rear garden amenity space, front parking area, and large detached annexe. Each bedroom is of sufficient area and width and the floor to ceiling heights are well in excess of 2.3m for more than 75% of the building. The proposal is compliant with the Nationally Described Space Standards and Section H.04 of the ADG.

The proposal is in accordance with ALP policy D DM2. The proposal is compliant with MNDP policy MOS1 Development Principle 4 in so far as it would contribute to the Middleton-on-Sea's wide range of high quality, distinctive homes.

NEIGHBOURING RESIDENTIAL AMENITY

The replacement dwelling is significantly larger in scale than the existing and includes the removal of a single-storey detached garage on the north side of the site. The dwelling would sit closer to the north and south side site boundaries, featuring a minimum separation from the boundaries of approx. 1m and 3.8m, respectively. The dwelling would broadly preserve the existing forward building line but would extend significantly further back into the plot.

The substantial increase in scale and massing, alongside its tall, flat, two-storey walls and its closer proximity to the side boundaries, would result in additional and significant impacts on the neighbouring properties by way of overbearing and overshadowing. In considering to what extent these impacts are adverse, one needs to consider the context of the neighbouring properties.

No. 58 (to the north) features a side driveway and parking area in front of its attached single-storey garage on immediately adjacent to the proposed dwelling. Being on the southern side of this property, the dwelling would obstruct significant amounts of direct sunlight that would otherwise have a much greater opportunity of reaching the south elevation of No. 58 and its parking area. That said, the shared boundary features a tall, approx. 3m hedge which is appreciated immediately within the context of this parking area and from openings on the south elevation. The ground-floor south elevation of No. 58, and its parking area, is already likely to be shaded for significant portions of the day and year as a result. That said, overbearing and overshadowing impacts from natural vegetation is less imposing than that of built form, and benefits from a lesser extent of permanence in that if the impacts were to become unacceptable or undesirable for the occupiers, light pruning or reductions could resolve this.

The south elevation of No. 58 includes a secondary window to a ground-floor study, and a secondary window to a first-floor bedroom. Both of these rooms otherwise look out to the east to the front of the site and street. The east elevation of the garage extension area also includes toilet/shower room window and access door. The toilet/shower room windows and the access door do not provide any significant amenity and the impacts on these are not materially adverse. The secondary study window is already constrained and serves as a secondary opening serving a non-habitable room and as such, the adverse impacts on this room are limited. The first-floor secondary bedroom window would experience overshadowing and overbearing impacts and it serves a habitable room. The combination of the elevated position of the opening, approx. 8m separation, and significant, larger secondary window facing east are cumulative mitigation such that the proposal would not have an unacceptable impact on the residential amenity of this room or its occupiers.

The impacts on No. 62 are not attributed to overshadowing due to its siting to the south of the dwelling. There would remain overbearing impacts on No. 62, with particular respect to its openings on the north elevation. These openings consist of three ground-floor bathroom windows that meet existing boundary treatment, and a first-floor kitchen/breakfast room window and a first-floor sitting room window.

The ground-floor windows of No. 62 in question would not be unacceptably impacted by the proposal. Those at first-floor serve non-habitable amenity rooms. All of which are secondary to larger windows with more appropriate outlooks over the Plot of No. 62 rather than directly into the plot of No. 60. The adverse overbearing impacts on No. 62 are limited and acceptable.

Concerns have been raised in respect of the overlooking of neighbouring residential plots, including that of No. 41 to the east. Within developed residential areas such as this, there is an accepted level of overlooking between properties and oblique and distant views across neighbouring gardens are often unavoidable. The ADG sets out that in a rear-to-rear relationship between two-storey dwellings, each rear garden should be a minimum of 10.5m in depth, resulting in 21m between properties. This minimum is not appropriate in all development contexts, but it is, a recognised minimum that can be considered as

a point of reference. The dwelling is three-storeys and includes prominent openings with viewpoints facing east and west within the upper floor. These openings have a greater vantage point and would have greater perceived overlooking impacts as a result, indeed, one that is also otherwise absent from any other dwellings in the area.

