

Recommendation Report for Planning Permission

REF NO: M/51/18/PL

LOCATION: 5A Tuscan Avenue and 6 Main Drive
Middleton-On-Sea
PO22 7TE

PROPOSAL: Demolition of properties and construction of 1No new building comprising 1No 3bed and 1No 1bed properties.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for demolition of the existing properties and their replacement with a one bedroom unit and a 3 bedroom 2 storey dwelling which would be chalet style. One parking space would be provided for each unit.
SITE AREA	0.1 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	100 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging/fencing to road frontages to approx. 1.5m.
SITE CHARACTERISTICS	The application site comprises a detached 2 storey property with small garden to the front and rear. The property has been subdivided into 2 units.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character consisting of detached and semi-detached chalet bungalows set in medium plots set back from the highway with gardens to front and rear within a suburban environment

RELEVANT SITE HISTORY

M/109/16/CLE	Lawful Development certificate for an existing use as self contained unit of accomodation	Approve 06-01-17
--------------	---	---------------------

The site was historically subdivided without planning permission and as such is occupied by two units of accommodation following the granting of a certificate of lawfulness under reference M/109/16/CLE

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Middleton Parish Council

No Objection

No Objection - The committee of the Southdean Estate Ltd on which 6 Main Drive is situated have viewed the plans and have no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. The proposal would not have a severe impact on the operation of the highway and is not contrary to paragraph 32 of the NPPF and there are no highway capacity or safety concerns to resist the proposal . A condition and informative are requested.

Drainage Engineer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

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

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

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

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(ii) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well

integrated with and complement the local area in terms of scale, density and layout.

The proposed development will see the existing building demolished and a new building erected on the site. The proposed replacement building will measure approximately 16.5m in width, 9.8m in depth, with an eaves height of 2.3m and a maximum ridge height of 6.6m. The proposal will feature full width dormers on the primary and rear elevations. It is intended for two dwellings to be provided on site.

The proposal will be significantly larger than the existing chalet bungalow with the ridge height approximately 0.6m higher than the existing building and the proposal exceeding the width of the existing house by 5m. The roof design is also considered to result in significantly more bulk and mass than that of the existing dwelling. The increased scale of the proposed building, together with the movement of the front elevation on both site frontages closer to the road frontages would result in a prominent, bulky and dominant form of development which is out of keeping in the street scene and would adversely impact upon the character or spatial pattern of the street scene.

The area is characterised by a mix of mainly bungalows and chalet style dwellings, although there are some 2 storey dwellings to the south in Main Drive. The site occupies a prominent corner site with 2 road frontages. The proposed development would extend along both frontages providing a gap of 0.5m to Tuscan Avenue and 1m to Main Drive. These distances do not accord with the adjoining dwellings which retain a gap of 3-5 m to the existing frontages. In addition the footprint of the dwelling would increase leaving very little space around the dwelling to all site boundaries. The plot sizes are significantly smaller than the dwellings to the south which have rear garden depths of 12m and to number 5 Tuscan Avenue which has a side garden 6m in depth. The properties opposite are closer to the site frontages in Tuscan Avenue, but these retain a minimum depth of 1.5m. No 4 Main Drive is angled to the boundary and no 12 has a limited length adjacent to the site frontage. The height of the dwelling would also increase with a ridge of 6.5m. The ridge line would extend for 17m on this corner plot which when combined with the increased width and narrow plot depth would result in a prominent and cramped form of development which visually straddles the site at first floor level and would appear out of keeping.

The main dwelling will be two storeys consisting of an open plan living room/kitchen/dining room, study, utility and toilet at ground floor level with the upstairs featuring 3 double bedrooms, 3 bathrooms and a dressing room. The proposed second unit of accommodation on the site will consist of a ground floor unit featuring a bedroom, bathroom and living room/kitchen. The proposed ground floor unit will have internal measurements of 7.9m x 4.6m resulting in a gross internal floor area of 36.3m². This internal floor area falls approximately 0.7m² below the minimum standards specified within the Nationally Described Space Standards for a 1 bedroom flat.

Whilst, it is acknowledged that the existing dwelling is subdivided into two separate units of accommodation this was not granted planning permission but is the subject of a lawful development certificate granted due to the passage of time. Therefore, it is considered that the form of the separation is unacceptable resulting in development which is out of character with the area. It is considered that planning permission would not have been granted for the subdivision of the existing building and whilst the presence of the lawful development certificate is noted it is not considered to set a precedent for development which is entirely unacceptable and is considered to be out of character with the wider locality.

Therefore, it is considered that the design of the proposal for the reasons identified above is unacceptable and is deemed to be in conflict with policy GEN7(ii) of the Arun District Local Plan.

The proposed dwelling will feature a number of first floor windows on the rear elevation (western) and as such will have the potential to give rise to adverse overlooking of 5 Tuscan Avenue. A separation distance of 6m will be provided between the proposed development and the existing residential property

to the west of the application site, 5 Tuscan Avenue which features two ground floor windows on its eastern elevation. It is considered that the proposed development will give rise to adverse overbearing and overshadowing impacts upon these windows. However, it must be acknowledged that the existing dwelling features 2 no. first floor windows on the western elevation and that the proposed windows in this location will serve bathrooms and a dressing room and as such obscured glazing could be secured via condition.

However, despite this it is considered that the design of the proposal, its size and bulk and proximity to the western boundary of the site will give rise to unacceptably adverse harm to the residential amenity of the 5 Tuscan Avenue in conflict with policy GEN7(iv) of the Arun District Local Plan.

Good design should contribute positively to making places better for people by creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. Policy GEN7 of the Arun District Local Plan indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice.

The proposal would give each dwelling an outside amenity area. The proposed 1 bedroom unit will feature no private amenity space with the land to the west of the site being allocated for parking. This lack of any suitably located private amenity space is considered to have an unacceptably adverse effect on the amenity of existing or future occupiers of the site in conflict with paragraph 17 of the NPPF. The proposed 1 bedroom unit would be of insufficient size to meet the minimum requirements of the Nationally Described Space Standards.

The application is therefore recommended for refusal for the following reasons

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.

RECOMMENDATION

REFUSE

- 1 Having regard to the limited area of the site and its relationship to existing residential properties the proposal would give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the locality and future residents in conflict with policy GEN7 of the Arun District Local Plan and policy DDM1 of the Emerging Local Plan.
- 2 Having regard to the height, size and position of the dwellings and the limited area of the site the development would be damaging to the character of this established residential area. The proposal would therefore result in an unduly cramped, prominent and obtrusive form of development which would be detrimental to the appearance of the street scene and the character of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and policies DSP1 and DDM1 of the Emerging Local Plan and paragraph 17 of the National Planning Policy Framework.
- 3 **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 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.