

Recommendation Report for Planning Permission

REF NO: M/41/14/PL

LOCATION: 102 Ancton Way
Elmer
Middleton On Sea

PROPOSAL: Removal of existing railway carriage dwelling and construction of new 4 bedroom two storey detached dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a replacement 4 bedroom dwelling. It would have a width of 12m, a 2 storey depth of 16m and a height to eaves of 5m and to ridge of 9.3m.
SITE AREA	490 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	20 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to north and south side boundaries to approx. 1.8m high. Frontage open. Some fencing to side to approx. 1m height. 1.8m high close boarded fencing on rear boundary. Remains of a low wall behind front verge.
SITE CHARACTERISTICS	Detached single storey dwelling with white painted elevations and low pitch roof, former railway carriage. Both adjoining plots accommodate bungalows. Pitched roof garage to rear. Bungalow to north has windows in side elevation towards the rear facing onto driveway.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached 2 storey and single storey dwellings set back a uniform distance from the site frontage behind a verge.

RELEVANT SITE HISTORY

M/33/51	Garage	Permit'd Devel 09-01-1952
---------	--------	------------------------------

REPRESENTATIONS

Representations received:

Middleton Parish Council

Objection. The overall mass, height and scale is out of keeping with the site. There is a shortage of adequate parking available.

Comments on Representations received:

The concerns relating to the mass, height and scale are agreed. The car parking provision of 2 off road spaces is satisfactory.

CONSULTATIONS

Southern Water Planning

Environment Agency

Engineering Services Manager

Engineers (Fluvial Flooding)

Consultations responses received:

Environment Agency - The site is located in Flood Zone 3 defined by the NPPF as having a high probability of flooding. No flood risk objections. Recommend finished floor levels are raised above existing of 3.5m AOD by as much as practical.

Engineers - Request standard conditions are imposed

Southern Water - A formal application for any new connection to the public foul sewer to be made by the applicant or developer. Request Informatives are imposed.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#) The Form of New Development
[GEN12](#) Parking in New Development

Publication Version of the Local Plan (October 2014):
D SP1 Design
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
H SP2 Affordable Housing

PLANNING POLICY 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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Felpham.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

The site is situated within the built up area boundary as defined within the Arun District Local Plan where the replacement of a dwelling is acceptable in principle.

The character of the area is residential and is defined by detached properties of single and 2 storey height set back a uniform distance from the site frontage. The adjoining properties are single storey and would therefore be expected to have a larger footprint than a 2 storey dwelling. The proposed building footprint, whilst respecting the existing pattern of development in the locality in terms of its position in relation to the site frontage, exceeds that associated with 2 storey dwellings in the locality and is excessive in relation to the plot size. The 2 storey element projects 13.7m to the rear and it straddles the site leaving only 1m to each side site boundary. The height of the building is also greater than any other property in the locality. The replacement dwelling would therefore appear as a prominent and bulky addition to the area. The rear ward projection of the sides of the dwelling would be clearly visible in the street scene given the single storey nature of adjacent development. The property would also dwarf the adjoining dwellings, particularly that to the south which would be less than 2m from the side elevation of the replacement property.

The dwelling would be located 4m from the bungalow to the north which would be adequate to preclude any materially adverse overbearing effects. The bungalow to the south has no windows in the side elevation and the 2 storey element would not extend beyond the rear elevation of the bungalow. It is therefore considered that there would not be a materially adverse impact on the residential amenity of the property to the north in terms of overbearing effects. No first floor windows are proposed in the side elevation of the dwelling and therefore no adverse overlooking would result to adjoining properties.

The proposal accords with the internal and external space standards included in policies DDM2 and DDM3 of the emerging local plan.

The application 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 (the right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 neutral 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 Given the height, width and depth of the proposed dwelling it would form a prominent and obtrusive feature in the street scene and would be detrimental to the character and visual amenities of the locality in conflict with policy GEN7 of Arun District Local Plan and policies DDM1 and DSP1 of 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.