That said, views to the east would be at a distance of 35-40m before reaching the boundary of No. 41, and approx. 33m before reaching the nearest residential plot to the west. While the overlooking impacts from these second-floor openings would have a greater perceived impact on the privacy of neighbouring properties, they would remain more than three times that of the recommended minimum distance between second-floor openings and neighbouring gardens. This does not take into consideration any screening resulting from established vegetation, though it is noted the height of the openings may allow for views to largely persist over any such vegetation. Overall, it is not concluded views from these second-floor openings would have unacceptable overlooking impacts on neighbouring properties.

Ground-floor openings proposed are acceptable as views would be contained in the site and no different to the existing. The first-floor east- and west-facing balconies would have no unacceptable overlooking impacts on neighbouring residential properties in part due to the same mitigating factors considered for those at second-floor level. While they would afford greater opportunity for sideward views than traditional windows, the siting of the dwelling further back in the plot paired with the established boundary vegetation and separation distances are such that these views would largely be distant, obscured, and directed more toward the ends of neighbouring gardens. A condition would have been attached securing a 1.8m obscured screen to be installed on the north side of the northernmost first-floor balcony on the rear elevation given its closer relationship with No. 58.

North and south-facing windows at first-floor level are all to serve en-suite bathrooms and would be conditioned to be obscure-glazed and non-opening up to a height of 1.7m from the floor level of the rooms they serve to ensure direct views into neighbouring properties and inter-overlooking impacts do not occur.

Overall, subject to conditions, the proposal would not have had any unacceptable adverse impacts on neighbouring residential properties in accordance with ALP policies QE SP1, D DM1, and MNDP Policy MOS6.

ECOLOGY, TREES, AND BIODIVERSITY

The site is an existing plot with limited ecological value. The proposal has been supported by a Preliminary Roost Assessment and Bat activity and emergence survey report. These did not identify any bat roosts but did record low levels of common Bat activity. The Council's Ecologist raised no concerns, and confirmed that no further surveys are required. The supporting documents have recommended that a precautionary approach to the development should be taken and that 2 No. Bat boxes should be installed. Conditions securing mitigation/enhancement measures would have been attached.

The proposal largely relates to the redevelopment of the existing dwelling and hardstanding. It has accounted for potential protected species (Bats) and the Council has no other evidence of other potential protected species on site. Given the limited ecological impact of the development and the enhancement measures would have been secured by way of condition, it is concluded that the proposal would have adequately achieved an on-site biodiversity net gain and is in accordance with ALP Policy ENV DM5.

The site lies in the 2km Buffer for a Site of Special Scientific Interest (Felpham). Given the proposal relates to a redevelopment of a dwelling and lies within an urban area, no direct or indirect impacts on this site are identified. As such, the need for an Appropriate Assessment is screened out and the proposal is in accordance with ALP policies ENV SP1 and ENV DM1.

The proposal has claimed the self-build exemption for Statutory Biodiversity Net Gain (BNG) and as such, has not been required to submit relevant BNG assessments such as a metric or pre- and post-development biodiversity values. Following an appeal decision received on 12/09/25 (APP/C3810/W/25/3363266), it has been made clear that a completed S.106 agreement is required to secure self-build developments. A S.106 agreement to this effect has not been submitted during the lifetime of the application. The applicant confirmed willingness to sign such an agreement once notified of this requirement, however, with outstanding drainage concerns and conclusions on other relevant matters pending during BNG discussions, there was a lack of certainty as to the likely outcome of the application. It was concluded best to hold off on incurring additional costs for the signing, review, and completion of such a Legal Agreement until such a time as an approval was found to be the likely recommendation. Such a recommendation, ultimately, was not concluded to be appropriate.

