

Recommendation Report for Planning Permission

REF NO: M/43/15/PL

LOCATION: 6 Alleyne Way
Elmer
Middleton-on-Sea

PROPOSAL: Demolition of existing bungalow, detached garage & greenhouse & erection of 1 No dwelling, garage & garden shed (resubmission following M/24/14/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for a 4 bedroom replacement dwelling. It would be 2 storeys in height and have a flat roof and contemporary design. It would be built using modern methods of construction including thin joint blockwork, externally insulated and finished with a thin coat render on top. (White in colour). The blocks would comprise 80% recycled material. The flat roof would be grey fibreglass and the front door would be solid recycled wood. A first floor balcony is included on the front elevation.

SITE AREA

508 square metres

RESIDENTIAL DEVELOPMENT DENSITY (NET) 20 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Frontage mainly open. Some planting. To rear and sides fencing and hedging to approximately 1.8m high.

SITE CHARACTERISTICS

Detached bungalow with painted rendered elevations and grey tile roof. Shallow pitched roof detached garage on side boundary located to rear of property. Flat roofed single storey extensions to front and side elevation.

CHARACTER OF LOCALITY

Predominantly residential characterised by mainly detached residential properties set back a similar distance from the road frontage behind grassed verges. Mainly single storey with space to at least one side boundary to allow access to garages. No 8 has some first floor accommodation in the form of a flat roofed extension. No 4 has red brick

elevations and red tile roof. Both adjacent properties have garages adjacent to the side boundary.

RELEVANT SITE HISTORY

M/24/14/PL	Demolition of the existing bungalow, detached garage and greenhouse and erection of 1 No house and garden shed.	Refused 27-05-2014	<i>Appealed</i>
		Appeal: Dismissed 10 11 2014	

REPRESENTATIONS

Representations received:

Middleton Parish Council

No Objection

2 letters of objection - The insignificant change in the width of the dwelling should not alter the reasons that the previous application was refused namely:

'Having regard to the width of the dwelling, its proximity to site boundaries and its height, the proposed dwelling would appear cramped and obtrusive in the street scene to the detriment of the visual amenities and character of the Locality'

The height and appearance remain the same in this application, making it still look obtrusive and cramped. Even more so, the planning inspector, on dismissing the appeal, found it to be out of character and detrimental to the street scene. Nothing has changed. As the change made from the previous application is so minimal, it would completely undermine and make a mockery of both the original planning process, and the appeal, if this application was to be passed.

No objection to a lower more conventional property being constructed on the site, which would blend in with the other properties in the road.

It is not clear how this latest application differs from that previously rejected as any material difference in the size/design is not clear. Height of this proposed property is not apparent. I have always believed that for planning purposes the ridge height needs to be specified and should be restricted to the same height as the adjoining properties. The design and access statement just states the height will be "much in line with neighbouring properties " but it is not clear what this means. After all "Three Decks" one of the properties referred to in the design and access statement is 3 storeys! If this development is permitted the height should be limited to that of the adjoining properties.

The statement also states that there will be no overlooking. I disagree. I live diagonally opposite to this property and my house is upside down with all my living space being upstairs. This is common for many of the houses directly on the seafront. I have a side east facing window in my main living area which directly faces the front of this proposed development. When they are out on their balcony or in their upstairs living area we will be able to see directly in to each others living spaces. This has already happened with the planning permission permitted at 2 Alleyne way which is directly opposite me. Their glass fronted living space and balcony will also look directly in to my kitchen, lounge and dining areas.

Concern about the recent planning precedent in Alleyne way to allow properties the opposite side of the road from the seafront to build glass fronts which directly overlook the living areas of the houses opposite. This is a worrying precedent which is resulting in loss of amenity and privacy for the houses opposite.

If this development is permitted request that the upstairs west facing window should be obscure glass as should the west facing side of the balcony. For the houses on the seafront with balconies most have planning conditions for the sides to be obscure glass to prevent overlooking to the side and I do not see why houses on the opposite side of the road should be any different.

If you are minded to allow this proposed development I would ask that appropriate conditions to restrict the height and reduce the side overlooking are imposed as above.

1 letter of support - Most balconies and living space are at the back of properties overlooking beach and lovely views. Would be in keeping with other properties on the estate and an improvement in appearance of the existing building that exists.

