

Recommendation Report for Planning Permission

REF NO: M/47/14/PL

LOCATION: Grasmere
Ancton Lane
Bognor Regis

PROPOSAL: Demolition of existing single storey bungalow & garage & erection of 1.5 storey chalet/cottage style dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 550 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 18 dwellings per hectare.
TOPOGRAPHY	The front of the site slopes markedly down towards the road.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	A wall and earth bank to front measuring approximately 1m in height. To sides and rear there is close boarded fencing at approximately 1.8m in height.
SITE CHARACTERISTICS	The site comprises a detached bungalow with smooth rendered elevations painted white. The roof is hipped with brown pantiles. There is a PVCu lean-to on its rear elevation and a detached garage.
CHARACTER OF LOCALITY	Predominantly residential in character. There are two storey detached properties, chalet bungalows and bungalows of varied design in the road. Open fields are situated to the north.

RELEVANT SITE HISTORY

M/8/14/	Replacement dwelling	Withdrawn 04-04-2014
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REPRESENTATIONS

Representations received:
No objection.

One letter of objection.

*Overdevelopment of the site and of a scale that is not in keeping with the building it replaces, neither is it in relation to all the remaining properties in the lane immediately adjacent to it (Littlecroft, Greenbanks, Petite Etoile and Hazelbanks).

*The proposal is a greater height and visual impact than Cherrybank which is set further back on a much larger plot. It would therefore alter the street scene.

*Concern that the increased number of bedrooms and bathrooms would put further strain on the already overstretched foul water drainage for Ancton Lane.

*The dwelling would seriously affect the privacy of Greenbanks including almost all the rear garden, terrace area and fully glazed back door.

*There is no precedent for rear dormers and Littlecroft has one dormer to the front only.

*It should be noted that the right to privacy, family life and to peaceful enjoyment are well established rights in law.

*This is a semi-rural area not heavily residential.

Two letters of support submitted as part of the application from the immediately adjoining properties of Littlecroft and Cherrybank.

Comments on Representations received:

Comments noted.

In response to the letter of objection, the proposal is not considered to be overdevelopment as it is a one-for-one replacement. The proposed dwelling is two storeys in height compared to the existing bungalow but this increase in scale can be comfortably accommodated without causing any harm to visual amenities since it will be in-keeping with the property of Cherrybank and other two storey properties in the road. The proposed dwelling is not higher than Cherrybank according to drawing no. PL05 in the submitted plans. Foul water drainage is not a material planning consideration and can be dealt with at Building Control stage. There will be no harmful residential effects including any overlooking on to Greenbanks or its garden land due to a separation distance of over 15m away and then with only oblique views being afforded. The proposal is for a private residential dwelling and so the relevant parts of the Human Rights Act 1998 have been taken into account as shown at the end of this report. The character of the area is predominantly residential which this proposal is consistent with.

CONSULTATIONS

Engineering Services Manager

Engineers (structural)

Southern Water Planning

WSSC Strategic Planning

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Within Built-Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN12](#)

Built-up Area Boundary
The Form of New Development
Parking in New Development

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

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

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 visual and residential amenity.

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

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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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).

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have 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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be mainly policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY (POLICY GEN7, LOCAL PLAN)

This application seeks planning permission to erect a detached two storey property in place of a bungalow. The replacement dwelling would be situated in a broadly similar location within the plot to the existing dwelling and is considered to relate well to neighbouring properties, especially in it closely matching with the front and rear building lines of Littlecroft to the east. The small front nib and longer rear projection for the dwelling will be situated nearer to the western boundary where there is more space for these to be accommodated due to Cherrybank being set away and behind the dwelling.

The ridge height for the proposed dwelling will be approximately 7.1m in height which is approximately 1.8m greater than existing. This increase can be accommodated without causing harm to visual amenities due to an existing lower ridge height than the other neighbouring properties. With the two storey property of Cherrybank situated to the west, it is therefore considered to be in-keeping and scale with the surrounding forms of development.

The design of the property with its front and rear gable end projections and dormers that match in

roof angle to these features is considered acceptable given the residential character of the area and the different property styles observed in the road. The use of weatherboarding, render and brickwork with clay roof tiles will also positively respond to the surrounding properties with their varying use of materials.

It is therefore considered that the proposal is acceptable in design terms and so complies with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY (POLICY GEN7, LOCAL PLAN)

The main consideration with the proposal is its effect on the neighbouring detached bungalow of Littlecroft situated to the east due to its proximity.

The replacement dwelling is situated approximately 2m from the side (east) boundary with Littlecroft which is marked by close boarded fencing at approximately 1.8m in height. The proposed roof does not slope away from the side boundaries unlike the existing design of the property. However, this separation distance is considered sufficient to accommodate the additional height of the building (1.8m) without causing any harmful overshadowing or overbearing effects on to Littlecroft, especially due to its matching front and rear building lines with this neighbouring property and an absence of any first floor facing windows in Littlecroft. The first floor windows in the side elevations of the proposed dwelling have been annotated on the plans as being obscured glazed which will prevent any overlooking in these directions. However, it is proposed to condition these in order to secure their retention and ensure they are fixed to be permanently non-opening so that residential amenity is appropriately safeguarded.

There will also be no harmful residential effects created on the property of Cherrybank to the west as it is stepped away and behind the proposed dwelling. The ground floor windows in the side elevations will have views interrupted by close boarded fencing at approximately 1.8m in height and so will not cause any unacceptable loss of privacy. The Juliette balcony to the rear has no depth to allow for standing on or sitting out and so harmful overlooking will not arise from this part of the build or the rear dormer which will only give rise to oblique views on to neighbouring rear gardens and so is considered to be acceptable.

It is therefore considered that the proposed dwelling is acceptable in residential amenity terms and so it complies with policy GEN7(iv) of the Arun District Local Plan.

INTERNAL SPACE STANDARDS (POLICY D DM2, EMERGING LOCAL PLAN)

The proposed dwelling is considered to be acceptable in terms of meeting the minimum room size requirements and so it complies with policy D DM2 of the Emerging Local Plan.

EMERGING SPACE STANDARDS (POLICY D DM3, EMERGING LOCAL PLAN)

There is sufficient depth and rear garden area to satisfactorily meet the external space standards and so the proposal is considered to comply with policy D DM3 of the Emerging Local Plan.

PARKING

The existing access and parking area to front will be used which will provide space for two vehicles and is in line with Appendix 2 Standards of the Parking Provision for Residential Development set out in the Arun District Local Plan.

CONCLUSION

It is concluded that the proposed replacement dwelling is acceptable in terms of its design and effects on residential amenity particularly on the property of Littlecroft to the east.

It is therefore recommended that the application be approved, subject to the following conditions.

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 private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval 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, a neutral impact has 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

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans: drawing numbers PL01 (Location plan), PL02 (Existing block plan), PL03 Rev A (Proposed block plan), PL06 (Proposed site plan), PL04 (Proposed site analysis), PL07 (Photo analysis), PL08 (Proposed ground floor plan), PL09 (Proposed first floor plan), PL10 (Proposed elevations), PL11 (Existing and proposed roof plan) and PL05 (Existing and proposed street scene) all dated June 2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for the external walls and roof of the replacement dwelling have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The first floor windows on the side east and west elevation of the dwelling hereby approved shall at all times be glazed with obscured glass and fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 5 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.