In the absence a completed agreement, the self-build exemption cannot be claimed. Had the application been recommended for approval, the completion of the S.106 agreement could have been awaited to resolve this matter. Should a further submission or appeal pursuant of this development be received, the S.106 agreement could be completed at these stages, subject to the Inspectorate being willing to accept such information in the event of an appeal.

In the absence of a completed S.106 agreement as described above, the development would not comply with any exemption set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act. The statutory BNG requirements apply to the proposed development.

The proposal does not contain the minimum information required by Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 for the purposes of statutory BNG and a 10% increase in biodiversity relative to the pre-development onsite habitat has not been demonstrated.

The NPPG indicates that it would generally be inappropriate to refuse an application on the grounds that the biodiversity gain objective would not be met as the BNG condition is a pre-commencement matter to resolve. Decision makers need to consider more broadly whether the condition is capable of being successfully discharged. In the context of the site, it is a residential dwelling with amenity space surrounded by similar urban development. The site is of low ecological value and there are no known constraints that would prevent the condition from being discharged. The only matter of note is that the site is, and would remain, a private residential garden. This means that the value of on-site biodiversity post-development would be capped to a set value (vegetated/unvegetated garden) and any on-site gains could not be secured and maintained long-term. As such, off-site credits would likely be the only option to achieve a 10% net gain in any event, which would still be compliant with the requirements. If this application were to proceed to appeal and the Inspectorate are unwilling to accept the addition of S.106 Legal Agreement to secure the exemption, the Inspector will remain able to impose the relevant Statutory BNG condition if they deem it appropriate.

The proposal is acceptable in respect of Statutory BNG. The applicant is advised that off-site credits can incur significant costs, and that the Statutory BNG exemptions are due to change on 06/08/26. Additionally, that applications submitted on or after this date will not be able to claim the self-build exemption but could benefit from an exemption if the site is less than 0.2ha and no priority habitat is present.

The development will have no significant impacts on any trees on site since there are none present. Trees along the boundaries will remain largely unaffected since the development will be replacing existing built form and is broadly sited away from the trees in question. The proposed drainage design will require a surface water pipe to run to an existing surface water sewer located inside the site boundary along the rear (west) boundary. By routing the pipe in this manner, the proposed pipe will

require excavations for its installation within 15m of 1 No. Monterey Pine tree within the rear garden of 9 Ceres Place that is subject to a Tree Preservation Order (TPO). From measurement, this tree is approx. 4-5m beyond the rear boundary and the pipe would be approx. 12m from the stem of the tree in question. BS 5837:2012 states that the RPA radius of a single stem tree is calculated by multiplying the tree's trunk diameter (measured at 1.5m above ground level) by 12. From review of imaging of the tree in question dated 2024, the diameter of the stem at 1.5m above ground level appears to be approx. 1m. The proposed drainage strategy indicates the pipe will be approx. 12m from the stem of this tree. A cautionary approach to the calculation of the RPA would be 15m which is typically considered the maximum radius for a single stem tree RPA.

Officers are content that the works to install the drainage infrastructure would have no unacceptable impact on the tree in question subject to conditions securing an appropriate methodology for its installation under strict arboricultural supervision and by hand. A condition securing a site set-up plan could have been conditioned to ensure no contractor vehicles/storage of materials would occur within the 15m of the tree (approx. 10m from the rear boundary).

Subject to appropriate conditions, the proposal is in accordance with ALP policies ENV SP1, ENV DM1, ENV DM4, and ENV DM5.

FLOOD RISK AND DRAINAGE

The site lies in Flood Zone 1 and the dwelling is at Very Low risk (1 in 1000) of Surface Water Flooding. In future, when accounting for Climate Change, the site is anticipated to be in Flood Zones 2/3 between 2070 and 2125, and the risk of Surface Water Flooding to the dwelling is expected to increase to Low Risk (1 in 100). The site is partially in the Lidsey Local Flood Risk Zone (LFRZ_023) which reiterates surface water flood risks and identifies public sewer flooding risks. The applicant has identified that the site falls outside of the Lidsey Local Flood Risk Zone for Sea Way (LFRZ_015) which highlights public sewer flooding risks.