Comments on Representations received:

The application was originally submitted with plans which were the same as the earlier refusal. This was checked with the agent and revised plans were submitted within a week of original registration of the application. The application was re-advertised accordingly. There is very little difference between this proposal and the previous application. The amendment relates to a decrease in width of 0.8m.

Comments relating to the appearance of the dwelling are agreed. It is not considered that the proposal would be un neighbourly. There would be no materially adverse overlooking or loss of privacy to properties opposite.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Environment Agency

Consultations responses received:

Southern Water - A formal application for a connection to the public sewer to be made by the applicant or developer. Request an informative is included.

Engineers - Roof drainage should be linked into the permeable paving with a high level overflow to the private system would offer better attenuation and reduce the rate of discharge, as long as the permeable paving was not at risk of overflowing itself. Condition suggested.

Environment Agency - The proposed development will only meet the requirements of the National Planning Policy Framework if the measures set out in the Flood Risk Assessment submitted with this application are implemented and secured by way of condition.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7

The Form of New Development

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. Middleton 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

The principle of a replacement dwelling on the site is acceptable.

This application follows an earlier refused application for a replacement dwelling which was dismissed on appeal (M/43/15/PL). This submitted application is similar in design and appearance to the appeal proposal. The only difference is that the width of the dwelling has been reduced by 0.8m to provide a greater gap to the western boundary with 4 Alleyne Way.

Policy GEN7 of Arun District Local Plan states planning permission will only be granted for schemes displaying high quality design and layout. The details submitted do not respect the existing character of the area. The properties adjacent to the site have gaps to at least one side boundary of between 3 and 5 metres on the site frontage providing vehicular access to rear garages. This results in a spacious pattern to the existing development and the perception of space between detached properties. The proposal would provide only 1.7m to one side boundary, reducing to 0.3m to the rear and 2m to the other which would compromise this existing pattern of development. The cramped appearance that results is worsened by the height of the proposed dwelling in relation to the side boundaries. Most development in the locality comprises detached bungalows/chalets with low eaves and ridge lines. The dwelling would have a height of 6 metres, within 2 metre from the boundary, which increases the visual presence and obtrusive nature of the building, contributing to an increased perception of overdevelopment of the site. It is accepted that the footprint of the dwelling has not increased significantly, but the additional development close to the boundary and the increased height render this limited increase unacceptable. The reduction in width of the proposal of 0.8m has not satisfactorily addressed previous concerns.

The appeal Inspector stated the buildings in the area are essentially small in scale the appeal property has a particularly low roof profile and is not prominent in the streetscene. The increase in height and bulk of the walls of the side elevations, in closer proximity to the boundaries than the existing dwelling would be highly visible from the road. The removal of the front boundary hedging would exacerbate this situation.

When the proposal is considered in combination with the flat roof design and bulk of the structure across most of the site this would draw the eye to the proposed scheme. The proposed dwelling has a very prominent appearance which would be overly dominant in relation to nos 4 and 8 in particular and would be significantly out of keeping with properties in this location. The proposal does not result in minor changes which would be capable of being absorbed in the street scene. The potential sustainable building techniques do not outweigh the harm identified.

This revised scheme has not reduced the overall height of the proposal which the inspector identified as an issue and it has not increased the distance to 8 Alleyne Way which was also specifically referred to. Accordingly the proposal remains prominent and obtrusive in the street scene.

The internal room sizes and external amenity space accord with policies DDM2 & DM3 of the Emerging Local Plan.

In terms of residential amenity the dwelling would be located in a similar position on the plot as the existing dwelling and would not project significantly forward of either the front or rear elevations of the adjoining dwellings. In addition both of the adjoining properties are located with space to side boundaries of at least 2.5m and this would ensure no adverse overbearing effects would result. In addition there are no windows in the side elevation of the proposed dwelling which would not be obscure glazed and therefore no adverse loss of privacy would result. The balcony to the front elevation would have unobscured sides and would facilitate sideways views, but these would be across front garden areas which would be acceptable.

The application is therefore recommended for refusal for the following reasons

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 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 Having regard to the width of the dwelling, its proximity to site boundaries and its height

the proposed dwelling would appear cramped and obtrusive in the street scene to the detriment of the visual amenities and character of the locality in conflict with policy GEN7 of the Arun District Local Plan and policies DSP1 and DDM1 of the Emerging Local Plan.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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 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.