The proposal has been supported by a Site-Specific Flood Risk Assessment (FRA) that aims to ensure the development would remain safe for its lifetime.

First considering public sewer flooding risks, it is important to acknowledge that while the dwelling lies outside of LFRZ_015 and LFRZ_023, the rear of the site falls within LFRZ_023, and both areas highlight public sewer flooding risks. The dwelling would remain connected to the public foul sewer system that is found in these areas. At present, the submitted drainage information identifies that it is likely the existing dwelling disposes of its surface water and foul drainage to the public foul sewer system, which is a substantial concern. If its surface water discharge is indeed connected to this system, the redevelopment would have significant public benefits in that the public foul sewer system within the Lidsey Wastewater Treatment Catchment Area has historically flooded due to surface water inundation, in part, from inappropriate connections such as this. By replacing the dwelling and installing a surface water drainage system that connects to the adjacent surface water sewer, thereby removing the current surface water flows into the foul sewer network, the proposal would significantly reduce wider public sewer flooding risks and subsequent pollution and contamination risks, relative to the scale of the development. If it does not currently discharge surface water to the foul network, it may make use of an unidentified infiltration-based system, however, from the submitted investigations and the comments from our Engineers, it is clear that infiltration is not viable and as such, any such system is likely ineffective and would consequently be resulting in on- and off-site flood risks. The replacement of the current inappropriate/ineffective surface water drainage system is of significant benefit.

The topography of the site varies slightly but remains predominantly flat and the existing dwelling is of standard construction and is absent of any significant flood risk mitigation, making it particularly susceptible to flooding.

By 2070, tidal flood depths on site are anticipated to range between 0.01 and 0.19m, but depths at/around the dwelling are to be 0.08-0.1m. By 2115, flood depths at/around the dwelling are anticipated to reach 0.16-0.4m.

The proposal includes a basement, which is highly sensitive to flood risks. Three points of access and egress from the basement are proposed, two staircases up to the rear garden and one internal staircase up to the ground-floor foyer. The proposal confirms that the finished floor level of the ground floor is 5.25m AOD, which is 0.3m above the design flood level and in accordance with Environment Agency Standing Advice. This means the ground floor level is approx. 0.5m above the surrounding ground level and would prevent flood water ingress. During the lifetime of the application, it was also confirmed that the rear external terrace to which the basement staircases climb to, is also to be 5.1m AOD, which is also above the anticipated flood depths, and so would also prevent flood water ingress down the external staircases.

The FRA outlines various flood risk mitigation measures, including tanking and waterproof construction, as well as the use of impermeable building materials will be incorporated to at least 300mm. Additionally, that flood resilient materials will be used, air bricks will be raised, and that non-return valves and services will be set at 0.6m height from finished floor level. The dwelling also has no ground-floor or basement-level sleeping accommodation.

Maximum surface water flood depths around the dwelling are anticipated to be 150mm-300mm when accounting for climate change in the 2061-2125 cohort, but almost entirely remain below 150mm. The FRA demonstrates the dwelling would be safe from surface water flooding.

The FRA confirms the development would be safe for its lifetime and would result in a more flood resilient dwelling.

The proposal has been supported by a suite of surface water drainage investigations that confirm infiltration is unviable and proposed to connect attenuate surface water on site prior to discharge to a surface water sewer at the rear of the site. As discussed previously, this is a significant improvement over the likely current surface water discharge arrangements of the existing dwelling.

Initial comments from the ADC Drainage Engineers identified concerns with the surface water drainage scheme, to which a revised set of drainage details seeking to resolve these concerns were provided and accepted for further review. The initial comments sought confirmation from the owner of the surface water sewer (Southern Water) that the sewers have sufficient capacity for the proposed development, which has since been confirmed.

The further consultation response from the ADC Drainage Engineers confirmed they have no further objections to the surface water drainage system, and that subject to condition, it is fully compliant with the NSfS. The surface water drainage design seeks to incorporate large, underground water harvesting tanks, permeable paving, and to discharge to a public surface water sewer in the rear of the site following investigations confirming infiltration is unviable. The proposal makes use of a flow restrictor with appropriate blockage mitigation and upstream storage to limit the flow rate into the sewer at 0.5l/s which is a positive and compliant with the NSfS.

The surface water drainage system is not only policy compliant but represents a significant betterment of the existing surface water drainage on site and has the potential to be a substantial benefit insofar as it may replace an existing surface water drainage connection to the public foul sewer system. Subject to condition, the proposal is in accordance with ALP policies W DM2 and W DM3 and NPPF paragraph 187.

PARKING

The proposal defines sufficient parking capacity for 3 No. cars but is likely to be able to accommodate more where required. This is in accordance with the Arun Parking Standards for a dwelling of this size and within this area. The vehicular access would remain as existing which is acceptable and raises no safety concerns.

Cycle storage is to side north side of the building and in the underground garage area and would be able to store at least 2 bicycles in accordance with the Arun Parking Standards and would have been secured by way of condition.

An electric vehicle charging point has also been proposed within the underground garage area, which is supported and would also have been secured by way of condition.

Subject to conditions, the proposal is in accordance with ALP policy T SP1 and the Arun Parking Standards SPD.

ENERGY EFFICIENCY

ALP policy ECC SP2 requires all new residential development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. MNDP policy MOS1 Design Principle 10 encourages the use of renewable energy sources, and MNDP policy MOS7 encourages the use of sustainable design, reduced energy consumption, renewable energy sources, water harvesting, and electric vehicle charging.

As a replacement dwelling with an established plot orientation, it would not be logical to expect the development to reorientate the dwelling to maximise passive solar gain, and the inclusion of energy efficient materials such as double glazing is expected and would be controlled at Building Regulations stage. Due to modern construction techniques, the proposal is likely to have a significantly greater energy performance rating than that of the existing dwelling.

The proposal includes water harvesting as part of its surface water drainage design, and solar panels to the south elevation and the flat roof. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition would have been attached to this decision. Electric Vehicle charging would have been secured by condition, as discussed in the parking section above.

Subject to relevant conditions, the proposal is in accordance with ALP policy ECC SP2 and supported by MNDP policy MOS7.

SUMMARY

Overall, while the proposal has significant benefits in terms of drainage and flood risk, and limited, standard benefits through the inclusion of energy efficiency measures and renewable energy systems, the proposed design is in direct conflict with relevant design guidance and would result in a dwelling that is unacceptably detrimental to the character of the area, the significance of the Area of Character, and would dominate the immediately adjacent properties. As such, the proposal is recommended for refusal.

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 proposal, due to its substantial scale and height, would visually dominate, and not relate well to, the scale and massing of its immediate neighbours. Further, the inclusion of a second floor, and the three-storey, central, gable-ended projection to the frontage alongside its flanking Juliette Balcony dormers result in a dwelling that is anomalous and out of character with the prevailing character of the area. The proposal is, therefore, in clear conflict with the Middleton-On-Sea Village Design Statement, the Middleton-On-Sea Design Guidance and Codes, Section J of the Arun Design Guide, Arun Local Plan policies D SP1, D DM1, and Middleton-on-sea Neighbourhood Development Plan policies MOS1 and MOS6.
- 2 The proposal, by virtue of its incongruous and dominant design that is at odds with the prevailing character of the area, would result in harm to the special character of the Middleton-on-Sea Estate Area of Character in conflict with Arun Local Plan policies HER SP1 and HER DM4. A balanced judgement on this matter has been made in accordance with NPPF paragraph 216, but the harms of the proposal are concluded to outweigh the benefits.
- 3 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward under this application and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.